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Council Building
2 High Street
Perth
PH1 5PH

22 July 2019

A Meeting of the **Planning and Development Management Committee** will be held in the **Council Chamber, 2 High Street, Perth, PH1 5PH** on **Wednesday, 31 July 2019** at **10:00**

If you have any queries please contact Committee Services on (01738) 475000 or email 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 Willie Wilson
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	

Planning and Development Management Committee

Wednesday, 31 July 2019

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 DEPUTATIONS**
- 4 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 3 JULY 2019 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 26**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 18/01892/AMM - AUCHTERARDER - ERECTION OF 60 DWELLINGHOUSES, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED BY CONDITIONS 16/01809/IPM) (PHASE 2), LAND AT CASTLEMAINS FARM, AUCHTERARDER 27 - 54**
Report of Handling by Head of Planning and Development (copy herewith 19/207)
- 5(1)(ii) 18/02123/MWM - ALMONDBANK - APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO MODIFY CONDITIONS 2 (EXPIRY), 3 (PHASING), 17 (EXTRACTION RATE) AND 28 (NOISE) OF PLANNING PERMISSION 98/00710/FUL (WINNING AND WORKING OF MINERALS), LOANLEVEN QUARRY, ALMONDBANK 55 - 90**
Report of Handling by Head of Planning and Development (copy herewith 19/208)
- 5(2) LOCAL APPLICATIONS**

5(2)(i)	18/00859/FLL - GUILDTOWN - ALTERATIONS TO VEHICULAR ACCESS (REVISED DESIGN), LAND NORTH OF HALL ROAD, GUILDTOWN Report of Handling by Head of Planning and Development (copy herewith 19/209)	91 - 106
5(2)(ii)	18/01016/FLL - ABERNETHY - ALTERATIONS AND EXTENSION TO BUILDING, ERECTION OF A COLD STORAGE BUILDING INCLUDING RAMP, ACOUSTIC FENCE, INSTALLATION OF AIR CONDITIONING UNITS, FORMATION OF AN ACCESS ROAD, PARKING AREAS, FUELLING BAY, OUTDOOR STORAGE, HARDSTANDING AREAS, LANDSCAPING AND ASSOCIATED WORKS, BRANSTON LTD, BACK DYKES, ABERNETHY Report of Handling by Head of Planning and Development (copy herewith 19/210)	107 - 144
5(2)(iii)	19/00559/CON - DEMOLITION OF BUILDING, FORMER LOMOND HOTEL, MAIN STREET, KINNESSWOOD Report of Handling by Head of Planning and Development (copy herewith 19/211)	145 - 160
5(2)(iv)	19/00558/FLL - ERECTION OF A DWELLINGHOUSE AND GARAGE, LAND 40 METRES NORTH WEST OF BONALY COTTAGE, MAIN STREET, KINNESSWOOD Report of Handling by Head of Planning and Development (copy herewith 19/212)	161 - 182
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5(3)	PROPOSAL OF APPLICATION NOTICE (PAN)	
5(3)(i)	19/00002/PAN - RESIDENTIAL DEVELOPMENT AT LAND 70 METRES EAST OF TIGH GRIANACH, ST NINIAN'S ROAD, ALYTH (PART OF LDP SITE H60) Pre-Application Report by Head of Planning and Development (copy herewith 19/214)	199 - 210

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PERTH AND KINROSS COUNCIL
PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE
3 JULY 2019

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 3 July 2019 at 10.00am.

Present: Councillors R McCall, B Brawn, C Ahern, H Anderson, B Band, H Coates, E Drysdale, T Gray, I James, A Jarvis, W Robertson (substituting for W Wilson), L Simpson and R Watters.

In Attendance: D Littlejohn, K Smith, A Condliffe, H Donaldson, L MacLean, M Morgan, J Scott, C Stewart, L Reid and D Salman (all Housing and Environment); C Elliott, M Terava and D Williams (all Corporate and Democratic Services).

Apologies for Absence: Councillors M Barnacle and W Wilson.

Councillor R McCall, Convener, Presiding.

. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

. DECLARATIONS OF INTEREST

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

. MINUTES

The minute of meeting of the Planning and Development Management Committee of 5 June 2019 (Arts. **-**) was submitted, approved as a correct record and authorised for signature.

. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.

19/00136/FLL

19/00591/FLL

Art. No.

2(i)

2(ii)

APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **19/00552/FLM - PERTH - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 11 (sustainable construction) of planning permission [15/01109/FLM](#) (Erection of residential units, commercial units (Classes 1, 2, 3 and 10), formation of allotments/open space, landscaping and associated infrastructure works) – Report 19/198 – Bertha Park Limited**

Motion (Councillors R McCall and B Brawn)

Grant, subject to the following conditions and informatives:

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 permission.
Reason: To ensure that the development is carried out in accordance with the plans approved.**
- 2. Prior to the implementation of this permission, a detailed delivery plan confirming the phased delivery of the site and construction works shall be submitted and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved delivery plan, to the satisfaction of the Planning Authority.
Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.**
- 3. The foul drainage serving this permission shall be drained to the mains sewerage system, the details of which shall be submitted to and approved in writing by the Planning Authority prior to its installation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage details shall thereafter be implemented to coincide with the occupation of the development.
Reason: In the interests of public health and to prevent pollution.**
- 4. Concurrent with the initiation of the development hereby approved and for the duration of**

construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the construction works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

5. Development associated with this permission shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with Scottish Environmental Protection Agency (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. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement (submitted in support of planning application 15/01109/FLM).

Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to bringing the associated development phase into use.

Reason: In the interests of best practise surface water management and to avoid undue risks to public safety and flood risk.

6. Development associated with this permission shall not commence until the design of all new and existing culverts/bridges and associated features (such as screens) have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Structures & Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development into use.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

7. Prior to the implementation of this permission, full details of the finalised design of the replacement pond and sustainable urban drainage system (SUDS)

pond affecting this phase of the development shall be submitted for the written approval of the planning authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme. The finalised design will include details of how the SUDS and replacement pond will maintain hydrology, and how biodiversity from the old pond to the new pond will be translocated.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

8. Prior to the implementation of this permission, details of the proposed landscaping, planting, screening, open space and allotments scheme shall be submitted to the Local Planning Authority for approval. Details of the schemes shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines and substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates and any other means of enclosure.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) Details of areas of public open space.
- i) Details of areas for allotments.
- j) A programme for the completion and subsequent maintenance of the proposed landscaping, planting, screening, open space and allotments.

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

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be

replaced by plants of similar size and species to those originally required to be planted

Reason: To ensure the implementation of satisfactory landscaping proposals which will assist in local landscape integration and in the interests of the visual amenity of the area.

9. Prior to the implementation of this permission, details of the play park and sports pitches (equipment, specification) shall be submitted to the Planning Authority for written approval. Thereafter play parks and sports pitches shall be installed to accord with the approved details to coincide with the phasing of character areas which shall be agreed in writing with the Planning Authority.

Reason: To ensure the delivery of recreational facilities for the occupants of the development.

10. Prior to the implementation of this permission, a woodland management plan (covering a minimum of twenty years), including long term objectives, management responsibilities and maintenance schedules for all woodland areas within this part of the wider Bertha Park site shall be submitted to and approved in writing by the Planning Authority.

Thereafter the woodland management plan shall be carried out as approved on implementation of the development hereby permitted unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that the woodland areas are satisfactorily managed and maintained in the long term in the interests of the visual amenity of the area.

11. For the avoidance of doubt, all domestic and non-domestic buildings to be erected shall deliver improvements in sustainability standards in accordance with Scottish Building Standards. The percentage of the carbon emissions reduction required is to be met through the installation and operation of low and zero-carbon generating technologies, as set out in the Development Plan.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Development Plan at the time.

12. Prior to the implementation of this permission, a detailed plan of public access across the site including phasing (existing, during construction & upon completion) shall be provided for the written approval of the Council as Planning Authority and show:

a) All existing paths, tracks & rights of way.

- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures.
- c) All paths & tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.
- d) Any diversions of paths - temporary or permanent- proposed for the purposes of the development
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impacts on trees.

Reason: In the interest of sustainable transportation.

13. No more than 750 dwellinghouses are permitted to be occupied until the Cross Tay Link Road (CTLR) Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy is agreed by the Planning Authority to constitute a 'committed project', in consultation with Transport Scotland.

For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

"The CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced".

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment (submitted with planning application 15/01109/FLM plan ref 15/01109/162) and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

14. Prior to the implementation of this permission, appropriate mitigation measures shall be agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to these junctions in the form of traffic signals and widening of approaches or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the original Transport Assessment (submitted with planning application 15/01109/FLM, plan ref 15/01109/162) and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 15. No development associated with this permission shall be implemented until a Construction Traffic Management Plan has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the trunk road, including the existing priority access located on the northbound carriageway of the A9 north of Inveralmond Roundabout. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.**

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

- 16. Prior to the implementation of this permission, the detailed specification for the emergency/secondary access arrangements to be put or remain in place between the Inveralmond Bridge and Bertha Lodge, along with implementation timescales shall be submitted to and approved in writing by the Planning Authority. The approved emergency/secondary access arrangements shall be thereafter installed in accordance with the agreed timescales and/or maintained to the satisfaction of the Planning Authority.**

Reason: to ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.

- 17. Prior to the completion of the development, all watercourses on the site as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015, submitted in support of planning application 15/01109/FLM) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the development phase; an inspection report along with details of works undertaken shall be submitted to the Planning Authority for written approval in consultation with the Roads Authority.**

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with the adopted development plan.

18. The Finished Floor Level of all properties shall be a minimum of 600mm above the 200 year flood level including 20% for Climate Change.

Reason: To reduce flood risk.

19. The overland flood routes of the dam breach analysis shall be maintained as open space to prevent any future development of the land. A minimum of a 5m Maintenance strip either side of the watercourse must be provided along all watercourses as referred to in the Flood Risk Assessment (FRA) (dated 18 June 2015, submitted in support of planning application 15/01109/FLM) within the extents of the proposed development.

Reason: To allow suitable access to the watercourse for maintenance purposes and to reduce flood risk.

20. Prior to the implementation of this permission, a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Site Waste Management Plan (SWMP), a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage. 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 interest of protecting environmental quality and of bio-diversity.

21. Prior to the implementation of this permission, an independent and suitably qualified ecologist shall be appointed as the 'Ecological Clerk of Works' (ECOW) for the site, by the developer and at the developer's expense. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development. The ECOW shall oversee, on behalf of the Planning Authority, in consultation with Scottish

Natural Heritage, the implementation of all ecology related planning conditions and how this relates to the development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development and shall have the authority to stop operations or to alter construction methods should there be any works occurring which is having an adverse impact on the natural heritage. The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.**
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.**
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.**

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.**
- e) They are required to submit a report on their inspection for the review of the Planning Authority in consultation with Scottish Environment Protection Agency and Scottish Natural Heritage during construction operations.**
- f) They will have the power to amend the Construction Method Statement, where required, with any amendments and measures to mitigate submitted to the Planning Authority.**

Reason: In order to ensure that the appointed ECOW is suitability qualified and has a suitable job description and powers.

- 22. Prior to the implementation of this permission updated details of checking surveys for protected species or the nests of any breeding birds on the site shall be submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage (SNH). The surveys shall be undertaken by a qualified ecologist, in accordance with the approved specification, in the last 6 months**

preceding site preparation and construction work commencing. A programme of any mitigation measures required as a consequence of the survey results, and a timetable for any such mitigation measures shall have been submitted to and approved in writing by the Planning Authority prior to any works associated with the development taking place. The programme of mitigation work shall be implemented as approved under the supervision of a qualified ecologist all to the satisfaction of the Planning Authority.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

23. Prior to the implementation of this permission, a biodiversity monitoring strategy shall be submitted to, and approved in writing by the Planning Authority. The purpose of the strategy shall be to monitor the abundance and distribution of protected species over the period of the development. The content of the Strategy shall include the following.

- a) Aims and objectives of monitoring to match the stated purpose.
- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: In the interests of protecting the natural heritage, to minimise the environmental impact of construction and operational activities resulting from the proposed development.

- 24.** Prior to the implementation of this permission, the trees to be retained as identified in the submitted surveys (forming part of planning permission 15/01109/FLM) shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

- 25.** Prior to the implementation of this permission, a detailed specification and planting scheme for the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 along with implementation timescales shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved structural landscaping works between Phase 1 and 2 and Phase 1 and 3 shall be installed to accord with the agreed timescales and maintained to the satisfaction of the Planning Authority.

Reason: In order to ensure a responsive and robust landscape framework is created between the phases of the site, including appropriate biodiversity and recreational opportunities.

- 26.** Prior to the implementation of this permission, no further development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, and approved by the Planning Authority in consultation with Perth and Kinross Heritage Trust. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site

is undertaken to the satisfaction of the Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

27. Prior to the implementation of this permission, 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. All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

Reason: In the interests of the sustainable disposal of waste.

28. Prior to the implementation of this permission, a strategy to ensure noise levels within dwellinghouses are considered reasonable internally (utilising dwelling layouts and appropriate double glazing with trickle vents) shall be submitted to the Planning Authority for written approval and thereafter implemented. The strategy shall include particular focus on the relationship of dwellings on either side of the Cross Tay Link Road (CTLR) within the site and to the sites southern boundary, beside the Inveralmond Industrial Estate.

Reason: To prevent disturbance from noise.

29. For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

Reason: To prevent disturbance from noise and odour.

30. All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700

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

Reason: To prevent disturbance from noise.

31. Commercial and Industrial deliveries shall be limited to Monday to Sunday 07.00 to 19.00 hours.

Reason: To prevent disturbance from noise.

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

Reason: To prevent disturbance from noise.

33. For commercial and industrial areas 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 and that light spillage beyond the boundaries of the site is minimised.

Reason: To prevent disturbance from lighting.

34. Prior to the implementation of this permission, an evaluation or clarification of the sites potential to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

- a) The nature, extent and type(s) of contamination on the site.
- b) Measures to treat/remove contamination to ensure the site is fit for the use proposed.
- c) Measures to deal with contamination during construction works.
- d) Condition of the site on completion of decontamination measures.

Reason: To ensure the development is ready to receive development, to protect future users of the site and to protect the amenity of the environment.

35. Prior to the completion or bringing into use any part of the development, the agreed measures to decontaminate the site shall be fully implemented as

approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority before the development is brought into use or occupied.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

Justification

The proposal is not considered to fully comply with the Development Plan; however, there are material considerations that justify a departure on this occasion as detailed in the Report above.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 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 to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
6. The developer is advised to contact Mr David Strachan, Archaeologist, Perth and Kinross Heritage Trust to discuss terms of reference for work required Tel 01738 477080.
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, The Atrium, Glover Street, Perth.
8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from the Roads Authority, Scottish Water and the Scottish Environmental Protection Agency.
9. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH15GD.
10. 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.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. Ecologists shall be employed to undertake protected species surveys and provide advice and guidance where work is due to be undertaken close to sensitive areas, such as woodland, hedgerows and watercourses and waterbodies as agreed with planning authority.
13. Where works are within 50m of trees, woodland, hedgerows or waterbodies the ecologist shall undertake protected species surveys and identify any potential impacts, where appropriate protective fencing shall be erected prior to work commencing in

- such areas to the satisfaction of the planning authority.
14. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
 15. Monitoring of the ecological interests identified on the site shall be undertaken by the ecologist where protected species have been identified and annual reports as described in BS42020:2013 shall be submitted to the planning authority to inform changes to abundance or locations of protected species.
 16. The development shall be in accordance with the Council's Affordable Housing Policy approved in April 2016 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority. To comply with the Council's approved policy on affordable housing.
 17. The applicant is reminded that the site is still subject of a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01112/IPM (subject of minded to approve application 18/01800/IPM). This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.

Environmental Impact Assessment (Eia) Decision

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The application submitted an EIA Addendum dated April 2019. The public had the opportunity to participate in the decision making process through notification of the EIA Addendum was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser.

The EIA Addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The Addendum considers the conclusions reached in the 2015 Environmental Statement (ES) and the

conclusions reached in 2016 through the Supplementary Environmental Information (SEI) which were lodged in advance of determination of the original detailed permission. The following topics were covered in relation to the proposed amendment:

- **Landscape/Townscape and Visual Assessment**
- **Traffic and Transport**
- **Air Quality**
- **Noise and vibration**
- **Nature Conservation and Ecology**
- **Socio-Economic and Tourism**
- **Ground Conditions, Drainage and Flood Risk**
- **Archaeology and Cultural Heritage**
- **Cumulative Effects.**

The Addendum concludes that through the proposed amendment of the affected planning Condition 11, there would be no substantive effect on the conclusions reached through the 2015 ES or 2016 SEI.

The Planning Authority is satisfied that the EIA Addendum is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

The Planning Authority has considered the EIA Addendum Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the original proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development.

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions and ongoing S75 control, the proposal is acceptable and can be approved.

Amendment (Councillors R Watters and E Drysdale)

Defer for further information on the Local Development Plan 2 examination report and how it may affect the application.

In terms of Standing Order 58 a roll call vote was taken.

6 members voted for the Motion as follows:

Councillors B Brawn, H Coates, A Jarvis, R McCall, L Simpson and W Robertson

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5 members voted for the Amendment as follows:
Councillors H Anderson, B Band, E Drysdale, T Gray and
R Watters.

Resolved:
In accordance with the Motion.

(2) Local Applications

- (i) 19/00136/FLL - DUNNING - Alterations to site layout, siting of 11 additional caravans, formation of landscaping and associated works (in part retrospect), Lochmanor Lodge Estate, Dunning, Perth PH2 0QN – Report 19/199 – Lochmanor Holiday Lodge Park**

Resolved:
Grant, subject to the following 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 shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant to the satisfaction of the Council as Planning Authority.
Reason: In order to clarify the terms of the permission; to control and restrict the use of the units.
3. Prior to the occupation of any further units the new sewage treatment plant shall be installed to the satisfaction of the Council as Planning Authority
Reason: To ensure the system is installed.
4. Prior to the commencement of any further development on the site a detailed landscaping and planting scheme for the two concrete bases not to be developed on the southern boundary 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 next planting season (October to March). The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council

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as Planning Authority with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

5. The landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the date of this decision notice. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

Justification

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

Procedural Notes

Permission shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed or the required contribution has been paid upfront.

The contributions shall be paid within 28 days or the legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. An application for Building Warrant may be required.

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4. The applicant should be advised that the caravans are required to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore an application should be made to the Environmental Health if planning consent is approved.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

(ii) 19/00591/FLL - INCHTURE – Erection of a garden building, Asgiobal, Inchture, Perth, PH14 9RN – Report 19/200 – Mr G Hart

Ms Barnett, objector to the application, followed by Mr and Mrs Hart, applicant, addressed the Committee, and following their respective representations, withdrew to the public benches.

Resolved:

Grant, subject to the following 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 shall be used solely for purposes ancillary to the domestic enjoyment of the dwellinghouse and shall not be sold, let or occupied separately at any time.
Reason: In order to safeguard the residential amenity of the area.

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)).

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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.
- (iii) **19/00657/FLL - ABERFELDY - Alterations to street layout including hard landscaping, soft landscaping, street furniture, car parking and associated works, The Square, Aberfeldy – Report 19/201 – Perth and Kinross Council**

Resolved:

Grant, subject to the following 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 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 Installations for Environmental Zone –E3 contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.
Reason: In the interest of protecting the visual and residential amenity of the area.
3. Prior to the commencement of the development hereby approved, final details of the type of benches to be sited (illuminated or not), litter bins and the information board, shall submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall thereafter be implemented in full to the satisfaction of the Council as Planning Authority.

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Reason: In the interest of protecting the visual amenity of the area.

4. Prior to the commencement of the development hereby approved, details shall be submitted for the further written agreement of the Council as Planning Authority, (in consultation with the Roads Authority) of a Construction Traffic Management Scheme and a Site access management plan. Thereafter, the approved schemes shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason: In order to co-ordinate traffic movements associated with the construction phase during the construction.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

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Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/207)

**PROPOSAL:** Erection of 60 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 16/01809/IPM) (Phase 2)

**LOCATION:** Land At Castlemains Farm, Auchterarder

Ref. No: 18/01892/AMM  
 Ward No: P7 - Strathallan

### Summary

This report recommends approval of the application for the erection of 60 dwellinghouses, as the development is part of an allocated housing site, which benefits from an extant permission in principle. The proposals are considered to comply with the relevant provision of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to 4.03 hectares and is situated on the northern edge of Auchterarder, beyond the Community school to the south-east. It forms part of a wider identified expansion of Auchterarder. Development is limited, excluding existing roads, to 2.18 hectares (ha). Planning Permission in Principle (PPP) Ref: 16/01809/IPM and an associated Section 75 legal agreement relates.
- 2 The former farmland site is relatively level to the south, sloping up from north east to south-west. Vehicular access is to be from Castle Drive then connecting to the roundabout at Dunrobin Road and Benton Road. Adjacent and to the east is an identified all-weather sports pitch, with residential (Phase 1) beyond. Further housing is located to the south and south-west, with agricultural land to the west and north. Auchterarder Castle, the remains of which are a scheduled ancient monument (SAM), is located approximately 100m to the north east.
- 3 The initial proposal sought permission for 64 dwellinghouses. However, following additional information requests (i.e. a Transport Assessment) this has been reduced to 60 units (including 16 affordable units). These changes saw the application re-advertised and neighbours re-notified.
- 4 The housing mix is:
  - 9x 2 bed (affordable) terraced
  - 2x 3 bed (affordable) terraced
  - 3x 2 bed (affordable) bungalow

- 14x 3 bed semi-detached
  - 9x 3 bed detached
  - 17x 4 bed detached
  - 6x 5 bed detached
- 5 The net site density is circa 27 dwelling units per ha, this is considered a 'medium' density for urban developments within Perth and Kinross, and appropriate to the site context.
  - 6 The application has been accompanied by supporting information required by suspensive conditions of PPP: 16/01809/IPM.
  - 7 The Auchterarder Expansion Development Framework (DF) is supplementary planning guidance and the site lies within the boundaries thereto, it is therefore a material consideration.

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

- 8 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.
- 9 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.
- 10 As required an EIA screening has been undertaken, this concluded that an EIA was not required as the proposal was not considered likely to have significant effects on the environment. However a suite of supporting assessments, present environmental information in respect of drainage, transport, ecology and air quality.

## **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through The National Planning Frameworks (NPF), 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**

- 12 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**

- 13 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.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Affordable Housing: paragraphs 126 – 131
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

### **Creating Places 2013**

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

### **Designing Streets 2010**

- 17 Designing Streets is the 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**

- 18 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**

- 19 The Development Plan comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

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

- 20 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."*

- 21 The following sections of TAYplan are particularly relevant in this case.

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

- 22 Seeks to focus the majority of development in the region's principal settlements. Auchterarder is identified as a Tier 3 Settlement with the potential to play an important but modest role in the regional economy accommodating a smaller share of the additional development.

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

- 23 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 2: Shaping Better Quality Places**

- 24 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 6: Developer Contributions**

- 25 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**

- 26 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.

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

- 27 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.
- 28 The principal relevant policies are, in summary:

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

- 29 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**

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

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

- 31 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**

- 32 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**

- 33 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where 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**

- 34 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**

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

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

- 36 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 sets out when a travel plan and transport assessment is required.

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

- 37 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**

- 38 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 HE1A - Scheduled Monuments**

- 39 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**

- 40 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 NE3 - Biodiversity**

- 41 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**

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

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

- 43 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 EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 44 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 EP3B - Water, Environment and Drainage**

- 45 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**

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

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

- 47 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

### **Other Material Considerations**

- 48 The following supplementary guidance/documents are material considerations:
- Auchterarder Expansion Development Framework 2008
  - Developer Contributions and Affordable Housing Supplementary Guidance April 2016.

### **SITE HISTORY**

- 49 [08/01133/IPM](#) Proposed Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development (in principle).

Approved by Planning and Development Management Committee May 2009 (Decision Issued 31 October 2013).

- 50 [08/01279/FLM](#) Erection of 147 dwellinghouses and associated engineering operations. Approved by Planning and Development Management Committee April 2013 (Decision Issued 15 November 2013).
- 51 [08/01591/FUL](#) Formation of roads and associated infrastructure. Approved under delegated powers 17 October 2008.
- 52 [09/01290/FLM](#) Erection of 261 dwellinghouses. Approved by Planning and Development Management Committee April 2013 (Decision Issued 30 January 2014).
- 53 [14/01477/FLL](#) Variation of condition 8 (formation of path) of permission 08/01279/FLM for the erection of 147 dwellinghouses and associated engineering operations. Approved under delegated powers 9 July 2015.
- 54 [16/01809/IPM](#) Deletion of condition 14 (to seek waste advice) of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) Approved by Planning and Development Management Committee January 2017 (Decision Issued 3 August 2018).
- 55 18/00799/MPO Modification of Planning Obligation associated with permission 08/01133/IPM (Proposed Residential and Class 4 (Business), Class 5 (General Industry) and Class 6 (storage and distribution) development (in principle). Approved under delegated powers 27 June 2018.
- 56 [18/00899/FLL](#) Erection of 13no. dwellinghouses, formation of parking area, landscaping and associated works. Approved under delegated powers 8 August 2018.

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Auchterarder & District Community Council**

- 58 No response.

#### **Historic Environment Scotland**

- 59 No objection.

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

- 60 No objection, advising that there are no archaeological implications, based on evaluation previously undertaken in relation to 08/01133/IPM.

### **Scottish Water**

- 61 No objection, advising sufficient capacity at both the Turret Water Treatment Works and the Auchterarder Waste Water Treatment Works.

### **Scottish Environment Protection Agency**

- 62 No objection.

### **Scottish Gas Network**

- 63 No objection.

### **INTERNAL**

#### **Biodiversity Officer**

- 64 No objection, subject to conditions. Initially raised concerns, resulting in revised landscape plans and an ecological management plan, which include reinforced native planting and 'swift brick' provision.

#### **Environmental Health (Noise Odour)**

- 65 No objection, subject to a condition controlling and monitoring associated construction noise and dust, as set out in the submitted Construction Environmental Management Document (plan 18/01892/50).

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

- 66 No objection.

#### **Development Negotiations Officer**

- 67 No objection, subject to compliance with the S75 in place which secures affordable housing provision and contributions for community and ports facilities, open space and roads/transport.

#### **Structures and Flooding**

- 68 No objection. Raise no flooding concerns. Advise that updated drainage information is considered satisfactory.

#### **Strategy and Policy**

- 69 No objection.

#### **Community Greenspace**

- 70 No objection, following submission of revised open space and landscape plans.



## Transport Planning

- 71 No objection. Advise that requested Transport Assessment is satisfactory, subject to conditions.

## REPRESENTATIONS

- 72 One general comment and eleven valid objections (not including any follow-up comments), were received and are summarised as follows:
- Impact on property value, loss of view and overlooking;
  - Parking issues and general traffic congestion and traffic safety concerns, including from construction traffic;
  - Concerns relating to pedestrian access, including school routes;
  - Concern over existing phases of development being fit for purpose, including a lack of road adoption;
  - Impact on visual amenity;
  - Inappropriate land use;
  - Result in environmental improvement;
  - Inappropriate housing density and over development;
  - Loss of open space, including loss of important farmland and dog walking area;
  - Impact on the original stone boundary wall;
  - Impact on local amenities, including school and medical practice;
  - Noise pollution;
  - Removal of trees and wider concern for further tree and hedgerow loss along with loss of natural habitat
  - Mitigation and management of the loss of bat roosts in neighbouring Castleton mains outbuildings; and
  - Impact on cultural heritage to Scheduled Ancient Monument (SAM) - Auchterarder Castle.
- 73 Additional neighbour notification was undertaken, following submission of further information and amended drawings (as referred to in Para 3). Subsequently a general comment, expressing disappointment at the lack of communication from the applicant regarding construction access traffic, was received. However, no new material considerations were raised.
- 74 These representations are addressed in the Appraisal below. However, concerns in respect of: loss of view; and impact on property values, are not material planning considerations.

## ADDITIONAL STATEMENTS

|                                 |                                           |
|---------------------------------|-------------------------------------------|
| Environment Statement           | Not Required                              |
| Screening Opinion               | Undertaken in tandem with the submission. |
| Environmental Impact Assessment | Not Required                              |

|                                                |                                                                                                                                                                                                                                                                    |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Appropriate Assessment                         | Not Required                                                                                                                                                                                                                                                       |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                                                                                                                                          |
| Reports on Impact or Potential Impact          | <ul style="list-style-type: none"> <li>• Transport assessment</li> <li>• Air &amp; noise quality assessment</li> <li>• Ecological update and habitat management plan</li> <li>• Energy statement</li> <li>• Flood risk assessment and drainage strategy</li> </ul> |

## APPRAISAL

- 75 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 as set out.

### Principle

- 76 Conditional In Principle permission (16/01809/IPM) requires that approval of Matters Specified in Conditions is granted. The 60 dwellinghouses remains consistent with this PPP. Additionally although the wider masterplan and Auchterarder Expansion Development Framework 2008 (DF) do not specifically define the scale of development, residential use is considered consistent with the DF. The principle of the proposals is therefore considered acceptable.

### Design and Layout

- 77 16/01809/IPM requires the siting, design and external appearance to be further approved (condition 1). The design statement sets out that the layout follows Designing Streets principles.
- 78 This layout (plan 18/01892/41) is considered to satisfy placemaking policy criteria, taking cues from surrounding built development, in particular the earlier phases of the wider Auchterarder northern expansion. Revision to the layout, improving the response to designing streets and placemaking matters, including the relationship with the sports pitch to the east, is further discussed below.
- 79 The positioning of the dwellinghouse within Plot 32 (in the south-west corner) was queried, as it does not front the street. However, this arrangement is considered justified, due to the servicing wayleave to the west.
- 80 Generally, the layout adopts a street hierarchy approach, including a courtyard area, whilst maintaining movement patterns and prioritising pedestrians.

- 81 The proposed house type includes a good mix, ranging from modest single storey properties, terraced, semi-detached, up to two storey detached dwellinghouses, External Finishes include a mixture of rendered and brick walls, concrete roof tiles and UPVC windows and doors. This is considered appropriate to the context, and refers back to the Auchterarder DF.
- 82 Overall, the proposed design, scale and layout is considered acceptable and in accordance with LDP placemaking Policy PM1A and PM1B and consistent with the PPP.

### **Landscape & Visual Amenity**

- 83 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened.
- 84 The revised open space and landscape specification details see increased open space and landscaping being proposed. These plans were developed in consultation with the Council's Community Greenspace team.
- 85 The proposals raise no significant concerns in terms of landscape fit or capacity and integrate with the site context. The provision of pedestrian and cycle links, utilising historic and established routes to and from the Community School (including Chapel Wynd) provide sustainable connectivity. There is adequate public open space on the periphery of the site, including the junior football pitch identified to the east and the associated landscaped buffer. The pitch will serve the wider residential area and Community School. Overall, the detailed landscaping and open space provision is considered to address the Auchterarder Development Framework, the PPP and Policy ER6.

### **Residential Amenity**

- 86 Objections raise concerns on the impact of their residential amenity, particularly beyond the southern boundary. In this regard it is considered that the layout would not adversely impact existing properties, via overlooking. In excess of 18m separation distance is consistently achieved between the existing dwellings and those proposed. Similarly, the layout within the site maintains adequate separation between proposed properties to protect amenity. Otherwise appropriate levels of both daylight and sunlight would be afforded to both existing and proposed property.
- 87 The distance and relationship with the junior football pitch to the east addresses initial concern related to the residential amenity to be afforded to plots 4-9, 12 and 13, moving them a minimum 21m away and introducing raised landscape features, providing both screening and biodiversity benefits.
- 88 Policy EP8 seeks to mitigate noise impacts. In line with the PPP, mitigation details relating to construction noise are contained within the Construction Environment Management document (18/01892/50), to achieve appropriate

mitigation (Condition 12). Having regard to these mitigation measures the terms of the PPP and LDP Policy EP8 are satisfied.

- 89 There is potential for dust/airborne pollution during construction, this can be controlled via the Construction Environmental Management Document (CEMP) (plan 18/01892/50) (Condition 13). Subject to these controls, there are negligible air pollution concerns.
- 90 Overall, the PPP and the criteria for LDP Policy RD1 have been satisfied. A reasonable level of amenity for the new residents has been catered for, causing no unacceptable impact on the amenity of occupants of nearby properties.

### **Roads and Access**

- 91 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. SPP also emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 92 The Transport Assessment (TA) considers the transport issues and tests the proposal against accessibility requirements for non-vehicular movement as well as vehicular accessibility.
- 93 Objections regarding additional vehicle and construction traffic and the impact on Hunter Street were reviewed. The link via Hunters Meadow (referred to as Benton Road) will connect Hunter Street to the A824. It is anticipated to be open to public traffic prior to the commencement of this proposal. Condition 2 of permission 18/01591/AMM requires the road to be open by November 2019 and confirmation of delivery progress is being pursued with that developer, Stewart Milne. This road will reduce existing traffic levels on Hunter Street, by creating an alternative route to the A824. In addition to the CEMP, it is considered appropriate to seek a Construction Traffic Management Scheme (TMS), to ensure construction traffic is adequately managed (Condition 2).
- 94 A pedestrian route network has been identified to and from the School and beyond through this proposal and neighbouring phases.
- 95 Overall, the TA, alongside the requirement to open Benton Road in October 2019 through planning permission 18/01591/AMM, would address the concerns raised and comply with the requirements of the PPP and LDP policies TA1B and CF2.

### **Cultural Heritage**

- 96 The siting and context of scheduled ancient monument (SAM) SM1634 (Auchterarder Castle), which is located in excess of 100 metres to the north east of the site, has been assessed. It is not considered that the proposed development would have an adverse impact on its setting, with Historic

Environment Scotland offering no objection. In this regard the terms of LDP Policies HE1A and HE1B have been satisfied.

### **Drainage and Flooding**

- 97 Policy EP3C requires development to have SUDS. Although there are no flood concerns, detailed surface water drainage details and calculations were required. Drainage information provides clarification and subject to securing the means and details for surface water drainage during the construction phases (Condition 15). The proposals satisfy both the conditions of the PPP and the requirements of LDP Policy EP2 and Policy EP3C. An informative (10) also reminds the applicant to advise the Council's Structures and Flood team when associated approvals from Scottish Water have been secured affecting plots 31 - 40.

### **Energy Requirements**

- 98 In association with the In PPP and LDP Policy EP1, the proposals are required to identify and include carbon emission reduction measures.
- 99 The energy report submitted (18/01892/34) clarifies compliance with Condition 9 of the PPP and LDP Policy EP1, concluding that a range of measures, including solar PV will be applied with the anticipated energy efficiency outcomes exceeding current Building Regulations by approximately 2.5%, equating to a 23.5% increase over 2010 standards. Thus the PPP and LDP Policy EP1 are considered to have been satisfied.

### **Waste Collection**

- 100 Waste collection requirements have been addressed in terms of provision and access for each property. It was agreed with the Waste Services that complementary recycling opportunities would more appropriately be accommodated within the wider expansion phasing, as opposed to within this specific site.

### **Natural Heritage and Biodiversity**

- 101 LDP Policy NE3 is a relevant consideration in respect of possible biodiversity impacts or opportunities arising from the development.
- 102 The submission of Matters Specified in Condition 7 of the PPP requires detailed ecological/biodiversity proposals. These details must identify opportunities for the enhancement of natural heritage including structure planting for ecological benefits and use of native hedging, impact on breeding birds, new habitat creation for species adversely affected and as part of the SUDS scheme.
- 103 Accordingly, the original landscape proposals were amended to include more native species and appropriately respond to the ecological management plan. Mixed native hedging is now proposed with more native trees. The applicant has also identified consideration for hedgehog movement and sufficient swift

brick provision as part of the updated plan information, which will form part of the permission.

- 104 Overall, subject to conditions (5 - 8), the proposals are considered to satisfactorily address the requirements of LDP Policy NE3 and PPP.

### **Developer Contributions**

- 105 A Section 75 legal agreement covers the 16/001809/IPM permission to ensure necessary infrastructure is delivered, including:

- Community Facilities
- Sports Facilities
- Open Space
- Roads/Transport
- Affordable Housing

The legal agreement in place adequately secures these elements and no further changes are required.

### **Economic Impact**

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

### **Other Matters**

#### Loss of Trees

- 107 Objections raised concerns over tree loss. The applicant has clarified that they do not intend to remove any trees outwith the site boundary. Further, no trees within the site are affected, which can be controlled (Condition 11). Some trees were removed in earlier phases of the development which were allowed within the extant planning permission and to allow a safe construction access to be formed.

#### Local Surgery Capacity

- 108 No formal objection has been received from NHS Tayside regarding the capacity of the doctors' surgery or their ability to cope with the population increase. As advised, development of this scale is envisaged in the Framework and identified within the LDP, at which stage NHS Tayside were consulted.

#### Impact on School

- 109 School capacity has previously been assessed, via the PPP. The proposal forms part of the Auchterarder DF and the associated legal agreement secures

the necessary developer contributions to address school capacity requirements.

## **LEGAL AGREEMENTS**

- 110 A legal agreement has been secured for the 16/01809/IPM planning permission (originally 08/01133/IPM) to secure infrastructure that will be impacted by the current and wider phased proposals.

## **DIRECTION BY SCOTTISH MINISTERS**

- 111 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**

- 112 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 113 In this case the application seeks permission for the erection of 60 dwellinghouses on an approved housing site, benefitting from In Principle permission and within the settlement boundary of Auchterarder. The proposals are considered to comply with relevant DP policies.
- 114 Overall, the proposal is considered compliant with the key principles of the LDP and the terms of the IPM and is recommended for approval. Account has been given to the matters raised in representation and these have been addressed in the appraisal above. There are no material considerations which would warrant a refusal of the proposal.
- 115 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Conditions and Reasons for Recommendation**

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

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

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

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

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

Reason: To mitigate any adverse impact of development traffic on the safe and surrounding road network during construction.

3. 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 promoting and securing sustainable means of travel relating to the development and surrounding land uses.

4. Prior to the development hereby approved being completed or brought into use, street lighting provision to a design and specification according with (BS 5489-1:2013) shall be submitted to the Planning Authority for further written approval. The lighting scheme as approved shall thereafter be completed in line with the roads construction consent.

Reason: In order to safeguard the environment and residential amenity of the area.



5. No removal of vegetation, including trees and shrubs will be permitted between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority for approval prior to commencement of works.

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. The conclusions and recommended action points within the supporting Biodiversity Management Plan 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).

7. 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.

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

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. The detailed landscaping and planting proposal specifications as approved shall be undertaken and delivered commensurate with the residential development elements, in accordance with the approved phasing delivery plan and thereafter maintained. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

10. 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.

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

11. 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'.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

12. 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 the interests of public health and to prevent noise pollution.

13. The commitments and recommended action points within the supporting Construction Environment Management Document (plan 18/01892/50) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. The approved document will remain live and subject to further review and update at the Planning Authority written request.

Reason: In the interest of protecting environmental quality and existing residential amenity.

14. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this permission or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
6. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
7. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.

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 is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
10. The applicant is advised that they shall continue to keep the Councils Structures and Flooding team updated with regards to their application to Scottish Water for the proposed sewer diversion and connection of identified plots (31-40) to this Scottish Water asset.
11. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
12. No work shall be commenced until an application for building warrant has been submitted and approved.
13. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
14. 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 permission for a development does not provide a defence against prosecution under this act.
15. The applicant should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
16. The applicant is reminded 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.
17. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements.

will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland ([www.ros.gov.uk](http://www.ros.gov.uk)).

18. In the interests of neighbouring residential amenity, the applicant is requested to restrict construction work to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

Background Papers: 12 letters of representation  
Contact Officer: Callum Petrie 01738 475353  
Date: 18 July 2019

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

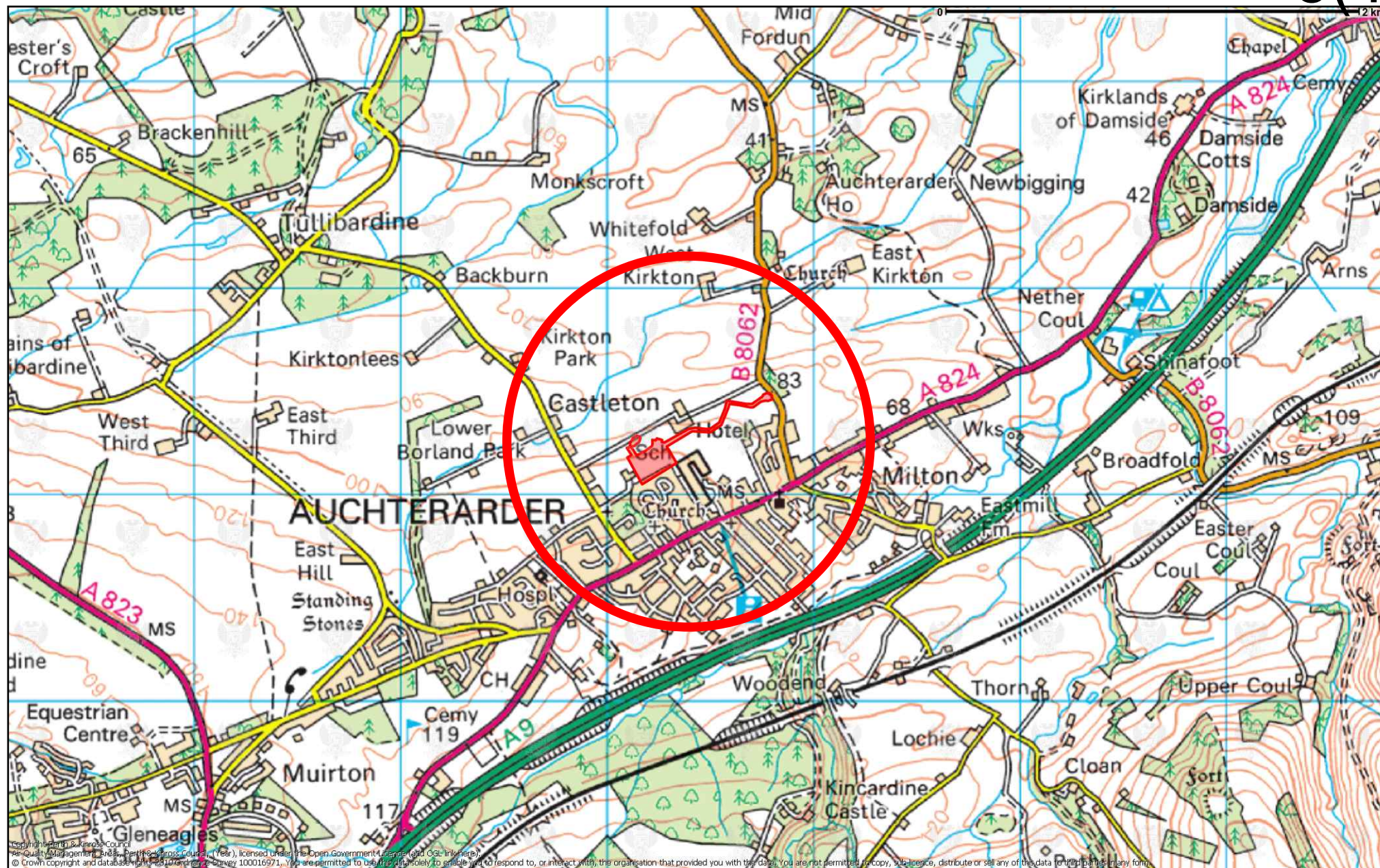
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Scale 1:25000



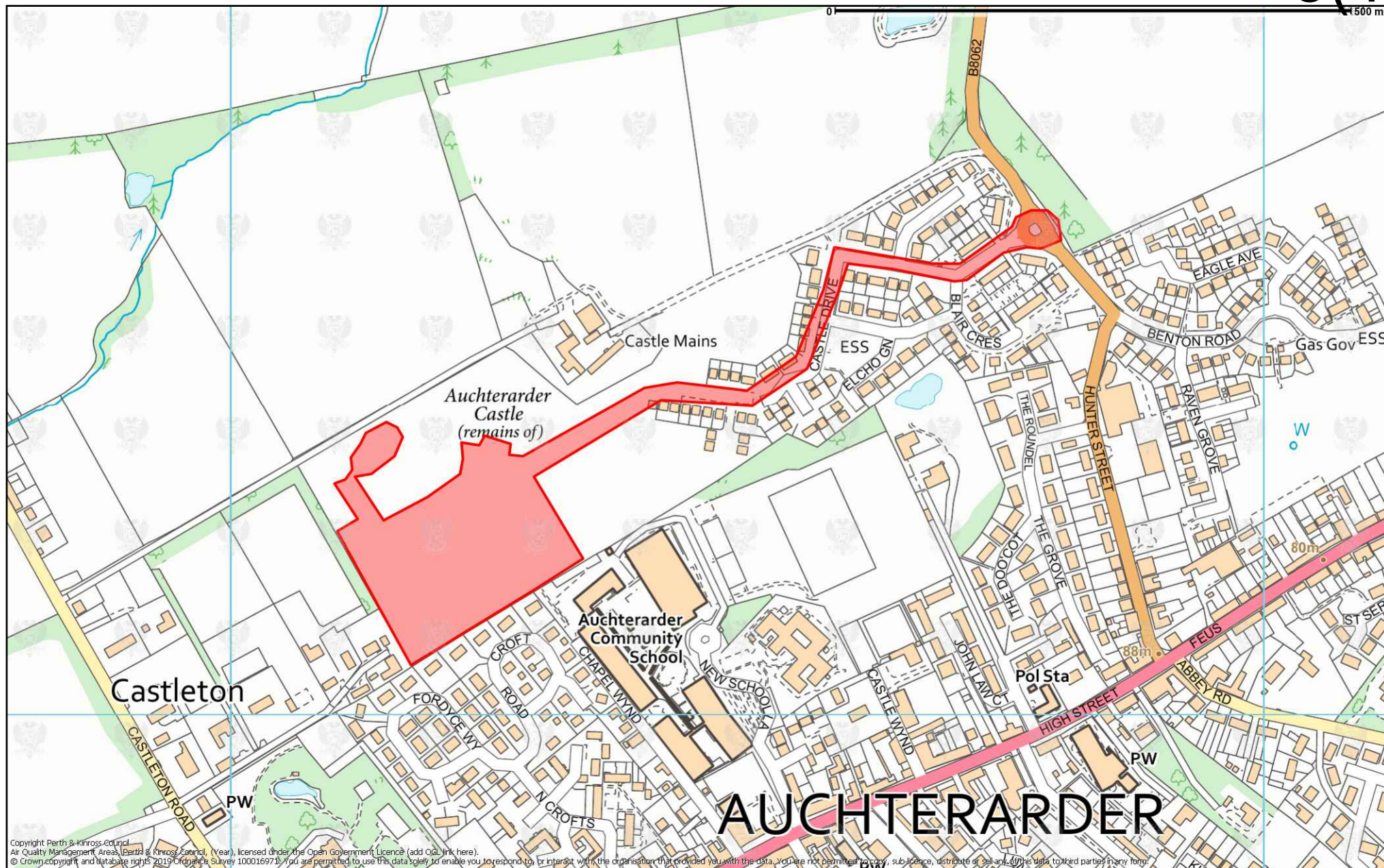
18/01892/AMM

Erection of 64 dwellings, landscaping and associated works (approval of matters specified by conditions 08/01133/PM) (Phase 2) at land at Castlemains Farm, Auchterarder









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Scale 1:5000



18/01892/AMM

Erection of 64 dwellinghouses, landscaping and associated works (approval of matters specified by conditions 08/01133/PM) (Phase 2) at land at Castle mains Farm, Auchterarder





Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/208)

**PROPOSAL:** Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 2 (expiry), 3 (phasing), 17 (extraction rate) and 28 (noise) of planning permission 98/00710/FUL (Winning and working of minerals)

**LOCATION:** Loanleven Quarry, Almondbank, Perth PH1 3NF

Ref. No: [18/02123/MWM](#)  
Ward No: P5 - Strathtay

### Summary

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located just off the A85 trunk road 2km west of Perth and 50 metres west (at its closest point) from the settlement of Almondbank. The total site area extends to 42.4 hectares.
- 2 The existing quarry area is located within an area consisting of agricultural land and forestry. The closest residential properties to the current extraction area are located 120 metres to the east. Two residential properties are also located on the A85, close to the site entrance. The landowner lives at Loanleven Farm, located to the south of the conveyor, which runs between the extraction area and processing area.
- 3 The Methven Woods Site of Special Scientific Interest (SSSI) is located 160 metres to the north of the processing plant. The River Tay Special Area of Conservation (SAC) runs to the north, west and south of the quarry. At its closest approach, the River Tay SAC is located approximately 100 metres to the west of the extraction area, as it runs north through Almondbank.
- 4 The land capability class for agriculture within the extraction area and the eastern part of the processing plant is 3.2, (land capable of supporting mixed agriculture) whilst the western part of the processing plant and access road is located within 3.1 (Prime Agricultural Land).
- 5 The quarry is wholly located within the Methven Castle Garden and Designed Landscape. A Scheduled Monument (Loanleven Enclosure Ref SM8755) is located within the application site, to the south west of the proposed extraction



area. The extraction area was amended during the determination of the 1998 planning application to exclude the Scheduled Monument and this exclusion has been maintained. The Battle of Tippermuir Historic Battlefield is located 600 metres to the south of the quarry boundary. The Pitcairngreen Conservation Area is located 1.1km to the north of the quarry. A number of listed buildings are located within the local area, mainly concentrated within Almondbank. Methven Castle Category A listed building is located 1.1km west of the processing plant.

- 6 Access to the quarry is via an access of approximately 1km which takes access directly from the A85 Trunk road. The access road leads to the processing plant and consists of an unpaved single carriageway gravel track with several passing places.
- 7 The plant site, which extends to approximately 7 hectares, accommodates the quarry's site offices and welfare facilities, car parking, processing plant, stocking areas and water treatment lagoons. The plant site is linked to the extraction area via a low level field conveyor which extends to approximately 380 metres in length. The extraction area consists of a quarry void within the north of the site and unworked agricultural fields to the south of the void.
- 8 The proposal is that the quarry operators (CEMEX) seek to continue operating as per its 1998 planning permission, with the exception of the following proposed changes to four conditions from the original approval 98/00710/FUL & P/PPA/340/134. They are as follows:
  - Condition 2: Request to extend the duration of the planning permission which is currently due to cease extraction operations on 24th August 2029 and to expand this to 24th August 2034 (a 5 year extension).
  - Condition 3: Amend the working phased extraction and restoration plans to Figures 2-1 to 2-9.
  - Condition 17: Request to increase the permitted output of the quarry from 100,000 tonnes per annum to 200,000 tonnes per annum. The increase in output would lead to an increase in the number of HGV's travelling to and from the site by an estimated 36 round trips.
  - Condition 28: Increase the noise limit at Loanleven Farm (property of landowner).

## **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 An EIA Report was required to be submitted with the proposal as the cumulative scale of development falls under a Schedule 1 development within the 2017 EIA Regulations.

## **PRE-APPLICATION CONSULTATION**

- 12 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, does not require Pre-application Consultation for Section 42 applications which relates to a 'major planning applications' made on or after the 3 February 2013.

## **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

## **Planning Advice Notes**

- 17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 64 Reclamation of Surface Mineral Workings
  - PAN 75 Planning for Transport

## **DEVELOPMENT PLAN**

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

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

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

*“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 7: Energy, Waste and Resources**

- 21 Seeks to deliver a low/zero carbon future. Development proposals should ensure all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified against a series of considerations including: the specific land take requirements, the proximity of resources, the sensitivity of the surrounding environment, health and safety considerations, cumulative impacts, strategic cross-boundary impacts, and consistency with the National Planning Framework.

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

- 22 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**

- 23 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.

- 24 The principal relevant policies are, in summary;

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

- 25 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**

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

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

- 27 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 ED3 - Rural Business and Diversification**

- 28 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

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

- 29 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 TA1A - Transport Standards and Accessibility Requirements**

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

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

- 31 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 CF2 - Public Access**

- 32 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 HE1A - Scheduled Monuments**

- 33 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 - Non Designated Archaeology**

- 34 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**

- 35 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 NE1 - Environment and Conservation Policies**

- 36 National, local and European protected species should be considered in development proposals.



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

- 37 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 NE3 - Biodiversity**

- 38 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**

- 39 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 ER3A - Minerals and Other Extractive Activities**

- 40 Development which would sterilise important economically workable mineral deposits will not be allowed unless there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or extraction of the mineral is unlikely to be practicable or environmentally acceptable.

### **Policy ER4A - Minerals and Other Extractive Activities**

- 41 Favourable consideration will be given to proposals for the extraction of minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment.

### **Policy ER5 - Prime Agricultural Land**

- 42 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

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

- 43 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**

- 44 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 EP3A - Water, Environment and Drainage**

- 45 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

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

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

## **Policy EP8 - Noise Pollution**

- 47 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.

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

- 48 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 49 98/00710/FUL Winning and working of minerals. Application refused December 1998 but granted on appeal P/PPA/340/134 in August 1999.

- 50 [12/00004/WMP](#) Extractive Waste Management Plan. Application approved July 2012.
- 51 [18/00950/SCOP](#) EIA Scoping request for variation of condition to consent (98/00710/FUL) increase of annual output. Scoping decision issued 13 July 2018

## **CONSULTATIONS**

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

### **EXTERNAL**

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

- 53 No objection to the proposal provided a condition regarding groundwater monitoring is included with any consent.

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

- 54 No objection. There are natural heritage interests of national and international importance in the vicinity of the quarry but the proposed modifications to the existing conditions will not adversely affect these interests.

#### **Transport Scotland**

- 55 No objection provided the first 25 metres of the access road off the A85 trunk road is 7.4 metres wide.

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

- 56 The proposals do not raise historic environment issues of national interest and therefore do not object. This is provided the Loanleven Scheduled Monument is protected to the Councils satisfaction as there is a risk of accidental damage.

#### **Scottish Water**

- 57 No objection but cannot confirm that the proposed development can currently be serviced by them.

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

- 58 No response received.

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

- 59 No response received.

### **Methven Community Council**

- 60 No response received.

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

- 61 No objection and confirm that the EIA Report is broadly in line with the assessment outcomes as specified in the EIA Scoping Report.

### **Tay Salmon Fisheries Board**

- 62 No response received.

### **Scottish Canoe Association**

- 63 No response received.

### **British Geological Survey**

- 64 No response received but did provide detailed feedback during EIA Scoping process.

## **INTERNAL**

### **Structures and Flooding**

- 65 No objection to the proposal.

### **Environmental Health**

- 66 No objection following submission of further noise assessment.

### **Transport Planning**

- 67 No response received.

### **Biodiversity Officer**

- 68 No objection to the proposal.

### **Strategy and Policy**

- 69 No response received but provided detailed feedback during EIA Scoping process.

### **Community Greenspace**

- 70 No response received.

71 The following points were raised in the one representation received:

- Planning creep;
- Increased levels of dust;
- Increased noise levels;
- Adverse impact on quality of life.

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

### **ADDITIONAL STATEMENTS**

|                                                |                           |
|------------------------------------------------|---------------------------|
| Environment Statement                          | Submitted                 |
| Screening Opinion                              | Not Required – Schedule 1 |
| Environmental Impact Assessment                | Submitted                 |
| Appropriate Assessment                         | Not Required              |
| Design Statement / Design and Access Statement | Not Required for Minerals |
| Reports on Impact or Potential Impact          | Planning Statement        |

### **APPRAISAL**

73 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.

74 I consider the main issues to be assessed are need, traffic, noise, air quality including dust, flood risk, ecology, cultural heritage as well as landscape and visual impact.

#### **Principle and Need**

75 TAYPlan recognises the importance of resources and assets with potential to support economic growth. It highlights that development and growth in the economy should occur in a way that does not place unacceptable burdens on environmental capacity and should not increase the exposure of users or inhabitants to risks. Policy 9: Managing TAYPlan's Assets deals with finite resources and specifically refers to mineral deposits of economic importance; while emphasising the protection of prime agricultural land, forestry areas and carbon rich soils.

76 LDP Policy ER4A - Minerals and Other Extractive Activities provides favourable consideration to proposals for the extraction of minerals where they are in accordance with the criteria set out and where they do not have an adverse effect on local communities and the environment. It gives support for the proposed development, provided the proposal complies with the criteria in the policy; and with other national, strategic and local planning policy.

- 77 The proposed increased extraction of minerals from 100,000 to 200,000 tonnes per annum (tpa) is required to supply material for the proposed and approved major development projects within the region such as the Scottish Governments A9 dualling project from Perth to Inverness, Scone North, Berthapark, & Almond Valley Village residential developments etc. The principle of the proposal is therefore considered acceptable in planning terms.

### **Proposed Modifications**

- 78 The site consists of a 1km access road leading from the A85 to the plant site. The plant site extends to approximately 7 hectares and accommodates the quarry's site offices, welfare facilities, car parking, processing plant, stocking areas and water treatment lagoons.
- 79 The plant site is linked to the current and proposed extraction area via a field conveyor which extends to 380 metres in length and 1 metre in height. The conveyor transports mineral from the extraction area to the plant site. It is located to the south of Methven Loch and north of Loanleven Farm. An access track runs parallel with the conveyor.
- 80 The current extraction area consists of a quarry void within the north east of the site and unworked agricultural fields to the south of the void. The topography of the proposed extraction area rises gently from the south (33m AOD) to the north (45m AOD). The proposal is to continue the extraction on a phased basis in a southerly direction until 2034. The mineral deposit is extracted in three benches of depths around 4 to 5 metres.
- 81 Access roads are maintained from the quarry void to land to the south to allow access for plant and machinery needed to strip and stockpile soils. A water treatment system will be installed within the northern portion of the extraction area. Water will be pumped from the processing plant to the water treatment system. The suspended solids will be allowed to settle in the lagoons and clean water will be pumped back to the processing plant for reuse.

### **Condition 2 – Time Extension**

- 82 It is proposed to amend the duration of the planning permission to allow quarrying activities to continue southwards towards the boundary with the A85 until the 24th August 2034, as opposed to the current cessation date of 24th August 2029 (a 5-year extension).
- 83 The quarry contains an estimated remaining sand and gravel reserve of 2.1 million tonnes. Based on the current maximum rate of production of 100,000 tonnes per annum (tpa) the remaining reserve is equivalent to 21 years.
- 84 The proposal seeks to increase the maximum permitted rate of extraction from 100,000tpa to 200,000tpa. If the quarry were to operate at a maximum permitted rate of production of 200,000tpa, the duration of the workings would be approximately 10.5 years.

- 85 The applicant however advises that it is unlikely that the quarry would be worked at the maximum permitted rate of extraction until reserves are exhausted. The output would be capped at 200,000tpa, but would depend on the demand and would therefore vary from year to year.
- 86 Planning permission for the extraction of sand and gravel is therefore sought for approximately a 15 year period, until 24th August 2034, which is equivalent to an annual output of 140,000tpa for the remaining life of the quarry. This represents a 5-year extension to the current permitted duration of the consent. A further 12 months would also be required to complete restoration of the site.
- 87 There are a number of potential consequences of this proposed variation to Condition 2. The variation would prolong the use of the site for quarrying operations and a prolonged use of the public road network by HGV's travelling to and from the quarry.
- 88 However, the proposal would ensure a continued steady supply of construction aggregates to a region experiencing a high level of development over the next 15-20 years. An additional 5 year period would delay the need for either a new quarrying operation within the locality or the need to import construction aggregates from elsewhere. Consequently the proposed extension of time is considered acceptable.

#### Condition 3 – Working and Restoration Scheme

- 89 It is proposed to vary Condition 3 in order to replace the currently approved working scheme drawings with the updated working scheme drawings. No changes are proposed to the limit of extraction, the depth of extraction or the restoration proposals. The applicant is unsure why a cap of 100,000 tpa was stipulated in the appeal decision as there is more available sand and gravel within the same site boundaries. The proposed working and restoration scheme is contained within Figures 2-1 to 2-9 of the EIA Report which show the quarrying activity set out in 6 phases moving southwards stopping short of the site's boundary with the A85. After each phase is completed, restoration is commenced by directly placing the excavated soils onto it so as to minimise handling. The proposed phasing and restoration is considered logical and acceptable.

#### Condition 17 – Rate of Extraction

- 90 As already mentioned, it is proposed to amend Condition 17 to increase the maximum permitted output of the quarry from 100,000 tpa to 200,000 tpa. The proposed increase in output from the quarry is in response to an increased demand for construction aggregate in the region. The current 'cap' on quarry output would limit the contribution the quarry can make to supporting the construction industry and projects in the region, leading to the need to import construction aggregates from further afield.
- 91 The EIA Report identifies no significant environmental effects caused by the proposed increase to the output of the quarry. The processing plant would

require to be upgraded in order to process additional volumes of mineral. The replacement or partial replacement of the processing plant would be undertaken under permitted development rights (Class 55 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and would not materially affect the external appearance or noise levels generated by the plant.

- 92 The increase in output would lead to a projected increase in the number (36) of HGV's travelling to and from the site on a daily basis. The increase in HGV's to and from the quarry have been assessed by Transport Scotland and is discussed further in this report but considered acceptable.

#### Condition 28 – Noise Limits

- 93 Condition 28 sets maximum noise levels at various nearby residential properties, including Lochend Cottage, 37 Admiralty Wood, 2 Lochty Park, Wildwood, Loanleven Farm, Easter Powside and the dwellings at the Quarry Access. The submitted Noise Assessment finds that, with the exception of Loanleven Farm, the predicted noise levels from the proposed quarrying will comply with the limits set within Condition 28.
- 94 At Loanleven Farm, Condition 28 sets the noise limit at 48dB. Background noise levels, whilst the quarry was not operational, were recorded to be 38dB, with a predicted worst case noise level during normal extraction operations, of 49dB.
- 95 This level meets the most stringent daytime limit suggested in PAN 50 Annex A of the existing background noise level which in the case of this property would be 53dB but fails to meet the current planning restriction. It is therefore proposed to vary Condition 28 to increase the noise limit applied to Loanleven Farm to 49dB and this is examined in detail in the Residential Amenity (Noise) section of this report.

#### **Residential Amenity**

- 96 The main potential impact on residential amenity from the proposed quarrying is from noise and air quality in particular dust. The Noise and Air Quality sections of the EIA Report have been assessed by Environmental Health. Following the submission of additional information, Environmental Health has no objection in to the application provided their requested conditions are included with any permission.

#### Noise

- 97 Condition 17 of 98/00710/FUL relates to the permitted extraction output from the quarry and the applicant now seeks to increase the amount from 100,000 tonnes to 200,000 tonnes per annum. Condition 28 relates to a noise which restricts noise levels from the quarry operation at 7 locations around the site. This application now seeks to increase the noise limits at the landowner's property (Loanleven Farm) from 48dB to 49dB as this is the only location that is predicted to be breached.



- 98 Noise monitoring was undertaken at 8 locations on the 20, 22 August 2018 to measure background levels. This included the 7 monitoring locations contained in Condition 28 and an additional location at Honeypot Nursery as requested by Environmental Health. The quarry was in operation during the background noise survey; however, it was observed that no quarry noise was audible throughout the survey at the monitoring locations. Further noise measurements were undertaken to measure noise from quarry operations on the 28 August 2018.
- 99 The noise survey undertaken indicated that background noise levels in the vicinity of Loanleven Farm remained the same as when previously assessed for the original quarry application with a measured background level of 38dB and an ambient level of 42dB. Based on PAN 50 Guidance this would give a noise limit of 48dB which is the same as the current noise limit set under Condition 28.
- 100 Table 9-1 of the Noise Assessment lists the proposed plant and equipment that will be used in the quarry operations if Condition 17 of planning permission 98/00710/FUL was varied to the permitted extraction output from 100,000 to 200,000 tpa.
- 101 The Noise Assessment shows the worse-case predicted noise levels from the normal quarry operation and compares the noise predictions with the measured background noise levels obtained from the noise monitoring survey
- 102 Based on a background noise level of 38dB at Loanleven Farmhouse and Farm Cottage an appropriate noise limit based on PAN 50 Guidance would be 48dB LAeq and Environmental Health are unable to support an amendment to increase this level to 49dB.
- 103 However, further noise mitigation measures have now been proposed to screen both Loanleven Farm Cottage and Loanleven Farmhouse in the form of a 2 metre high bund to the western boundary which has been predicted to reduce noise levels to acceptable limits that would not require Condition 28 to be amended.
- 104 The worse-case predicted noise levels are at Myreside Cottage. This has predicted a level of 50 dB, which is at the noise limit for this receptor. After further discussions between Environmental Health and the applicant it has been confirmed that this is the most sensitive receptor at this location and therefore noise limits could be met. This could be further controlled through the submission of a noise management plan and compliance monitoring, when necessary.
- 105 In light of the above, Environmental Health advise that no amendment should be made to Condition 28. It is their view that provided their requested conditions are attached to any permission (Conditions 24-27 and 30), then an acceptable noise level can be achieved at all noise sensitive receptors.

### Dust and Air Quality

- 106 The proposed increase in the extraction of minerals from the quarry from 100,000 tpa to 200,000 tpa initially raised concern for Environmental Health regarding dust emissions from the quarry that could impact on local air quality and the residential amenity of nearby residential properties.
- 107 Chapter 10 of the EIA Report examines Dust and Air Quality including an assessment of emissions from the quarry operation in terms of local air quality and residential amenity. An indication of the existing dust conditions was obtained over a period of 8 days, during mid- August 2018. This was undertaken at 5 locations, however it is not clear if wind direction or speed was recorded or taken into consideration in terms of the assessment.

### Particulate Matter (PM) 10 and 2.5

- 108 Current levels of PM10 and 2.5 were assessed for pollution concentration levels in line with Scottish Government advice. Existing levels of PM10 and PM2.5 have also been predicted to be below the Air Quality Objectives for PM10, PM2.5 and Environmental Health are satisfied that the assessment has been undertaken using the appropriate guidance.
- 109 In terms of assessments for Nitrogen Dioxide (NO<sub>2</sub>), Environmental Health confirm that it has been predicted well below the air quality objective. This has been based on data obtained from Transport Scotland for the number of vehicles that will travel along the A85 per day. The EIA Report states that HGV movements from the site are estimated to increase by 72 (36x2) HGVs per day. Based on Guidance in IAQM - Land Use Planning & Development Control: Planning for Air Quality January 2017 – Table 6.2, a change of HGV flows on local roads of more than 100 in areas outside of an AQMA would require an air quality assessment. The levels of HGV movements from the site are well below this threshold.
- 110 The conclusions of the Dust Impact Assessment states that the magnitude of dust effect was slight adverse in the worst cases at Phase 2, 3 and 4A of the extraction process and that overall the impact on residential amenity from dust was not significant. Notwithstanding this, the applicant has recommended that a dust management plan be prepared for the site to minimise any emissions from quarry operations. Environmental Health is satisfied this can be controlled by attaching a condition (Number 26) to the planning consent.

### **Landscape and Visual Impact**

- 111 Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross, as detailed in policy ER6.

- 112 Chapter 6 of the EIA Report covers Landscape and Visual Assessment (LVA) because the potential landscape and visual effects have been a key consideration during its design development. The LVA has given consideration to important mitigation measures including retention of existing vegetation around the boundary of the Extraction Area, and the stand-off from the Loanleven Scheduled Monument in the south west corner of the site.
- 113 The Proposal would directly affect a small area of existing arable farmland to accommodate the extraction operations. The effect on the existing landscape fabric within the site is considered to be moderate but not significant because of the phased nature of the works and the relatively quick timescales associated with the restoration and re-establishment of workable agricultural land.
- 114 In relation to landscape character and based on SNH's Tayside Landscape Character Assessment 1999, there would be localised significant effects on the Lowland River Corridors Landscape Character Type (LCT), which would be restricted solely to the proposed Extraction Area. The effects across the LCT as a whole would be Moderate/minor, not significant. There would be no significant effects on any other LCT.
- 115 Effects on the A Listed Methven Castle and its Garden and Designed Landscape (GDL) would be significant across localised areas but limited to the proposed extraction area. Beyond this area the effects would reduce abruptly as almost all views of the proposal would be completely screened by woodland and vegetation. The effects across the GDL as a whole would be moderate - not significant. Key areas of the GDL, comprising the Castle and surrounding gardens/parkland would remain completely unaffected.
- 116 In terms of visual effects, there would be major/moderate, significant effects on views from the landowners farmstead at Loanleven based on partial views of the extraction area. There would be no significant effects on views from any settlement or any other isolated dwelling. There would be no significant effects on any recreational route or destination. With establishment of advanced mitigatory planting, there would be no significant effects on the A85 Trunk Road.

### **Traffic and Transport**

- 117 Paragraph 271 of SPP 2014 requires development management decisions to take account of the implications of development proposals on traffic, patterns of travel and on road safety. PAN 50 Controlling the Environmental Effects of Surface Mineral Workings is also relevant, providing good practice advice, including the assessment of traffic at mineral working sites, which has been reflected in the EIA Report. LDP Policy TA1B of the LDP requires the impact of the development to pedestrian and traffic safety to be assessed.
- 118 Chapter 12 of the applicants EIA Report covers Traffic and Transport as the proposed increase in tonnage from 100,000 per annum to 200,000 will result in more Heavy Goods Vehicles (HGVs) entering and exiting the site. The impact

on transport infrastructure has been assessed by Transport Scotland as it directly affects the A85 trunk road network.

- 119 No objection is offered by Transport Scotland provided the first 25 metres of access off the A85 is widened to 7.3 metres as there is a need to maintain safe access and egress to the site and Transport Scotland's proposed condition will ensure compliance with SPP, PAN 50 and Policy TA1B (Condition 36).

### **Groundwater and Flood Risk**

- 120 Chapter 12 of the applicants EIA Report covers the Water Environment in particular Ground Water, Flood Risk and Groundwater Dependent Terrestrial Ecosystems.

#### Groundwater

- 121 Planning permission 98/00710/FUL was granted for quarrying operations above the groundwater table, and the current application indicates that this remains the same, with the quarry operation being dry working with no groundwater abstraction. The restoration proposal depends upon the achievement of dry agricultural fields following excavation which must therefore be above the seasonal maximum groundwater level.
- 122 SEPA therefore recommend planning conditions (18 and 19) to ensure that the developer maintains the excavations above the seasonal maximum groundwater. This should be informed by ongoing groundwater level monitoring. The final excavation levels planned should be readjusted as necessary if the current assessment of groundwater levels, which is based only on one monitoring round in late 2018, is found not to be representative of the longer term seasonal maximum. It would be beneficial to consider any further (monthly) groundwater level monitoring data collected in winter 2018, since the submission. An updated plan of the proposed restoration profiles compared to the maximum groundwater level would help provide confidence in the proposed dry working method.
- 123 Monthly monitoring of the groundwater levels in the seven boreholes in the excavation is proposed, with reviews of the data to ensure that the groundwater table is not reached by the works. SEPA welcome the proposal to develop a Water Monitoring and Management Plan. This should detail the groundwater monitoring to be undertaken before, during and after excavation operations. This should include the monitoring locations and frequency. It should also be clarified if boreholes will be lost as excavations progresses in the Excavation Area (e.g. BH7) and if these will be suitably replaced.

#### Flood Risk

- 124 SEPA and the Council's Structures and Flooding team have reviewed the Flood Risk Assessment (FRA) (dated November 2018) which indicates that the site is not at fluvial flood risk from the East Pow Burn or the River Almond, which both

accept. Workings will be undertaken above ground water table levels and therefore no dewatering will be required on site, which is also supported.

- 125 Following review of the Flood Risk Assessment, SEPA has no objection to the proposed development on flood risk grounds. They recommend that the Flood Risk Authority should comment on their requirements for the management of surface water at the application site including any mitigation measures. Whilst no issue has been raised by Structures and Flooding, Condition 23 will ensure there is no surface water flood risk on site.

#### Groundwater Dependent Terrestrial Ecosystems (GWDTE)

- 126 SEPA has reviewed the conceptual model and the information provided in the hydrogeological report and we are satisfied that there is no concern about potential GWDTEs. It is clearly demonstrated that Methven Loch and the area of marshy grassland to the west of the site are not groundwater fed, and that the water table is well below the base of the quarry. It is further clarified that borehole monitoring will remain in place so that the final base of the excavation may be revised if necessary in order to maintain the base of the quarry and the restoration level above groundwater levels.

#### **Natural Heritage and Biodiversity**

- 127 Policy NE3 – Biodiversity sets out the Council’s legislative obligation to further the conservation of biodiversity. The Council is required to seek to protect and enhance all wildlife and wildlife habitats whether formally designated/protected or not by taking into account national and international legislation and the Tayside Local Biodiversity Action Plan, and associated guidance. Proposals that have a detrimental impact on the ability to achieve these guidelines and documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 128 SNH confirms it is unlikely that the proposed modifications will have a likely significant effect on the protected interests of either the River Tay Special Area of Conservation (SAC) or the Methven Woods Site of Special Scientific Interest (SSSI). This is due to the modifications being confined to matters that will not affect the protected interests. Also, the quarry has been operational for a number of years without impacting upon either protected site.
- 129 The EIA Report has also been assessed by the Council’s Biodiversity Officer. Red squirrel dreys, potential badger’s setts and ancient woodland have been found in the adjacent woodland surrounding the site with the conclusion there will be no significant impact due to the location of the workings. There will be an impact on breeding birds using the field proposed for extraction but it has been demonstrated that this can be mitigated by the ongoing restoration of the site and the final restoration proposals.
- 130 The EIA Report is considered appropriate and complies with LDP Policy NE3 as there is no objection to the appraisal of effects provided the mitigation

specified in Chapter 7 of the EIA Report is adhered to (Condition 14). This includes:

- Root protection of the ancient woodland;
- Enhancement planting in restoration through new hedges and treelines;
- 10 summer roost and 10 hibernating roost bat boxes;
- Nesting bird surveys prior to works commencing and protection of any nests found;
- Nest boxes installed on suitable trees with a range of entrance hole sizes;
- Undisturbed sand martin nesting habitat.

### **Cultural Heritage including Archaeology**

- 131 The Cultural Heritage section of the EIA Report has been examined by both Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT). HES have confirmed their key interests are the potential effects on the A Listed Methven Castle and its Garden and Designed Landscape (GDL) and the Scheduled Monument known as Loanleven Enclosure (SM 8755).

#### Methven Castle Inventory GDL

- 132 HES have reviewed the assessment of effects of the proposed development on the Methven Castle GDL. It is noted that quarrying in this area of the GDL was identified at the time of its designation as a GDL on the Inventory. HES are content that the effects of the proposal will not increase the level of effect on the GDL.

#### Methven Castle (LB 17895) and other designated assets

- 133 HES are largely content with the assessments and conclusions provided in the EIA Report for Category A listed Methven Castle and the other nationally important designated historic environment assets in the surrounding area.

#### Scheduled Monument 8755 – Loanleven Enclosure

- 134 This scheduled monument comprises a large early Neolithic causewayed enclosure measuring 200 metres across, which is visible as a cropmark on aerial photographs.
- 135 In terms of direct effects, although the monument is located within the application boundary, paragraph 11.101 of the EIA Report states that no direct impacts are anticipated to the monument as it is excluded from the proposed extraction area.
- 136 HES does have concern that the EIA Report does not fully assess the potential for impacts deriving from the Scheduled Monument's proximity to proposed extraction and restoration area as Phase 4b shows the extraction would be undertaken directly adjacent to it. Mitigation is proposed further in this report.

- 137 The EIA Report does not consider the risk of direct impacts to the monument from inadvertent damage or from damage caused by slope slippage or erosion of extraction faces during the operation of the quarry. Without mitigation there is a risk of inadvertently extending extraction into the Scheduled Monument because of a lack of clarity about the extent of the scheduled area on the ground. There is also a risk of exposed steep extraction faces eroding into the monument during the operational lifetime of the quarry. Both such eventualities could cause damage to the nationally important Scheduled Monument.

#### Setting effects

- 138 HES do not agree with paragraph 11.114 of the EIA Report that there will be a negligible impact on the setting of this Scheduled Monument. The quarry extraction and restoration proposals will alter the topography around the monument leaving an artificially steep slope to the immediate east of the monument and we consider that this would have an effect greater than the negligible effect identified in the EIA Report. However, HES are content in this instance that the effects from the proposal will not increase the level of effect on the setting of the monument from that of the existing consent.

#### Mitigation

- 139 Given the potential for accidental damage to the Loanleven Scheduled Monument HES consider that mitigation is required to avoid these impacts. The risk could be mitigated by including a fenced buffer area around the monument of at least 20 metres. A buffer, such as this, may also mitigate the impacts from increased erosion of the scheduled area following restoration. PKHT are supportive of HES's proposed buffer and fencing to safeguard this monument from subsidence/damage.
- 140 Overall HES consider that the proposed variations to the conditions in the Section 42 application will not alter the consented scheme to such an extent that it would raise issues of national interest within their remit. There is the possibility of potential direct effects and setting impacts on Loanleven, Enclosure and strongly recommend consideration should be given to required measures to mitigate these impacts (Condition 34).

#### Archaeology

- 141 PKHT have reviewed the suggested mitigation for the future extraction area (EIA Report paragraph 11.14) and is content with the information provided. They confirm this covers the likely extent of archaeology on site and an adequate background for activity in this area.
- 142 Although the Loanleven Scheduled Monument area will be excluded from the Future Extraction Area and preserved in situ there is the possibility of outlying unknown archaeology adjacent to this. PKHT recommend that the agreed trenching scheme should focus on existing undesignated cropmarks and also the southern extent of site, closer in height level and adjacent with the oval enclosure.

- 143 The proposed mitigation at paragraph 11.77 is in line with PKHT's suggestion for up to 10% evaluation of the Future Extraction Area, and a further programme of archaeological works as required.

### **Prime Agricultural Land**

- 144 The land capability class for agriculture within the extraction area and the eastern part of the processing plant is 3.2, whilst the western part of the processing plant and access road is located within 3.1 (Prime Agricultural Land).
- 145 As no extraction will take place on prime agricultural land the proposal accords with LDP Policy ER5 – Prime Agricultural Land.

### **Site Restoration and Aftercare**

- 146 Paragraph 235 of SPP 2014 states that the planning system should secure the sustainable restoration of sites to beneficial after use after working has ceased. LDP Policy ER4B Restoration states that restoration, after use and aftercare proposals will require to be agreed in advance of operations. Operators are encouraged to consider after-uses that would add to the cultural, recreational and environmental assets of the area.
- 147 After excavation ceases, restoration will be completed in the shortest time practicable. The overall aim of the submitted restoration scheme is to reinstate the site back to agricultural use for the landowner. Appropriate financial bonds for restoration will be required.
- 148 Loanleven Quarry currently benefits from an approved restoration plan that will see the quarry progressively restored, returning the land back to agricultural use. A revised working and restoration scheme (Figures 2-3 to 2-9) has been submitted to replace the approved scheme. There is no change to the extraction limit, depth of working or restoration proposals. The revised scheme simply provides a clearer graphical illustration of the phasing and restoration of the quarry Condition 14)
- 149 The principle of restoration of the site to return the site to agriculture after mineral extraction has been previously approved. The new scheme provides greater detail of how the restoration will be implemented, and a better graphical illustration of its phasing. As a result, the proposed restoration is considered to comply with LDP Policy ER4B – Restoration.

### **Waste**

- 150 SEPA are satisfied with the submitted Waste Management Plan (dated November 2018) which states that all wastes generated are to be reused on site during restoration. The risk to surface and ground water is minimised as any water on site will be recirculated between the two on site lagoons.



### **Developer Contributions**

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

### **Economic Impact**

- 152 There will be a positive economic impact associated with the extraction of minerals supplying development projects in the region and continued employment for staff at the quarry.

### **Other Conditions**

- 153 The Section 42 planning application seeks to amend planning conditions 2, 3, 17 & 28 in order to achieve the proposal set out and reflect current circumstances. Circular 3/2013 states that where it is considered that permission should be granted subject to different conditions or no conditions, a new permission should be granted and all conditions attached.
- 154 There are, however, other conditions attached to the original permission 98/00710/FUL and P/PPA/340/134 which require to be updated to reflect current circumstances and best practice.

### **LEGAL AGREEMENTS**

- 155 It is anticipated that a Section 75 will be required in order to adequately secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the development and beyond.

### **DIRECTION BY SCOTTISH MINISTERS**

- 156 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**

- 157 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.
- 158 With a number of major developments within the region underway or close to starting there is increased demand for minerals to meet the demands and having a local supply is reasonably sustainable with less journey time by HGVs. Following the end of the consent the site will be required to be restored back to agricultural land and returned to the landowner.

- 159 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 sand and gravel extraction shall be completed by the 24<sup>th</sup> August 2034.

Reason: In accordance with the terms of the application and in order for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

- 3 The development, including the extraction of sand and gravel, the construction and seeding of bunds, and the subsequent restoration to agriculture shall be implemented in accordance with the scheme of phasing shown on drawings Figures 2-1 to 2-9 of the EIA Report by CEMEX Ltd. dated November 2018.

Reason: In the interests of visual and residential amenity.

- 4 No more than one phase or sub-phase shall be worked at any one time.

Reason: In the interests of visual and residential amenity.

- 5 The areas already worked shall be restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction has ceased.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 6 Land awaiting extraction shall remain in agricultural use at least six months before it is required for extraction.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 7 The conveyor shall be maintained in accordance with drawing titled Proposed Layout of Conveyor (Appendix 2-2 of EIA Report) and shall thereafter be decommissioned during the final restoration phase of the development.

Reason: In the interests of residential amenity.

- 8 The conveyor shall be used for all excavated material leaving the site for processing or any other purpose and none shall leave by road.

Reason: In the interests of residential amenity.

- 9 The hours of operation shall be restricted to between 0700 hours and 1800 hours Monday to Friday; 0800 hours and 1300 hours on Saturdays, with no working permitted on Sundays.

Reason: In the interests of residential amenity.

- 10 Top-soil and sub-soil stripping and subsequent re-spreading shall be undertaken in accordance with a specification to be agreed with the Scottish Government and to the satisfaction of the Planning Authority.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 11 The site shall be adequately drained at all times so as to prevent flooding or water seepage to adjacent agricultural land. No effluent shall be discharged to any adjacent watercourse.

Reason: In order to protect watercourses and water quality.

- 12 The surface water level of Methven Loch shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 13 Other than material awaiting transfer by conveyor, no stockpiling of sand and gravel shall take place within the extraction site. In the event of a breakdown of the conveyor, no more than two days of stockpiling shall take place. On resumption of the conveyor, the stockpile shall be removed.

Reason: In the interests of visual amenity and landscape quality.

- 14 Mitigation measures submitted as part of the EIA Report by CEMEX Ltd. dated November 2018 shall be incorporated into subsequent applications for the approval of matters specified in conditions attached to this consent and thereafter fully implemented.

Reason: To ensure environmental impacts are satisfactorily mitigated.

- 15 Within two months of this consent, updated details of all temporary buildings erected on site shall be submitted to and approved in writing by the Planning Authority.

Reason: In the interests of residential and visual amenity.

- 16 There shall be no artificial lighting in the extraction areas with the exception of vehicle headlights and internal lighting within temporary buildings.

Reason: In the interests of residential amenity.

- 17 A record of the quantity of materials leaving the plant site shall be submitted annually to the Planning Authority. For the avoidance of doubt the rate of extraction shall not exceed 200,000 tonnes per annum.

Reason: In order for the Planning Authority to maintain control and in the interests of visual and residential amenity.

- 18 With two months of the date of this permission an updated plan of the proposed restoration profiles compared to the maximum groundwater level shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. For the avoidance of doubt all excavations shall be above the maximum groundwater level.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 19 The groundwater levels shall be monitored at monthly intervals and results shall be submitted to Scottish Environment Protection Agency and the Planning Authority on a quarterly basis. This monitoring shall continue to be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 20 On completion of excavation work, all processing plant and buildings shall be removed and the land restored to agriculture as soon as practicable thereafter and no later than twelve months after extraction on the site has ceased.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 21 The approved restoration and aftercare scheme, contained within Appendix 2-3 of the EIA Report by CEMEX Ltd. dated November 2018, shall be implemented to the satisfaction of the Planning Authority no later than twelve months after extraction on the site has ceased on 24 August 2034.

Reason: In the interests of visual amenity, landscape quality and ecological interest and diversity.

- 22 The approved excavation area shall be adequately secured at all times to prevent access by the public.

Reason: In the interests of public safety.

- 23 Within six months of the date of this permission, a Water Monitoring and Management Plan shall be submitted for the written approval of the Planning Authority in consultation with Scottish Environment Protection Agency. The agreed actions shall be implemented throughout the duration of the permitted works.

Reason: In order to protect watercourses and water quality in accordance with the advice of SEPA.

- 24 Within two months of this permission, a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment & machinery, number of vehicle movements, times of any deliveries to and from the site etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

- 25 In the event of a justified noise complaint being received by the Council the operator shall, at the request of the planning authority, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 28 of planning consent P/PPA/340/134. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with the noise conditions a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason: In the interests of residential amenity.

- 26 Within two months of this permission, a Dust Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include measures to minimise dust from quarry operations and detail how dust from the process will be adequately controlled to kept fugitive emissions to a minimum. The plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Dust Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

Reason: In the interests of residential amenity.

- 27 In the event of a justified dust complaint being received by the Council the operator shall at the request of the Planning Authority arrange for dust assessment and monitoring to be carried out by a competent person. The

methodology for the assessment shall be agreed in writing with the planning authority prior to it being undertaken. The assessment shall detail any necessary steps and measures that will be put in place to reduce dust to an acceptable level.

Reason: In the interests of residential amenity.

- 28 Except for temporary operations, the free-field equivalent continuous noise level LAeq,T at any noise sensitive premises due to operations in the site shall not exceed the LAeq, 1 hour criterion levels tabulated as follows (measurements so taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects):-

| <u>Location</u>            | <u>Criterion LAeq</u> |
|----------------------------|-----------------------|
| Lochend Cottage            | 48                    |
| 37 Admiralty Wood          | 50                    |
| 2 Lochty Park              | 55                    |
| Wildwood (rear garden)     | 51                    |
| Loanleven Farm             | 48                    |
| Easter Powside             | 48                    |
| Dwellings at Quarry Access | 54                    |

Reason: In the interests of residential amenity.

- 29 For temporary operations including site preparation, soil and overburden stripping, bund formation and removal, and restoration, the noise level at the nearest point to the noise sensitive properties shall not exceed 70Laeq expressed in the same manner as Condition 28. Temporary operations shall not exceed a total of six weeks per annum for work within 200 metres of the noise sensitive properties mentioned at Condition 28.

Reason: In the interests of residential amenity.

- 30 Audible vehicle reversing alarms shall be operated on the method that they only emit the warning if necessary, e.g. on an infrared signal which detects persons to the rear of the vehicle.

Reason: In the interests of residential amenity.

- 31 The detailed landscaping and replanting scheme which is hereby approved shall be implemented as part of the site restoration programme and thereafter maintained.

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

- 32 Concurrent with development on site, all trees on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in

Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

- 33 Within two months of this permission detailed specification of the 2 metre high bund/barrier to the western boundary of the site shall be submitted for the written approval of the Planning Authority. This shall demonstrate that resultant noise levels at Loanleven Farmhouse and Loanleven Farm Cottage will comply with Condition 28 of planning consent P/PPA/340/134. Once approved, the bund/barrier will be installed prior to the development commencing on Phase 1C.

Reason: In the interests of residential amenity.

- 34 Prior to the commencement of the development of Phase 4A, protective fencing shall be erected a minimum of 20 metres around LoanLeven Enclosure Scheduled Monument (SM8755) in a manner to be agreed in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust. No works shall take place within the area inside the fencing.

Reason: To protect known archaeology and Scheduled Monuments in area.

- 35 The developer shall afford access at all reasonable times to any archaeological organisation acceptable to the Council as Planning Authority and shall allow them to observe work in progress and record items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

Reason: To protect known archaeology in the area.

- 36 Within two months of this permission, the width of the access shall be at least 7.3 metres wide for a distance of 25 metres measured back from the nearside of the Trunk Road.

Reason: To ensure that the access is wide enough to allow vehicles to enter and exit the access at the same time without conflict.

## **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**

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with required site decommissioning, restoration and aftercare over the lifetime of the

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

## **D    INFORMATIVES**

- 1    This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2    Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3    This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 4    As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 5    The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 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 Boreholes that have no further use should be appropriately decommissioned please refer to SEPAs [guidance](#) on this.
- 8 According to records, the development proposals impact on existing Scottish Water. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk).
- 9 A Section 75 legal agreement will be required to deal with the financial bond for decommissioning, restoration and aftercare following cessation of extraction.

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

- 1 The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
- 2 The application submitted and EIA Report dated November 2018. The public had opportunity to participate in the decision making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection in Part 1 of our register at our offices.
- 3 The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated in to the proposal. The significant effects on the environment were identified to be:
  - Methven Woods Site of Special Scientific Interest (SSSI);
  - River Tay Special Area of Conservation (SAC)
  - Archaeology including Scheduled Monument of Loanleven Enclosure;
  - A Listed Methven Castle Garden and Designed Landscape;
  - Air Quality including Dust
  - Noise
- 4 The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
- 5 The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultations bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Protection of Methven Woods SSSI
- Protection of River Tay SAC
- Protection of Loanleven Enclosure Scheduled Monument
- Protection of A Listed Methven Castle and its GDL
- Air Quality Mitigation
- Dust Management Plan
- Noise Management Plan

- 6 In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 10, 12, 14, 18, 19, 21, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34 and 35, as set out herein, the proposal is acceptable and can be approved.

Background Papers: 1 letter of representation  
 Contact Officer: Steve Callan 01738 475337  
 Date: 18 July 2019

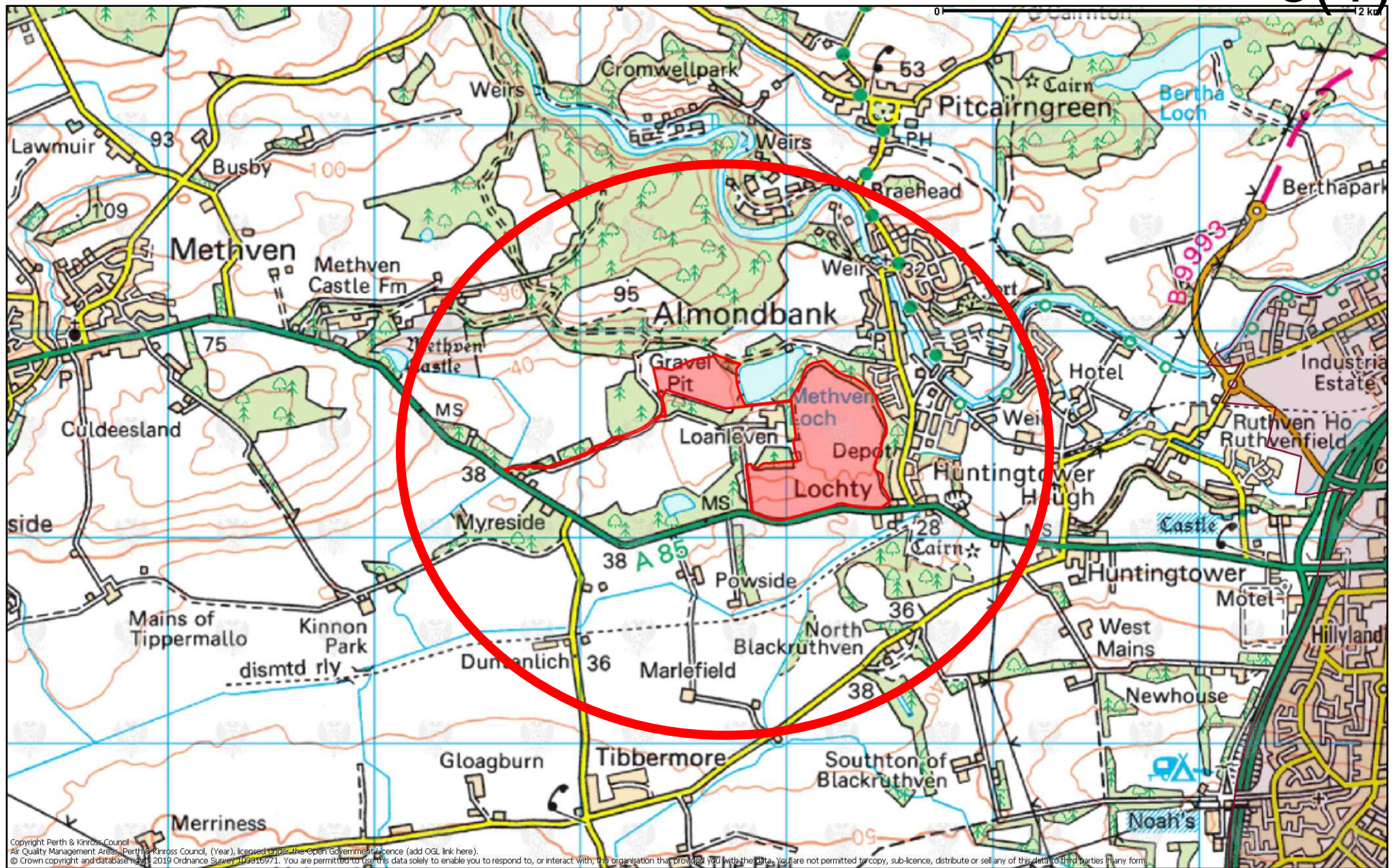
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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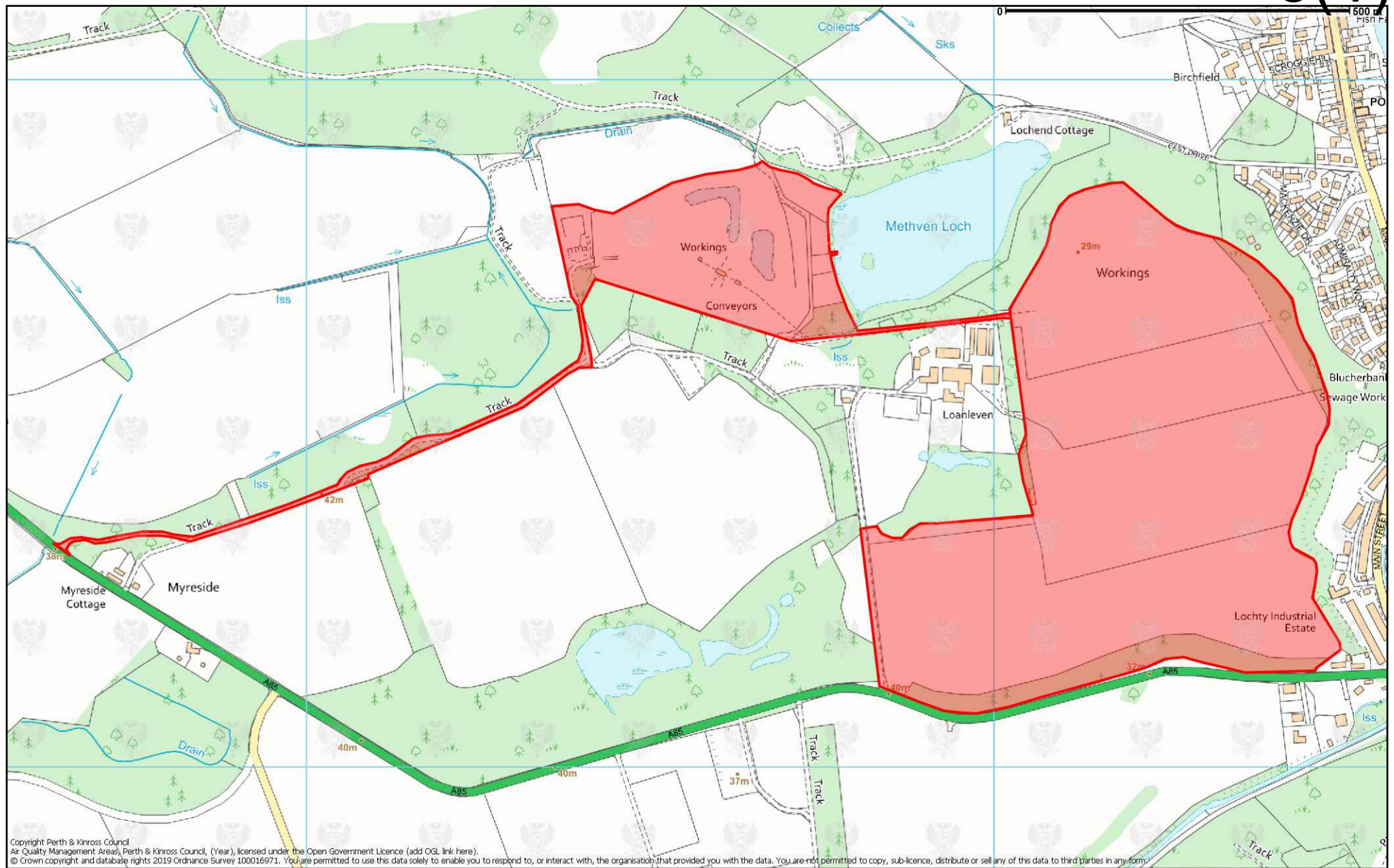
18/02123/MWM

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify conditions 2 (expiry), 3 (phasing), 17 (extraction rate) and 28 (noise) of planning permission 98/00710/FUL (Winning and working of minerals) at Loanleven Quarry, Almondbank, Perth









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18/02123/MWM

Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify conditions 2 (expiry), 3 (phasing), 17 (extraction rate) and 28 (noise) of planning permission 98/00710/FUL (Winning and working of minerals) at Loanleven Quarry, Almondbank, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/209)

**PROPOSAL:** Alterations to vehicular access (revised design)

**LOCATION:** Land north of Hall Road, Guildtown

Ref. No: [18/00859/FLL](#)

Ward No: P2 - Strathmore

### **Summary**

This report recommends approval of a detailed planning application for alterations to an approved vehicular access which is to serve a residential development on the eastern edge of Guildtown as the proposed variation is considered minor, and complies 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 planning application seeks permission for a variation in design of a consented new road, which will serve a new residential development on the eastern edge of the village of Guildtown. Detailed planning permission exists for a large residential development (08/01456/FLM), and that permission is currently 'live' by virtue of a material operation taking place within the prescribed timescales.
- 2 The 2008 approval granted detailed permission for a new two lane road to be formed from the adopted edge of Hall Road into the main part of the residential site. Hall Road is adopted by the Council to the point of its frontage with the community hall. From that point eastwards, the remainder of the surfaced area is private. The proposed new road will upgrade the private road and also take in an area of the approved residential site to the east.
- 3 To the north and south of the adopted section of Hall Road are existing residential properties, with three further dwellinghouses located off the private section. The Cambusmichael Burns runs along the rest of the southern boundary, with fields beyond.
- 4 The proposed reduction in width extends to approximately a 61m stretch of the road, reducing from the approved 5m to 3.7m. A 1.8m footpath will be provided to the north alongside the existing residential frontages. To the south, a 1m grass verge is proposed between the road and the existing burn.
- 5 At either end of the 61m stretch, the new road will taper in/out steadily to a wider width of 5m at the western end with Hall Road, and to 5.5m at the eastern

end when the road will then continue into the main body of the approved development.

- 6 The proposal has been brought forward to address technical issues with constructing the approved 5m wide road in close proximity to the river bank of the adjacent burn.
- 7 Within the boundary of the application site, a previously consented pumping station is shown as well as a small electricity sub-station. The applicant has indicated that the sub-station will be undertaken by a statutory undertaker and therefore, whilst shown on the plans, would not require the benefit of formal planning permission and is shown only for information purposes. The same applies to the pumping station.

## **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:
  - Placemaking: paragraphs 36 – 57



## **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 75 Planning for Transport

## **National Roads Development Guide 2014**

- 13 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**

- 14 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**

- 15 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.”*

- 16 There are no specific sections of the TAYPlan which are directly relevant to this proposal.

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

- 17 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.

- 18 The site is located within the settlement boundary of Guildtown. To this end, the following policies are applicable to this proposal,

## **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 RD1 – Residential Areas**

- 21 In identified areas, residential amenity will be protected and, where possible, improved.

#### **Policy TA1B: New Development Proposals**

- 22 All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to car.

#### **Proposed Perth and Kinross Local Development Plan 2**

- 23 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

#### **SITE HISTORY**

- 24 [08/01456/FLM](#) Erection of 64 dwellinghouses with associated infrastructure Application Approved at Development Management Committee – Decision issued 2 February 2011.

#### **CONSULTATIONS**

- 25 As part of the assessment of the planning application, the following bodies were consulted:

## **EXTERNAL**

### **SEPA**

- 26 No objection to the proposal in terms of flood risk or potential loss of flood storage on the basis that ground levels upstream will provide for suitable compensatory storage.

## **INTERNAL**

### **Transport Planning**

- 27 No objection to the proposal in terms of all road related matters.

### **Structures & Flooding**

- 28 No objection to the proposal in terms of flooding matters.

## **REPRESENTATIONS**

- 29 12 letters of representations have been received, from 7 separate households all of which objecting to the proposal. The main issues raised within the letters of objection are:

- Impact on residential amenity
- Increase traffic movements
- Pollution
- Loss of car parking

These issues are discussed in detail in the main appraisal section below.

- 30 In addition to the 12 letters of representations, Guildtown Community Association (GCA) have made a representation. They have confirmed that GCA actively participated in the community consultations with the developer in 2008, prior to the initial planning application being submitted and consequently approved for the wider development and that they remain generally supportive of a new residential development to the east of Guildtown, and recognise that with a declining pupil role in the primary school that additional housing will be crucial to support the long term viability of the school.
- 31 In terms of this specific proposal they have stated that they are supportive of this change and see it as a positive mechanism to possibly dissuade drivers from speeding along the (extended) Hall Road - in particular in front of the community hall, which GCA own and run on behalf of the village.
- 32 GCA also made comments in relation to construction of the wider development in relation to the clarification of the temporary access arrangements during the construction phase to ensure that the impact of construction traffic on existing residents is minimised as much as possible during the construction phase.

- 33 The issues raised by GCA are also discussed in the main appraisal section below.

### **ADDITIONAL STATEMENTS**

|                                                |              |
|------------------------------------------------|--------------|
| 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          | None         |

### **APPRAISAL**

- 34 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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 terms of the extant consent and the minor variation between that and what is currently proposed.

#### **Principle**

- 35 The proposed development relates to a change in specification for a road that will serve an approved residential development. The principle of a road at this location is therefore established. The key considerations are whether the width of the new road is acceptable in terms of road and pedestrian safety, and whether the changes are acceptable in terms of the impact on visual and residential amenity.

#### **Roads Safety**

- 36 Within the letters of representations, the principal concerns relate to the appropriateness of the width of the road. The proposal has been reviewed by the Transport Planning Team, and is considered acceptable and in line with the principles contained within the National Roads Development Guide and Policy TA1B of the LDP. Both seek to ensure (amongst other things) that new developments are served by safe and accessible accesses which are suitable for the level of traffic expected, refuse vehicles, emergency vehicles and other HGVs.
- 37 The initial 2008 permission was approved with only one vehicular access, with a second possible vehicular access to the north via Northfield Road indicatively shown, but not part of the permission. At the time, it was envisaged that Hall

Road was to be the sole means of accessing the site and therefore a two lane road was required.

- 38 The applicant has since secured a second vehicular access into the residential development via Northfield Road, and detailed planning permission for that access as well as a revised layout has been approved by the Council (18/01034/FLL). The securing of a second vehicular access at the opposite end of the development is considered to be a significant justification for accepting a reduction in width of a section of the extended Hall Road. Upon completion, residents' and visitors traffic movements will be split between the two access points and traffic thereafter dispersed onto other local roads.
- 39 The applicant has indicated that the northern section of the wider development will be advanced first, with a connection on to Northfield Road the means of accessing the northern part of the site. Development would then progress south, with Hall Road eventually being opened up. Whilst this planning application only relates to a change to the specification of the extended Hall Road, I see it reasonable to attach a condition to this permission restricting the timing of the use of Hall Road, until such time as the northern access route is open, bearing in mind that part of the justification for supporting the change in width is the presence of the second vehicular access. This was also suggested by GCA as being appropriate.
- 40 As with many sections of narrow roads, upon completion a localised traffic flow priority system will be introduced for the reduced width stretch of road with vehicles traveling east having priority. Eastwards priority will reduce the potential for vehicles to be idling outside existing properties (on Hall Road), and will take into account the better visibility of approaching vehicles when traveling west once they are approaching the priority area. The applicant has agreed to this approach, and a condition will clarify the location of appropriate signage and associated road markings (Condition 2).
- 41 A traffic flow priority arrangement will also act as a speed calming measure, which the extant permission did not include. As the extended Hall Road will comprise a straight length of road of circa 230m, the need for vehicles to slow down and navigate a short traffic flow priority area is a welcome addition to the development and this view is shared by GCA in their comments.
- 42 In terms of parking provision, the three properties that are accessed via the existing private access currently have limited provision. I understand that the private road is currently used by some residents for additional parking provision. The proposed new road will no longer allow parking on the existing surfaced area or grassed area to the frontage of the dwellings. However, all three directly affected properties do have some off-street parking within their own curtilages, and new dropped kerbing to allow vehicular access to each is proposed. I accept that the informal areas to the front of the dwellings may be more convenient and easier to use for the residents than their own spaces, but the withdrawal of the use of private land for their own parking needs is not a matter for planning to resolve. The other property to the south has sufficient off street parking provision within their curtilages.

- 43 In terms of bus provision, and the impact that the narrow stretch of road may have on potential bus routes entering the development, it will be a matter for the operator of a potential bus service to consider this further upon completion of the development. However, there are existing bus stops on Main Road and the majority of the proposed dwellings associated with the wider residential development will be within 400m of the existing stops. This distance is recommended in Policy TA1 of LDP as an acceptable distance for people to walk to a bus stop.
- 44 Based on the above, I consider the proposed narrowing of part of the Hall Road extension to be acceptable and in line with the principles of the National Roads Development Guide and also Policy TA1 of the LDP.

### **Temporary Construction Access**

- 45 Within the GCA letter of representation, a general comment concerning the control of the means of temporary construction access was made. As this application is part of a wider development, I see it reasonable to condition the submission of a construction traffic management plan for the further consideration of my colleagues in the Transport Planning Team. I understand that the intended build programme is north to south, which would negate the need to use Hall Road as a construction haul road. It would also be impractical if construction is occurring to the north. However, the further submission of such information would be beneficial to manage potential amenity impacts (Condition 3).

### **Visual Amenity**

- 46 Permission already exists for a new road in this location. The change in width of the road will therefore not have any additional visual impact from what already benefits from detailed planning permission and could be built out. I therefore consider the proposal consistent with Policy PM1A of the LDP as there will be little additional impact on the local environment.

### **Residential Amenity**

- 47 The proposed narrowing of the previously consented road (in part) will have little additional direct impact on the residential amenity enjoyed by existing residents along Hall Road in terms of noise, overlooking or loss of privacy issues. It is noted within some of the letters of representation concerns regarding pollution and noises from idling vehicles.
- 48 The proposed traffic flow priority system will mean that vehicles will primarily be waiting away from the residential properties at the eastern end of the narrow section of road. This will assist in reducing noise and air pollution nuisance occurring to the existing residents of Hall Road. I therefore consider the proposal in accordance with Policy RD1 of the LDP as existing residential amenity will not be adversely affected by the proposal.

## **Drainage and Flooding**

- 49 In terms of drainage and flooding matters I have no concerns.
- 50 SEPA had initially raised an objection to the proposal on the grounds that part of the new road would be located within an area which would be subject to flood risk. However, after taking into account the terms of the 2008 permission and what could be built out under the terms of the extant planning permission, and consideration of the final ground levels adjacent to the burn up stream, they have confirmed that there would be no loss of flood storage arising from the wider development and have withdrawn their objection.

## **Impact on Trees/Hedges**

- 51 Some small trees/hedges will be removed as part of the development. However their removal has already been agreed as part of the extant permission, and their removal would not have an adverse impact on the character or amenity of the area.

## **Biodiversity**

- 52 There are no known protected species in the area. Whilst the proposed new road is close to the Cambusmichael Burn, the burn is unlikely to be suitable for otters due to the lack of a regular food source. In terms of the removal of the small trees and bushes, a standard informative note will be attached to the permission to alert the applicant to their responsibilities in terms of nesting birds.

## **Water Pollution**

- 53 To ensure that the potential for a pollution incident to occur to the burn is minimised, a construction management plan will be required to be submitted prior to development commencement (Condition 5).

## **Core Path**

- 54 There is a core path which runs along Hall Road, into the land to the east. A standard condition will be attached to the permission to ensure that disruption to this route during construction is kept to a minimum (Condition 4).

## **Developer Contributions**

- 55 Due to the nature of the proposed development, there is no requirement for any Developer Contributions.

## **Economic Impact**

- 56 The proposal in isolation would have limited impact on the local economy of the area. The wider residential development which the proposed road will serve,

will however have a positive impact on the local economy and assist the local school primary roll.

## **LEGAL AGREEMENTS**

- 57 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 58 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**

- 59 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.

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

### **RECOMMENDATION**

#### **A Approve the planning application, subject to the following 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 road being brought into use, details of a traffic flow priority system shall be submitted for the further written agreement of the Council as Planning Authority. The approved details shall after be implemented in full at all times.

Reason: In the interest of road and pedestrian safety.

- 3 Prior to any further development commencement occurring in relation to the wider development, details of the proposed construction traffic routes and the timing of the use of Hall Road for both construction purposes and residents shall be submitted for the further written agreement of the Council as Planning Authority. The details must not include the public use of Hall Road in advance of the connection with Northfield Road being available for use. The details approved shall be adhered to in full.

Reason; In the interest of road and pedestrian safety.



- 4 Core path BURR/138 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions of the core path (including signage) shall be submitted for the further written agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason - In order to ensure that public access is maintained at all times

- 5 Prior to the commencement of the development a construction management plan shall be submitted for the further written agreement of the Council as Planning Authority. The plan must include details to ensure that the potential for pollution to occur to the adjacent watercourse is minimised and controlled. The approved plan shall thereafter be implemented in full.

Reason – In order to ensure that the adjacent water course is not adversely affected by the development proposed.

## **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 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.
- 5 Prior to the development commencing, the applicant must contact SEPA in relation to the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended).

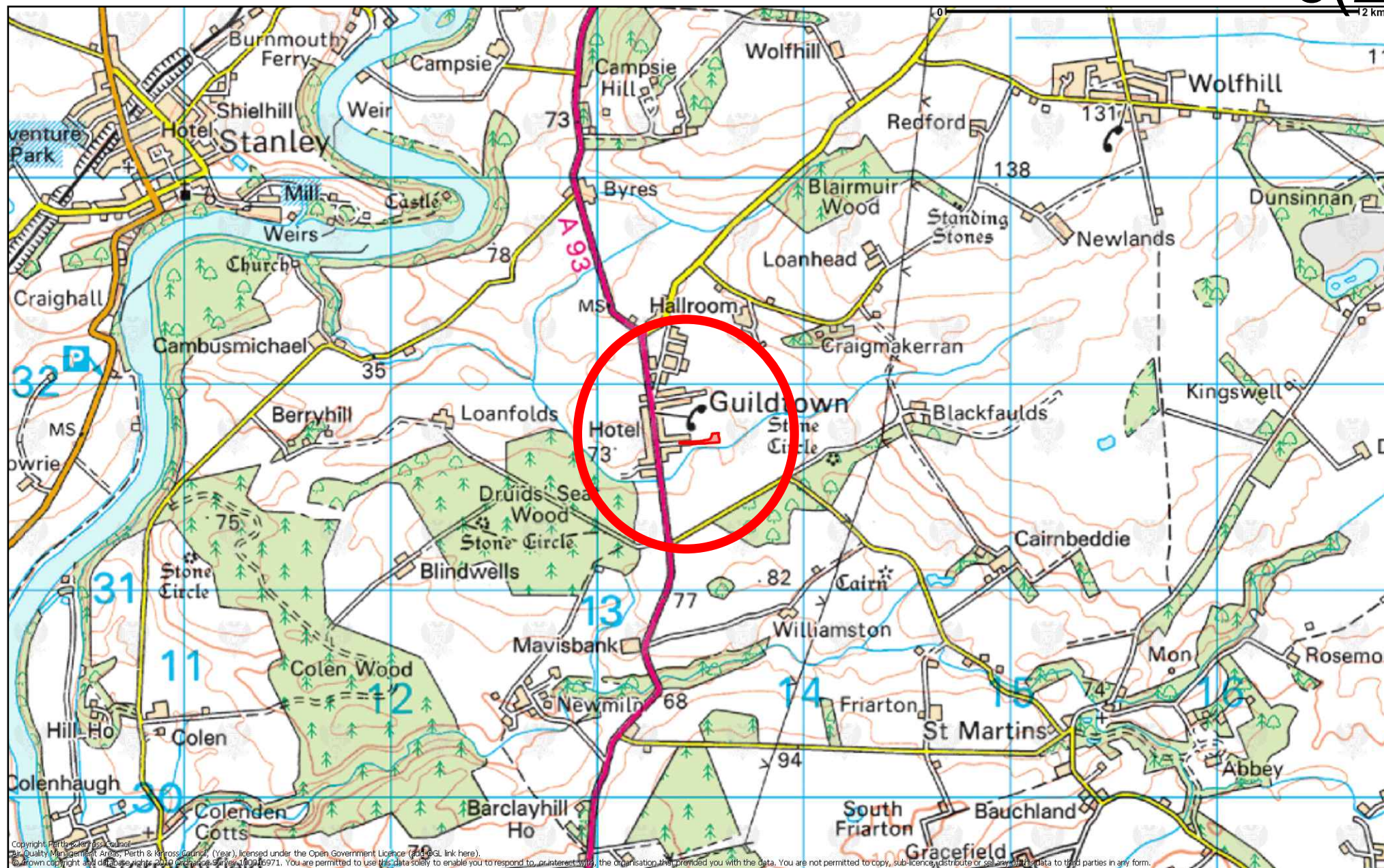
Background Papers: 27 letters of representation  
Contact Officer: Andy Baxter 01738 475339  
Date: 18 July 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

|                                                                                                                                                                                                                                                             |
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Scale 1:25000



18/00859/FLL

Alterations to vehicular access (revised design) site north of Hall Road, Guildtown









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Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/210)

**PROPOSAL:** Alterations and extension to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of an access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works

**LOCATION:** Branston Ltd, Back Dykes, Abernethy, Perth, PH2 9RR

Ref. No: [18/01016/FLL](#)

Ward No: P9 - Almond and Earn

### **Summary**

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

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning permission is sought for a number of changes and extensions to the operational buildings at Branston Ltd, a potato production, growing, collection, grading, washing and distribution company located on Back Dykes, Abernethy. The proposals seek to develop the existing buildings on the operational site and also extend the site to the east onto existing greenfield and brownfield land which is within the applicant's ownership. The existing site forms part of a designated Employment Site in the Perth and Kinross Local Development Plan 2014. The extended area to the east is designated as part of a Mixed Use site (MU8) along with the adjacent field to the east. Members will recall that an application for the erection of 39 houses on part of this mixed use site was approved at the Planning & Development Management Committee on 8 May 2019 and planning permission will be issued following the signing of a Section 75 Agreement (ref: [17/02190/FLL](#)).
- 2 Branston Ltd is an established, privately owned British company who specialise in potato production, growing, collection, washing, packaging and distribution for a number of retail, wholesale and food manufacturing customers. The company operates from three operational bases through the UK, one of which is the Abernethy site. The site at Abernethy is identified in the submission as being a key and strategically important site and the only Branston site in Scotland. It is accessible to the important potato growing areas of Perthshire, Fife, Angus and Aberdeenshire given its proximity to the M90 motorway. Potatoes are currently received at the buildings and stored temporarily before

movement through the washing, grading and packaging process prior to distribution. Storage on site is normally up to 3 weeks.

- 3 The depot currently operates 7 days per week, 363 days per year and produces 66000 sales tonnes. There are 120 personnel employed on the site who operate a two shift production system. The submission indicates that the number of staff is not proposed to increase as the increase in output is being delivered through efficiency and process.
- 4 The submission indicates that the proposal seeks to upgrade the crop conditioning facilities and increase the annual throughput to 80000 tonnes. It is also proposed to provide improved vehicular access, improved traffic safety within the site and improve product handling capacity and on site storage whilst enhancing facilities for staff.
- 5 The existing site is well screened from the public realm and adjacent housing by existing landscaping in the form of tall leylandii hedging which occupies the land between the houses to the south and the main depot and associated car parking and hardstanding areas. Most of this landscaping is proposed to be removed to accommodate the new development. The development is proposed to extend the existing operation into an adjacent greenfield site to the east and south east of the site and also into an area of brownfield land which was previously occupied by a now demolished petrol filling station.
- 6 The proposals involve:
  - Re-opening an existing vehicular access into the site at the eastern edge of the site onto the public road
  - Construction of a new service road
  - Construction of a larger improved staff vehicle parking area
  - Erection of a long term potato cold store
  - Enlargement of the existing service yard
  - Extensions to the existing buildings (intake area, packaging area equipment store and office)
  - Erection of acoustic bunds and fencing on site boundaries
  - Additional landscaping

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

- 7 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.
- 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. 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.

- 9 A screening exercise was undertaken which concluded that an EIA Report was not required. A copy of the screening exercise can be found on the Council's planning portal under reference 17/01940/SCRN.

## **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
  - Promoting Rural Development: paragraphs 74-83
  - Supporting Business and Employment: paragraphs 92-108
  - Valuing the Historic Environment : paragraphs 135-151
  - Managing Flood Risk and Drainage : paragraphs 254-268
  - Promoting Sustainable Transport and Active Travel : paragraphs 269-291

## **Planning Advice Notes**

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

- PAN 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

## **Creating Places 2013**

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

## **National Roads Development Guide 2014**

- 16 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.
- 17 **BS4142:2014** (Methods for Rating and Assessing Industrial Noise).
- 18 **BS8233:2014** Guidelines on Sound Insulation and Noise Reduction for Buildings
- 19 **World Health Organisation (WHO) Community Guidelines – 1999**, WHO Night Noise Guidelines for Europe – 2009

## **DEVELOPMENT PLAN**

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

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

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

*“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of*

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

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

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

- 23 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.
- 24 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 25 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

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

- 26 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.
- 27 The extended area to the east is designated as part of a Mixed Use site (MU8) along with the adjacent field to the east.
- 28 The principal relevant policies are, in summary;

### **Policy PM1A - Placemaking**

- 29 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**

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

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

- 31 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**

- 32 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 ED1A - Employment and Mixed Use Areas**

- 33 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

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

- 34 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**

- 35 Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of 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.

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

- 36 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**

- 37 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**

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

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

- 39 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**

- 40 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**

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

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

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

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

- 43 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.

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

- 44 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended

modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 45 89/01531/FUL Erection of Potato Grading Building Decision Issued 15 November 1989 Application Approved - Delegated Powers
- 46 89/02175/FUL Change of Use of Potato Store to Offices/Toilets Decision Issued 15 February 1990 Application Approved- Delegated Powers
- 47 93/00559/FUL Erection of a storage shed Decision Issued 22 June 1993 Application Approved-Delegated Powers
- 48 00/00972/FUL Extension to storage shed at Decision Issued 7 August 2000 Application Approved – Development Control Committee
- 49 01/01447/FUL Change of use of land from agricultural to non-hazardous storage (potato boxes)Class 7B and associated landscaping – Decision Issued December 2001 – Application Approved - Development Control Committee
- 50 [06/00335/FUL](#) Construction of 2 loadhouses with below ground access ramp and the erection of a smoking shelter Decision Issued 29 May 2006 Application Approved -Delegated Powers
- 51 [06/01261/FUL](#) Erection of 2 storey extension to existing factory building to accommodate welfare facilities (toilets, lockers, canteen and meeting room) Decision Issued 29 August 2006 Application Approved
- 52 [08/00933/FUL](#) Relocation of effluent treatment plant Decision Issued 22 July 2008 Application Approved-Delegated Powers
- 53 [17/01940/SCRN](#) Screening Opinion for EIA – EIA Not Required Decision Issued 8 November 2017
- 54 [18/00203/FLL](#) Alterations and installation of a ramp Decision Issued 5 March 2018 Application Approved-Delegated Powers
- 55 [18/02279/FLL](#) Erection of replacement cold store and alterations to workshop building Decision Issued 5 March 2019 Application Approved-Delegated Powers

- 56 [19/00510/FLL](#) Erection of replacement cold store and alterations to workshop building Decision Issued 5 March 2019 Application Approved-Delegated Powers

## **CONSULTATIONS**

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

### **External**

#### **Network Rail**

- 58 No objection.

### **Internal**

#### **Perth And Kinross Heritage Trust**

- 59 No objection subject to condition requiring an archaeological investigation to be undertaken.

#### **Development Negotiations Officer**

- 60 No contribution required as proposal is exempt from contributing towards transportation infrastructure costs given the majority of the built development takes place on brownfield land.

### **Transport Planning**

- 61 No objection to proposed increase in traffic levels subject to conditions relating to access design and provision of footway.

### **Structures And Flooding**

- 62 Following the submission of additional information, an initial objection was withdrawn subject to conditions requiring agreement on the detailed design of the Sustainable Urban Drainage (SUDS) system and a condition relating to the location of a culverted watercourse on site.

### **Environmental Health (Noise Odour)**

- 63 Following the submission of an updated Noise Impact Assessment (NIA) and a Noise Management Plan (NMP) the initial objection was withdrawn as it is now considered that the site can operate without detriment to the amenity of nearby residents. This is all subject to a series of conditions relating to the provision of physical mitigation in the form of acoustic barriers and operational controls on the site. Conditions are also recommended to specify the required noise levels on site.

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

- 64 No objection subject to condition requiring a contaminated land assessment and associated remedial measures to be undertaken.

### **Environmental Health (Private Water)**

- 65 No objection subject to informative regarding protecting of existing infrastructure.

### **REPRESENTATIONS**

- 66 A total of 15 letters of representation have been received. The following points were raised in the representations received:

- Impact on visual amenity
- Loss of existing landscaping/trees and hedging
- Impact on residential amenity/noise
- Oppressive nature and visual impact of acoustic barrier
- Light pollution
- Road Safety
- HGV/traffic generation and management
- Drainage
- Flood Risk
- Impact on culvert
- Impact on bio diversity/ecology
- Impact on primary school
- Overdevelopment
- Impact on Conservation Area
- Vibration
- Lack of increased employment
- Air quality
- Fire risk
- Loss of value to property
- Stress/health implications

- 67 A second neighbour notification procedure was undertaken following the submission of an updated Noise Impact Assessment and amended drawings. Five further letters of representation were received, four of which had commented during the first neighbour notification period and one new letter. No new issues were raised in these letters but the concerns expressed in the initial neighbour notification period were repeated.

- 68 These issues are addressed in the Appraisal section of the report other than fire risk, health and loss of value of property which are not material planning considerations.



## ADDITIONAL STATEMENTS

|                                                |                                                                                                                                                               |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement                          | Not Required                                                                                                                                                  |
| Screening Opinion                              | Undertaken<br>(ref:17/01940/SCRN)                                                                                                                             |
| Environmental Impact Assessment                | Not Required                                                                                                                                                  |
| Appropriate Assessment                         | Not Required                                                                                                                                                  |
| Design Statement / Design and Access Statement | Submitted                                                                                                                                                     |
| Reports on Impact or Potential Impact          | Noise Impact Assessment, Transport Statement, Flood Risk Assessment, Drainage Strategy, Ecological Appraisal, Contaminated Land Report, Noise Management Plan |

## APPRAISAL

- 69 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 the Developer Contributions and Affordable Housing Supplementary Guidance, together with relevant guidance and standards relating to the assessment of noise.

### Principle

- 70 In terms of the principle of development on this site the principal policy is ED1A as part the application site is zoned for employment uses. This states that areas identified for employment uses should be retained for such uses and includes a number of criteria which require to be considered. These include, protecting the amenity of nearby residents, the local road network being suitable for the traffic generated by the proposal, provision of good walking and cycling facilities and ensuring the protection of European designated sites, amongst others.
- 71 The eastern side of the site where the current operations are proposed to extend into, where the new long term cold store and second access/egress into the site is proposed is zoned within the LDP as part of a wider mixed use site (MU8). This site is allocated within the LDP for "Housing and Employment land" which contains a series of site specific development requirements, including provision of a mixture of housing types, a flood risk assessment, proposal for surface water drainage, road and access improvements, gateway improvements to the settlement from the east, enhanced bio diversity and phasing. As already indicated, a proposal for 39 houses was approved in May 2019 (awaiting Sec 75

Agreement). This residential development forms part of the "mixed use" proposals for this site. There is a requirement to ensure that the uses proposed within each application (residential and industry) can co-exist as a mixed use site despite each area of land being within separate ownership.

- 72 I consider the principle of an extension of the site and increase in operations of the site to be appropriate and to meet the requirements and criteria outlined in policy ED1A of the LDP. Whilst it is noted that there is no direct employee increase associated with this proposal it will still be of benefit to the wider economy given the increase in contracts associated with the expansion.
- 73 Other key policy considerations are EP2 which relates to flood risk, EP3 which relates to drainage, EP5 which relates to light pollution and EP8 which relates to noise pollution. Policy PM1A and B relating to place making and visual amenity are also key as is policy HE3A which seeks to ensure development preserves or enhances the character of Abernethy Conservation Area. The general principle of development on the site is considered to be consistent with Policy ED1A. The full list of policies are outlined in the policy section above and referred to throughout the appraisal below. The paragraphs below will detail an assessment against the relevant criteria of ED1A and other policies of the LDP.

### **Design, Scale and Layout**

- 74 There is limited operational space within the site and it was evident during site visits that staff vehicle parking areas, potato box storage areas and HGV circulation was constrained within a relatively small area. As outlined above, the existing site is well screened from the public realm and adjacent housing by existing landscaping in the form of tall leylandii hedging which occupies the land between the houses to the south and the main depot and associated car parking and hardstanding areas. Most of this landscaping is proposed to be removed to accommodate the new development which will alter the visual amenity and outlook from the adjacent dwellings.
- 75 The new layout and design is to allow an extension of the existing linear operation of the site with intake taking place at the western side of the site and output/despatch at the eastern side of the site. The site is currently served by a single access from Newburgh Road/Back Dykes in the south west corner of the site, which provides access to all existing buildings on the site together with the existing intake and despatch areas, offices and vehicle parking areas. This access is proposed to be retained and will provide access solely to the intake area and its proposed extension and to a new potato store on the site which was recently approved under a separate application (19/00510/FLL). An extension is proposed on the southern elevation of the existing production building to accommodate a larger intake area for potatoes. This extension is proposed to the south whilst still allowing vehicular access to be retained to the north west corner of the site. The scale and design of the extension is proposed to match the existing buildings on site. Immediately adjacent to this area the existing office building is proposed to be extended with a small single storey hipped roof extension.

- 76 A new access road is proposed to link the existing access through the extended site to a newly formed access in the south east corner of the site onto the A913. This access is proposed to serve the new detached cold store which is to be located in the north east corner of the site. The long term cold store building is to be located on the lowest part of the site to minimise the impact of its 11.8m height. It will also sit adjacent to the SUDS pond provided within the adjacent housing site rather than immediately adjacent to the housing to minimise its impact on these properties.
- 77 The new access will also serve the new despatch area/loading dock which is to be located to the east of the existing buildings and the new car park area for staff car parking which is to be located on the southern boundary of the site.
- 78 A new crate storage area is proposed in the south east corner of the site adjacent to the boundary with the proposed housing site. Typically crates are stored at 6 high throughout the site. However given the proximity to the boundary crates are only proposed to be stored 3 high in this location. This will be controlled by a suitably worded condition (Condition 4).
- 79 It is a requirement of the Local Development Plan to ensure that new development on the site respects the amenity of the area and this will be considered in more detail below. In order to protect the amenity of the area a new acoustic barrier is proposed along the south, east and west boundaries of the site. Furthermore the quieter uses on site are proposed closer to residential boundaries. These acoustic barriers are also proposed to be positioned off the boundary of the site to allow landscaping (existing and proposed) between the properties and the proposed barrier. This will help to limit the visual impact of the barrier. New landscaping is also proposed adjacent to the new access at the eastern end of the site to soften its impact and to provide an improved visual relationship with the adjacent housing site. It is accepted that this proposal will move the development closer to residential receptors and will result in the loss of an established buffer area between operations and adjacent housing. The proposal also results in the loss of some of the existing landscaping which screens the development site. Full details of the proposed landscaping, its density and the species proposed and any planting to be retained together with timing of implementation will be sought by condition (Condition 2). There is also an opportunity through this condition to ensure additional evergreen trees are provided as part of the landscaping scheme to ensure year round screening of the development site from adjacent residential receptors. A condition is also recommended to ensure that any planting which fails to establish after 5 years is replaced (Condition 3).
- 80 Overall the design and scale of the new development proposed on site is considered to have an appropriate level of visual impact as public views of the site are limited. Where the site is visible, the extensions and new build development which are proposed are considered to be sympathetic to the overall design and scale of existing buildings on the site by utilising matching finishing materials and introducing new landscaping. I am also satisfied that the extent of development on site is not an overdevelopment and that the layout and operational arrangements of the site are appropriate. On that basis, the design

and layout of the site is considered to comply with the criteria outlined in policies PM1A and B of the LDP together with the design and layout criteria outlined in policy ED1A of the LDP. The proposed development is also considered to respect the character of the nearby Abernethy Conservation Area and therefore complies with policy HE3A of the LDP.

### **Noise and Residential Amenity**

- 81 Policy EP8 of the LDP relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels of noise in the locality of existing noise sensitive land uses. The application site sits adjacent to a number of residential properties on the west and south boundaries which are noise sensitive and a new housing development has been approved adjacent to the eastern boundary.
- 82 The letters of representation received from neighbours relate to the potential noise generation of the use and the impact this would have on residential amenity. This submission includes a Noise Impact Assessment (NIA) which provides a detailed assessment of the impact of the proposal on the amenity of neighbouring residents. Following consultation on the initial submission, the Council's Environmental Health Department (EH) identified concerns with the methodology used to carry out the assessment. An updated NIA has now been prepared including additional mitigation measures to protect adjacent properties which adheres to the methodology required by EH. All neighbours were re-notified of the updated NIA.
- 83 EH required the NIA to assess both existing noise levels apparent from the operation of the facility together with the noise levels which would be apparent should planning permission be granted and the site expanded. The NIA assesses noise levels from a total of five Noise Sensitive Receptors (NSR). The location of the NSR are indicated in Figure A3.1 within Appendix 3 on page 30 of the submitted NIA. These are representative of properties on the west and southern boundaries and the permitted but yet to be constructed housing to the east.
- 84 The NIA has provided an assessment of the proposed noise levels from the new operation in comparison with a background noise level with the current operation shut down. The NIA has been prepared in accordance with BS4142:2014 (Methods for Rating and Assessing Industrial Noise). In addition to BS4142:2014, the measurements undertaken have also been assessed in line with; the World Health Organisation (WHO) Community Guidelines – 1999, WHO Night Noise Guidelines for Europe – 2009, BS8233:2014 Guidelines on Sound Insulation and Noise Reduction for Buildings and PAN 1/2011.

### **Current Operation - Noise**

- 85 The site currently operates 363 days a year on a 24 hour a day, 7 day a week basis. There are currently no planning restrictions on the operation of the site. The NIA identifies that existing noise levels on site are high. Potatoes are

graded, cleaned, packaged and despatched year round on the site. The current operation occurs as follows:

- Intake operations – 7 days a week – HGVs leave site from 0600 – HGVs enter site from 0700
- Forklift unloading at intake area 0700-2100hrs but typically between 0700 and 1800hrs
- Despatch HGVs leave site between 0800-2000 hrs and return throughout the day with 8 HGVs returning during night time period (increasing during peak periods)
- Packaging and loading – 0630-2100
- Electric forklifts are used internally
- Collection of pre-loaded fridge trailers occurs during night time hours
- External forklift movements 0700-2100
- Box storage movement 0700-2100
- Box storage repairs 0700-1800

86 24 hour operations are as follows:

- On site refuelling
- Wash bay
- Packaging and loading at peak times

87 It should be noted that the peak period for operations is defined as those periods when seasonal demand for produce is experienced – including the two week period leading to Christmas and run up to Easter. Peak activity also includes a six week harvesting in October/November but the submission indicates that the operation will be restricted to the times outlined above and will not be 24 hr during the October/November harvest.

88 Current operations are not controlled through planning conditions but through a “voluntary noise policy” which Branston operates which seeks to encourage a noise sensitive approach to the operation.

89 The NIA indicates that noise levels at the current site, based on the operations above, exceed recommended limits at some receptors around the site and this needs to be addressed. Current levels have been assessed as being between +1.4 and +16.7dB(A) (when measured above background levels with no operations taking place) for day-time and between +1.9 and +23.6dB(A) for night-time.

90 Therefore the submission includes a series of proposals which seek to address existing noise levels. Discussion has taken place regarding the timing of the implementation of these works as the Council is keen to ensure these are implemented as soon as possible to improve the existing levels of amenity for residents.

91 The NIA seeks to address these current noise issues by proposing a series of mitigation measures. These measures are indicated as follows and include the

rebuilding of the cold store on the western side of the site which was granted separate planning permission earlier this year (19/00510/FLL). The submission outlines that the re-build of the cold store at the western side of the site is to be delivered by the end of September 2019. The detail of the re-built cold store includes:

- Utilising construction fabric which will reduce noise escape
- Screening of existing chiller equipment

92 The 19/00510/FLL permission secures these mitigation measures and requires them to be undertaken prior to the re-built cold store being brought into use. On that basis it is not considered necessary to specifically condition the timing of these works in this permission. Nevertheless the new cold store and associated mitigation will improve ambient noise levels at residential receptors.

93 A series of separate measures are then proposed to further deal with existing operational noise. The submission indicates that these will be undertaken and completed by 31<sup>st</sup> December 2019. These measures are as follows:

- Re-siting of an existing sizing hall heater to the north side of the main building away from residential receptors (marked as noise source S11 in the NIA)
- Erection of a 3m high acoustic barrier on part of southern boundary of site adjacent to NSRs 1, 2 and 3
- Erection of a 2m high acoustic barrier on the north west boundary of the site
- Erection of 1.8m high acoustic barrier to southern edge of the existing despatch hall

94 A condition is recommended to ensure the delivery of these measures by 31<sup>st</sup> December 2019. The delivery of these mitigation measures will secure improvements to the current noise levels experienced at residential receptors around the site by the end of December this year (Condition 17).

#### Site Expansion and New Development - Noise

95 In terms of the proposed expansion of the site, this will result in built development, commercial activity and vehicles movements taking place closer to residential receptors than the current situation as described above. On that basis, physical noise mitigation measures are proposed on site in order to ensure that noise levels at neighbouring residential receptors are appropriate.

Noise sources from the proposal will include:

- Vehicle movements into and around the site from existing and proposed new access (including HGVs)
- Loading/unloading of produce
- General commercial activities including the car park
- Operation of ventilation systems and stationary refrigerated trailers
- Operation of relocated fuel store
- Operation of vehicle wash bay

- Potato box movements and repair
- Stocking of new long term cold store.

96 The NIA considers the proposed noise levels from the entirety of the new development proposed on site i.e. the existing operations as well as the proposed new works. The NIA indicates that noise levels from the extended operations on site can be mitigated through the provision of an acoustic barrier on the boundaries of the site, construction of the new extensions from a material with sound reduction qualities and other operational mitigation measures.

#### Physical Mitigation for Proposed Development

97 The physical mitigation measures on site include the general layout of the site and the positioning of plant, doors and accesses away from residential receptors. These are indicated in Figure A7.2 of the NIA and on the submitted plans but also specifically include the following:

- Construction of 3m high acoustic barriers along the entire length of the southern boundary of the site
- Enclosure of new intake extension with sound reducing materials
- Demolition of part of the current office building and the erection of a 3m high acoustic barrier on southern edge of the intake yard
- Enclosure of the wash bay with sound reducing materials
- New fuel delivery station to have “silent running” pumps
- Provision of electrical hook ups to refrigerated trailer storage area to avoid need for diesel generators
- All new buildings and enclosures to be built in construction fabric to reduce noise escape
- Automated self-closing doors to all new buildings to reduce noise escape
- Tarmac finish applied to the service road and the existing and new access

98 In terms of phasing, the submission indicates that the bunding and fencing to form the acoustic barrier on the remainder of the southern boundary would be delivered prior to the construction of the new service access at the eastern end of the site. In addition, prior to the new intake extension being brought into use the main office building shall have been reconfigured and a 3m high acoustic barrier erected along its northern edge. I am satisfied that this proposed phasing is sufficient to protect the amenity of nearby residents as it will ensure the required mitigation is in place prior to any new operations occurring at the eastern end of the site (including the new despatch and packaging store and the new cold store). The phasing will also ensure the appropriate mitigation is in place prior to the intake extension being erected (which is the key additional building at the western end of the site, which will be served by the existing access).

99 The phasing of these key mitigation measures will be secured by conditions (Condition 18 and 19). The other physical mitigation will also be secured by conditions (Conditions 20-24).

- 100 Members should note that the acoustic barrier on the eastern side of the site adjacent to the new housing development is only required prior to the occupation of the dwellinghouses associated with that permission (17/02190/FLL). These houses have also been limited to single storey. A Section 75 legal agreement requires to be signed by all parties as part of that application for housing and this will secure the provision of that mitigation. It is therefore not necessary to secure the provision of the acoustic barrier on the eastern boundary of the site through this permission.

#### Operational Controls for Proposed Development

- 101 As already indicated, there are no operational controls currently in place through planning for this site. However, following discussions with the applicant and their agent, a Noise Management Plan (NMP) has been submitted to outline how and when the site is proposed to operate. This outlines how various aspects of the site will be operated in order to ensure the site can meet the noise levels outlined in the NIA which will be secured through conditions (Condition 26 and 27). The mitigation includes limiting the time of certain operations and has been verified by the applicant's Noise Consultant and accepted by EH.
- White noise reversing alarms to be used on all external forklifts
  - Internal speed limit within site to be 5mph to reduce road noise
  - Automated self-closing doors to be used
  - Existing sizing hall to be operated with doors closed and forklifts limited to internal movements only
  - New intake building – 0600-2100hrs (as per existing intake operations)
  - External forklift movements (0700 to 2100hrs) (as per existing)
  - New despatch store extension (0800 to 2100hrs) (24hrs at peak times) (as per existing)
  - New packaging store extension (0630-2100hrs) (24 hrs at peak times) (as per existing)
  - New loading dock extension (0630-211hrs) (24 hrs at peak time) (as per existing)
  - Box storage movements (0700-2100hrs)
  - Box storage repairs (0800-1800hrs)
  - New enclosed wash bay (24hrs) (as existing)
  - New fuel bay (24hrs) (as existing)
  - Refrigerated trailer storage (24hrs) (as existing) – electric hook ups used between 2100 and 0800hrs (no diesel trailers during this time).
  - Long term cold store loading 0700-2100hrs
- 102 A condition is recommended to ensure the development operates in accordance with the NMP but will be worded to allow the document to be fluid to address any concerns identified by the local community once the site has been extended but also allows any minor changes to the operation of the facility to be agreed through a variation to the NMP, if required, and upon agreement with the Council (Condition 25).



- 103 Following the phased mitigation, all receptors (with the exception of NSR3 (for day-time only)) have been assessed as having a significant reduction in noise levels in comparison with the existing levels. Levels are predicted as being between -7.5 and +8.4dB(A) for day-time and between -2.6 and +9.6dB(A) for night-time above background noise levels (with no factory operations taking place). It should be noted that whilst EH has chosen to look at the worst case scenario for measured background levels i.e. with no factory operations taking place, BS4142:2014 allows for background levels to be measured within context i.e. well established operational noise can be considered part of the background level. There is clearly a well established operational background noise in this location due existing operations on site.
- 104 Therefore whilst the highest predicted night-time level of +9.6dB(A) at NSR1 is a higher level than EH would normally recommend, it should be noted that Section 3.2. of Technical Advice Note to PAN 1/2011 states “the Scottish Government consider that impacts commonly do not become sufficiently significant to warrant mitigation until the difference between the Rating level and the background noise level is more than 10dB(A)”. It should also be noted that the current night-time level at NSR1 is +21.8dB(A).
- 105 The only predicted increase is during day-time at NSR3 and is predicted as being +3.6dB(A). Putting this into context, whilst an increase of 10dB(A) would be perceived as a doubling of the loudness of a sound to the human ear, an increase of 3dB(A) should not be perceptible. The assessment also predicts a reduction of 3.4dB(A) for night-time at this receptor.
- 106 EH have now advised that whilst they still retain some concerns regarding the potential for noise nuisance, it is acknowledged that a significant improvement to the current noise climate is predicted. Furthermore should any complaints be received these will be investigated in accordance with the Environmental protection Act 1990 Statutory Nuisance provisions. To minimise the likelihood of this action a series of conditions are recommended to ensure the implementation of the mitigation measures referred to above on site.
- 107 Conditions requiring the monitoring of noise levels for the new development and a detailed proposal for complaint investigation are also recommended (Conditions 28 and 29). This will ensure that the Council maintains an element of control over operations on the site and ensure any complaints are addressed promptly and appropriately.
- 108 It is evident from the submission that the facility does generate noise and is located close to residential receptors. The existing noise levels on site are high and the mitigation outlined in the NIA and NMP together with the recommended conditions from EH are considered to control the extent of noise from the proposal sufficiently in order to protect residential amenity and reduce noise levels at the majority of the NSRs. As such, subject to the imposition of conditions controlling noise levels from the site, implementation of the physical mitigation and operational controls through the NMP and conditions which require detailed noise compliance monitoring and a complaints investigation to

be agreed, I am satisfied that the proposal accords with the requirements of Policy EP8 of the LDP.

### **Vibration**

- 109 Concerns have been expressed regarding the vibration which is caused by HGV movements adjacent to dwellinghouses. This proposal will increase the number of HGV movements associated with the site as indicated in the Traffic and Transport paragraphs below but not to what is considered to be a level which would be of significant detriment to the local community. The vibration may well be felt by residents but it would be no different than that from any other vehicle passing the properties. I am satisfied that the controls offered in the conditions relating to operation of the site including the 5mph speed limit referred to in the NMP and the proposal for a smooth tarmacadam surface are sufficient to limit the impact of vibrations on residential receptors.

### **Lighting**

- 110 Policy EP5 of the LDP relates to light pollution and seeks to prevent statutory nuisance from lighting. Permission will not be granted for proposals where lighting would result in obtrusive and intrusive effects. The placemaking policies and landscape policies of the LDP are also relevant in terms of the effect lighting may have on visual amenity and wider landscape character. There is existing lighting on the site in the form of downlighters on buildings and these will increase to accommodate the greater hardstanding and buildings proposed. The car park is proposed to be served by bollard style lighting. The lighting locations and lux levels will require to be appropriately controlled to avoid light spill and minimise the impact on residential neighbours. This can be controlled through an appropriately worded condition (Condition 5). Subject to this condition I am satisfied that the proposal complies with policy EP5 of the LDP.

### **Traffic and Transport**

- 111 Policy TA1B of the LDP requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. The submission includes an updated Transport Statement (TS) which outlines the implications on the road network of the proposed development. This statement provides an indication of the existing operational characteristics of the site, an assessment of the existing road network and details on the proposed characteristics and transport arrangements for the proposed development. The site is located within 5km from the M90 motorway and the TS indicates that the majority of despatched potatoes head to markets in the south. It also states that the site receives a proportion of the potato crop processing from growers to the east. The site is also on a recognised bus route (Perth to Glenrothes).
- 112 The TS considers both staff movements and HGV movements and provides an outline of the existing use of the site and what the proposed use will be. A staff survey was also undertaken to establish how staff get to work and which direction they travel from. The survey indicates that 59% of staff live to the east of Abernethy and 41% to the west. Staff are proposed to enter the site from the new access to the east rather than the existing access at the west side of the

site. The consequence of this is that there will be a net reduction in staff vehicles passing the housing to the south of the site. It is understood that there is an existing Travel Plan for the site which seeks to encourage the use of sustainable means of transport for staff. A condition is recommended to ensure an updated Travel Plan is submitted to encourage staff to utilise more sustainable means of transport (Condition 13). I am satisfied that the staff vehicle movements associated with the development are acceptable.

- 113 There are two types of HGV traffic associated with the site. These are intake traffic and despatch traffic. As already indicated the site operates 363 days per year, 7 days per week and produces 66000 sales tonnes per year, increasing to 80,000 tonnes as a result of the proposed development. At present there is a single point of access into the site at the western end of the site. The proposal seeks to re-open an access which previously served a vehicle repair garage/petrol filling station at the eastern end of the site. This junction is proposed to be used by HGVs loaded with processed goods, leaving the site for the M90. This junction will be used by all despatch related vehicles and staff.
- 114 Due to the constrained space within the existing site, all HGVs require to do a “U-turn” within the site as they enter and leave through the western access. The limited operational area of the site presents a number of health and safety challenges.
- 115 The proposed site layout allows for improved internal traffic management and operation in comparison with the existing layout. The layout will allow all intake HGVs to bring raw materials, including empty boxes, into the site using the western access and then leave the site using the eastern access. All despatch HGVs (both in and out) and users of the car park will utilise the new eastern access as outlined in Figure 4.3 of the TS (doc ref: 18/01016/18).
- 116 The TS for this application indicates that there are currently a total of 26 intake HGV movements taking place each day (13 in and 13 out) (26 movements). This is proposed to increase to a total of 32 HGV intakes movements (16 in and 16 out) per day. Intake traffic is proposed to enter the site using the existing western access but would leave using the new eastern exit. The TS indicates that as a result of the proposal there will be an increase of 6 HGV movements (3 in each direction) per day across both junctions as a result of the proposal.
- 117 In terms of despatch the TS indicates that there are currently an average of total of 24 movements (12 in and 12 out) per day. This is proposed to increase to 30 movements (15 in and 15 out) per day. All despatch movements are proposed to use the new eastern access.
- 118 In total there will be potential for up to 15 daily HGV movements associated with the site passing the housing located to the south of the site which currently does not occur.
- 119 The long term cold store building in the north east corner of the site is also proposed to generate seasonal concentrated HGV movements following annual harvest (October and November). There is currently no long term cold store on

site and long term potato storage currently takes place off site. The provision of a long term cold store will result in a 5 week period during October/November where concentrated vehicle movements will occur, rather than these movements being dispersed throughout the year as at present.

- 120 The long term cold store will result in 100 HGV deliveries (200 in/out movements) based on the volume of the new store, equating to 6 additional movements per day over a 5 week period.
- 121 The provision of an additional access will also reduce queuing delays for HGVs entering the site and will reduce deceleration and acceleration noise but is noted that the proposal will result in additional HGV movements past those properties to the south of the site where currently they do not occur. It will however, result in a net decrease in the number of staff vehicles passing the site as 59% of staff currently travel from the east and will therefore utilise the new eastern access.
- 122 The TS concludes that the A913 has capacity to accommodate the additional traffic movements and the increase in HGV movements along the public road adjacent to the properties to the south of the site is offset to a certain extent by the reduction in staff vehicle movements. The movements of HGVs and vehicles within the site and the impact which this may have on the amenity of the adjacent residential properties has already been considered in the Noise and Residential Amenity section of this report and are addressed as a result of the detailed physical mitigation measures (acoustic barriers and upgraded vehicle surfaces) and the operational controls to be undertaken. In order to ensure that the movement of traffic on site is controlled sufficiently an operational traffic management plan for the site is requested by condition to ensure the Council maintains an element of control over operations on the site to ensure the protection of the amenity of residents (Condition 13). A condition is also recommended to ensure a Travel Plan is submitted to encourage staff to utilise more sustainable means of transport (Condition 12).
- 123 Transport Planning have assessed the TS and consider the level of additional traffic to be generated by the proposal to be acceptable and capable of being accommodated on the existing road network subject to conditions regarding the design of the access and provision of a footway (Condition 6 and 7).
- 124 Furthermore in general terms the site is in a sustainable location and is well served by public transport. Overall the proposal is considered to be acceptable in terms of traffic and road safety and therefore accords with policy TA1B of the LDP.

### **Flood Risk**

- 125 Policy EP2 relates to flooding and states that 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 possibility of flooding from any source. A Flood Risk Assessment accompanies the application which concludes that the site is not at risk from flooding and will not increase flood risk elsewhere. The Council's Structures and Flooding Team have accepted the conclusions of the

FRA. On that basis the proposal is considered to accord with Policy EP2 of the LDP.

### **Drainage**

- 126 Policy EP3B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. The submission indicates that the proposed extension will connect to the public drainage network which is considered to be in accordance with Policy EP3B. In terms of surface water drainage this is to be catered for through a SUDS system. The specification and design details of the SUDS pond will be based on infiltration testing and will require to meet SEPA and Building Standards requirements and its exact detail requires to be agreed with the Council's Structures and Flooding Team, this can be secured by a suitably worded condition (Condition 9). This is therefore considered to be in accordance with Policy EP3C of the LDP.
- 127 The LDP states that there is a culvert which currently runs through the site and its exact location requires to be verified. Having discussed this with Structures and Flooding a condition is recommended to ensure the exact location of the culvert is confirmed and a detailed design of a diversion is submitted if required (Condition 11).

### **Air Quality**

- 128 Policy EP11 of the LDP requires all new development proposals to be considered in relation to any impact on air quality in the local area. An objection has raised concern relating to health and safety concerns associated with some of the operations proposed on site. These issues are controlled through separate legislation outwith the planning process.
- 129 Perth and Kinross Council has a duty to review and assess air quality within its area and declare an Air Quality Management Area (AQMA) if standards are found to be exceeded in certain pollutants. Abernethy is not an AQMA and levels of pollutant are considered to be below the national standard.

### **Contaminated Land**

- 130 Policy EP12 of the LDP indicates that any potential contaminated land on an application site requires to be considered. The proposed eastern side access to the site from the A913 goes directly over what was a previous filling station and a site inspection and a search of the historical petroleum records confirmed that a petroleum licence was in force at this site over a considerable period of time preceding 1972. The exact history is unknown but it would appear that there are a number of tanks situated over consecutive decades. A decommissioning certificate for tanks was submitted to the petroleum Officer in March 2008. However it is unclear where these tanks are. In addition to the above, the site extended over a larger area and the applicant should satisfy themselves that the proposed development area is free from any other potential sources of historical

contamination. With these potential constraints identified and in consideration of the implications on the development a condition is recommended to ensure a scheme to deal with any contamination is submitted for approval and any remediation carried out in accordance with the requirements of Policy EP12 of the LDP (Condition 8).

### **Biodiversity**

- 131 Policy NE3 of the LDP requires new development to take account of any potential impact on natural heritage including protected species and states that the Council should seek to protect and enhance all wildlife and wildlife habitats whether formally designated or not. A survey of ecology accompanies the application and concludes that the site has limited bio diversity value, although there are some trees and hedging on the site which may be habitat for certain species. As such, site clearance may impact on nesting birds. It is recommended that conditions (Conditions 14 and 15) are attached to control the timings of works on site and the provision of escape measures for mammals from excavations on site. Having examined the Council's mapping system in relation to protected species, there is no evidence of other protected species on site. A further condition (Condition 16) is recommended to ensure that the mitigation measures outlined in the ecology survey are adhered to. Subject to these conditions I am satisfied that the proposal complies with policy NE3 of the LDP.

### **Public Consultation**

- 132 As the application is not a major application there is no statutory requirement for public consultation with the community to be carried out. Nevertheless, Branston have hosted consultation events for the community on the proposal and have advised that they are in regular contact with neighbouring residential properties.

### **Setting of Listed Buildings and Conservation Area**

- 133 Policy HE2 and HE3A of the LDP requires the impact of any development on the character and setting of a listed building and Conservation Areas to be assessed. The proposal sits outwith but on the edge of Abernethy Conservation Area. The access into the application site is very commercial in its nature and this will remain with this proposal. The main alterations to the layout and additional buildings within the site are located remote from the public realm and as such will not impact significantly on the character of the Conservation Area or setting of nearby listed buildings. As such I consider the proposal to be consistent with the requirements of Policies, HE2 and HE3A of the LDP.

### **Impact on Primary School**

- 134 It is noted that the proposal will result in additional HGV movements taking place to the front of the existing primary school where currently the main access into the site is further west from the school. As outlined above full details of the level of increase in HGV movements associated with the proposal have been submitted and are considered to be acceptable. I do not consider the level of

increase proposed to be unacceptable and do not consider the increased movements to result in any significant impact on the primary school in comparison with the existing situation.

### **Developer Contributions**

- 135 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 136 The proposal is to create an extension to the existing business and the creation of a new cold storage area. The total area of new build is 2,997m<sup>2</sup>. The majority of the new buildings will be on existing hard standing with the new cold store unit being placed on the site of the former garage.
- 137 Paragraph 6.7 of the Developer Contributions and Affordable Housing Guidance states 'In order to support the economic growth of Perth and Kinross, new employment uses which fall under the Employment Land Use category of the Transport Infrastructure section of this Guidance, and which are to be developed on brownfield land, will not be required to make a contribution. New employment uses on Greenfield land not cross subsidised by residential development will be considered on an individual basis.'
- 138 As is noted above the majority of the new build will be on brownfield land with the greenfield area being used for car parking. In line with paragraph 6.7 of the Guidance this proposal is exempt from contributing towards transport infrastructure.

### **Impact on Railway**

- 139 Network Rail have been consulted on the proposal and offered no objection.

### **Economic Impact**

- 140 The submission includes detailed evidence of the growth of the existing business and whilst the proposal will not generate any significant additional employment on site, it will result in significant wider and localised, indirect and direct benefit to the economy. The proposal will also secure the longer term future of Branston in Abernethy through the increase in contracts associated with the expansion.
- 141 Overall the proposal for an extension to the existing facility allows for the expansion of a well established business within Perth and Kinross within an area which is specifically zoned for employment uses in the LDP. As such there is considered to be economic benefit associated with the proposal which is considered to have significant weighting in the determination of this application.

## **LEGAL AGREEMENTS**

142 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

143 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**

144 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.

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

### **A RECOMMENDATION**

**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 documents.

2 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site and a schedule for delivery 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 and any existing planting to be retained. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.



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

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

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

- 4 The potato box storage area located adjacent to the eastern boundary of the site shall be limited to a maximum height of three boxes high at all times.

Reason - In the interests of visual and residential amenity.

- 5 Prior to the installation of any external lighting, the details of all new external lighting associated with the development hereby approved shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

- 6 Prior to the development hereby approved being completed or brought into use, the re-modelled eastern access hereby approved shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type D Figure 5.7 access detail, of Type B Road construction detail.

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

- 7 Prior to the development hereby approved being completed or brought into use, provision of new footway to the satisfaction of Perth & Kinross Council as Road Authority shall be provided from the proposed new vehicular access eastwards along the A913 connecting into the existing footway.

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

- 8 Development shall not commence on site until an intrusive investigation is undertaken in accordance with the recommendations contained with the Geo Environmental Desk Study undertaken by IKD, dated April 2018 (doc ref:18/01016/25).

The intrusive investigation shall include the following:

- 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.

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

- 9 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.

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

- 11 Prior to the commencement of any development on site the exact location of the existing culverted watercourse running through the eastern part shall be submitted to the Council. If the culvert requires to be diverted then a suitable diversion design shall be prepared and submitted to and approved in writing by Council as Planning Authority in consultation with SEPA. The diversion of the culvert shall be undertaken as part of the site development and thereafter maintained.

Reason - To ensure appropriate diversion of the culvert on site.

- 12 No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. 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 system of management, monitoring, review, reporting and the duration of the plan. The TP as agreed shall be adhered to during operation of the site.

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

- 13 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 hereby granted permission. 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 and to address any substantiated concerns expressed by the local community regarding the operation of the site. The details, as approved, in writing 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 and growth of the site.

- 14 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 and agreed in writing with the Planning Authority prior to the commencement of any development.

Reason - To protect breeding birds and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

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

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

- 16 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.

- 17 The following noise mitigation measures shall be implemented and completed in full by 31st December 2019 all to the satisfaction of the Council as Planning

Authority. All acoustic fencing shall accord with the details provided in drawing 18/01016/47.

Re-siting of sizing hall heater from north west side of sizing hall to north side of main building (Noise source S11 Figure A7.1 and A7.2 of NIA)

Erection of 3m high acoustic barrier on part of southern boundary of site adjacent to NSRs 1, 2 and 3 (in accordance Figure A7.2 of NIA and drawing 18/01016/50)

Erection of a 2m high acoustic barrier on the north west boundary of the site (Figure A7.2 of NIA)

Erection of 1.8m high acoustic barrier to southern edge of despatch hall (Figure A7.2 of NIA)

The above mitigation measures shall be retained for the life of the development other than the 1.8m high acoustic barrier on the southern edge of the despatch hall which may be removed following the implementation of the acoustic mitigation measures referred to in condition 18.

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

- 18 Prior to the commencement of any development on the new eastern access into the site hereby approved, the 3m high acoustic barrier fencing and bunding on the remainder of the southern boundary of the site, other than that referred to in condition 18, shall be erected in full. The acoustic fencing shall accord with the details provided in approved drawings 18/01016/41, 18/01016/42, 18/01016/47 and Figure A7.3 of the NIA. The acoustic barrier shall be retained in perpetuity.

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

- 19 Prior to the commencement of any development on the new intake extension building hereby approved, the 3m high acoustic barrier to the north of the existing office building as outlined in Figure A7.3 of the NIA shall be erected in full. The acoustic fencing shall accord with the details provided in approved drawings 18/01016/42, 18/01016/47 and Figure A7.3 of the NIA. The acoustic barrier shall be retained in perpetuity.

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

- 20 All new industrial/service buildings hereby approved shall be constructed strictly in accordance with the build specification set out in section 11.1 (point 6) of the New Acoustic Report dated 28th March 2019 (doc ref:18/01016/53). The composite panelling of those industrial/service buildings shall be of a sound

reduction index of at least Rw48db all to the satisfaction of the Council as Planning Authority.

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

- 21 The fuel delivery station hereby approved shall be fitted with silent running pumps to the satisfaction of the Council as Planning Authority.

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

- 22 Between the hours of 2100hrs and 0800hrs daily, all stored refrigerated trailers parked in the despatch area trailer park shall rely solely on electric hook up points to power refrigerated trailers. For stored trailers no diesel fridges are permitted to be used during this time.

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

- 23 All doors on new buildings shall be automated self-closing doors to the satisfaction of the Council as Planning Authority.

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

- 24 Prior to the development hereby approved being brought into use, a tarmacadam finish shall be applied to the new service road, existing access and the re-opened eastern access to the satisfaction of the Council as Planning Authority.

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

- 25 The mitigation and operational controls for the development as outlined in the Noise Management Plan (NMP) hereby approved (doc ref:18/01016/54) shall be strictly adhered to during the operation of the site to the satisfaction of the Council as Planning Authority. This NMP shall be a fluid document which shall be updated to reflect any changes to the operation of the site and to address any substantiated concerns expressed by the local community regarding the operation of the site and/or identified as a result of the requirements of conditions 28 and 29 of this permission. The details, as approved, in writing 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; to ensure a satisfactory standard of local environmental quality.

- 26 Noise levels shall be limited to an internal night time target noise level of 42 dB LAFmax at all Noise Sensitive Receptors (NSR) other than Noise Sensitive

Receptor 1 where noise levels shall be limited to an internal night time target noise level of 45dB LAFmax.

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

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

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

- 28 Prior to the commencement of any development on the new eastern access into the site and prior to the commencement of any development on the new intake extension building hereby approved, a written scheme for monitoring noise generated during the operational phase of the development shall be submitted to and approved in writing by the Planning Authority. 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 26 above. The monitoring programme as agreed in writing will be subject to annual review to establish the frequency of noise monitoring and the need for continued monitoring. In the event of noise monitoring evidencing breaches of condition 26 above, operations responsible for the breach 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 and included within an updated Noise Management Plan.

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

- 29 In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with condition 26 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with condition 26, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales and included within an updated Noise Management Plan.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **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 The applicant is advised that in terms of Sections 56 of the Road (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.
- 6 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 The applicant shall ensure the private water supply for the dwellinghouse/development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017.

Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

- 8 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development

Readily visible to the public printed on durable material.

Background Papers: 15 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 18 July 2019

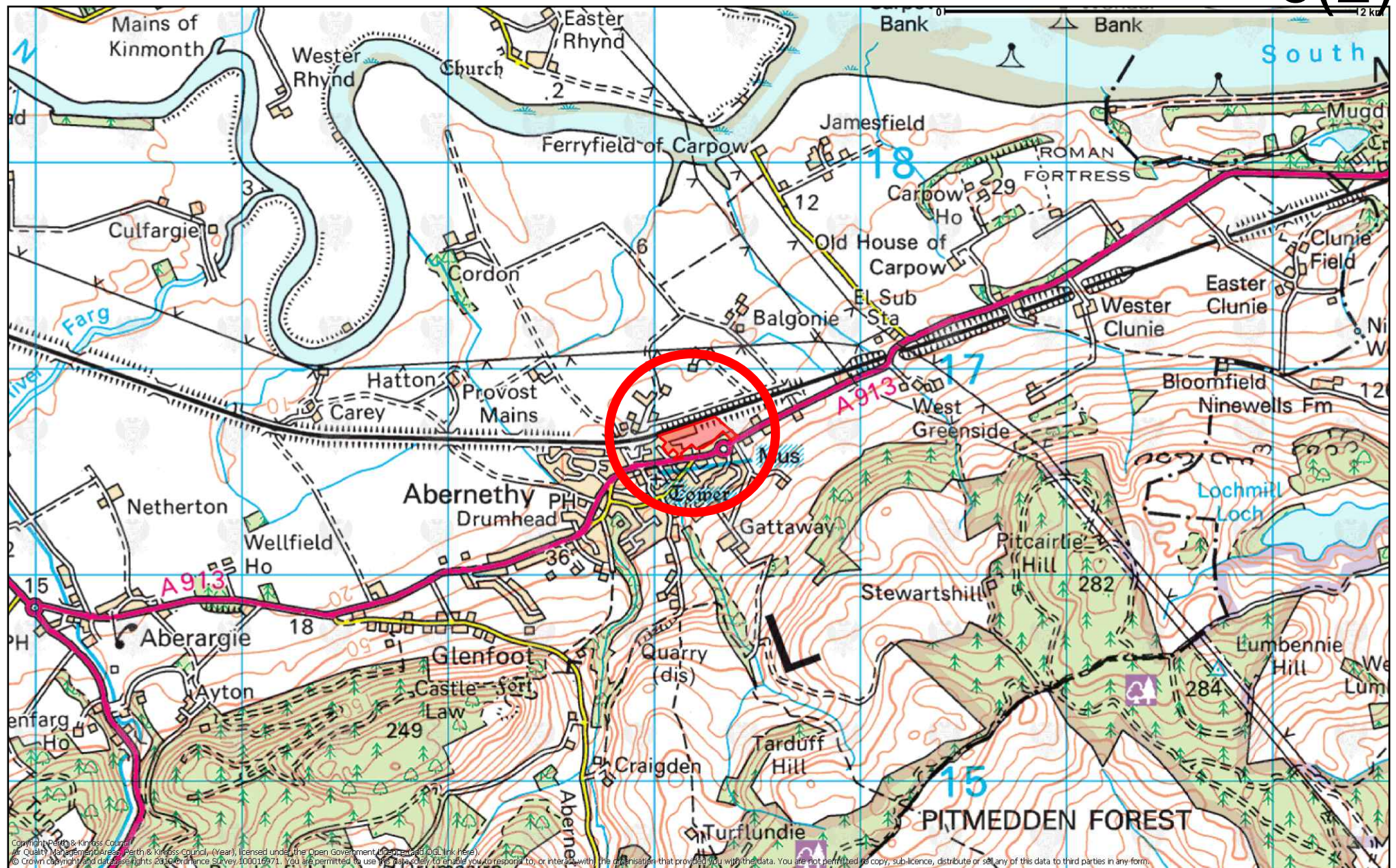
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Scale 1:25000



18/01016/FLL

Alterations and extension to building, erection of a cold storage building including ramp, acoustic fence, installation of air conditioning units, formation of an access road, parking areas, fuelling bay, outdoor storage, hardstanding areas, landscaping and associated works at Branstons Ltd, Back Dykes, Abernethy









PERTH & KINROSS  
COUNCIL



Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/211)

**PROPOSAL:** Demolition of building

**LOCATION:** Former Lomond Hotel, Main Street, Kinnesswood

Ref. No: [19/00559/CON](#)

Ward No: P8 - Kinross-shire

### Summary

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Conservation Area Consent is sought for the demolition of the former Lomond Hotel, Main Street within the Conservation Area of Kinnesswood. Conservation Area Consent has previously been granted for the demolition of an annexe building and outbuildings of the former hotel.
- 2 The site has been occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings.
- 3 Details of the marketing and an economic assessment of the Inn and the history of attempts to retain the Inn as a successful business were submitted with the previous application. It was accepted that residential use of the site as a replacement for the Inn was acceptable.
- 4 This application now also includes a Structural Appraisal of the remainder on the Lomond Inn together with a Residential Development appraisal to demonstrate the costs of conversion of the building in comparison with costs for new build.
- 5 This proposal relates to the demolition of the remainder of the Lomond Inn, which previously obtained permission in 2016 for its retention and conversion to residential use. The south western end of the Inn, together with the numerous additions and extensions to the rear, have been demolished under the 2016 permission.
- 6 There is an associated detailed planning application for the erection of a detached dwellinghouse and detached garage which is also under consideration at this Committee (19/00558/FLL).

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

- 9 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Valuing the Historic Environment (paragraphs 135-137).
  - Conservation Areas (paragraphs 143-144).

### **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 71 Conservation Area Management
- 12 The following policy documents and guidance from Historic Environment Scotland are also relevant to this proposal:
- 13 **Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019.**
- 14 **Managing Change in the Historic Environment - Guidance on Conservation Areas.**

## **DEVELOPMENT PLAN**

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

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

- 16 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. There are no specific TAYPlan policies which are relevant to this application. Nevertheless, 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**

- 17 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.
- 18 The relevant policies are:

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

- 19 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.

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

- 20 The Proposed LDP2 2017 represents Perth & Kinross Council’s settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter’s consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and

proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 21 There have been a series of applications for works to the Lomond Inn which are not relevant to this application. The relevant history relating to this application is outlined below:
- 22 [14/00707/FLL](#) Erection of five dwellinghouses and associated engineering operations Decision Issued 17 July 2014 Application Withdrawn
- 23 [15/00505/FLL](#) Erection of 5 dwellinghouses and associated works Decision Issued 26 February 2016 Application Withdrawn
- 24 [15/00506/CON](#) Demolition of buildings Decision Issued 26 February 2016 Application Withdrawn
- 25 [16/00325/CON](#) Part demolition of hotel and demolition of annexe building and outbuildings Decision Issued 19 October 2016 Application Approved – Development Management Committee October 2016
- 26 [16/00326/FLL](#) Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works Decision Issued 5 July 2017 Application Approved – Development Management Committee October 2016
- 27 [18/00666/CON](#) Complete demolition of a building Decision Issued 26 June 2018 Application Withdrawn
- 28 [18/00667/FLL](#) Erection of a dwellinghouse Decision Issued 26 June 2018 Application Withdrawn
- 29 [19/00559/CON](#) Demolition of building – Pending consideration and also presented to this Planning & Development Management Committee

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Portmoak Community Council**

- 31 Objects to the application and considers the building to contribute significantly to the character of the Kinnesswood Conservation Area. It notes the consultation response from Historic Environment Scotland (HES) and agrees that the remaining fabric of the Inn makes a significant contribution to the streetscape of Kinnesswood. It considers that the submitted figures should be independently validated. It also considers it unfortunate that alternatives to



demolition have not been explored or that separate funding has not been sought for the buildings retention.

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

- 32 No objection to the application, however, they have stated that this should not be taken as support for the proposal. They consider that the application should be determined in accordance with policy. They state that the figures in the appraisal show a deficit arising from retention of the existing building but this does not seem to be exceptionally large in the context of the sites overall development costs. HES consider the building makes a significant contribution to the streetscape of the Conservation Area and their preference is that it is retained. They also refer to the relevant guidance relating to conservation areas.

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

- 33 The building contributes to distinctiveness of Kinnesswood and forms a central part of the vista when entering Kinnesswood. For these reasons they believe the building should be retained. They are in agreement with the comments from HES, however, if consent is granted, the remaining element of the Lomond Inn should be appropriately recorded to ensure a permanent record survives.

### **INTERNAL**

- 34 None.

### **REPRESENTATIONS**

- 35 A total of 29 letters of representation have been received, including one from the Portmoak Community Council. 28 of the letters object to the application and one supports the application. The following points were raised in the letters of objection:
- HES seek for it to be preserved
  - The building has been allowed to fall into disrepair and no attempt has been made to retain it
  - Contrary to national, regional and local policy
  - The building makes significant contribution to streetscape and character and appearance of the Conservation Area and demolition would be of detriment
  - No justifiable case for demolition
  - Removal of slates has contributed to deterioration of building
  - Alternative sources of finances should be explored
  - Building should be marketed to potential purchasers if it is incapable for repair at value to reflect its condition
  - Grant aid should be sought to address shortfall in funding
  - The historical interest of the structure, its condition, the available funding and marketing to repairing purchasers should be considerations in the assessment

- There is community interest in the site and potential for a community buy out

36 The following points are made in the letter of support:

- Engineers report provides a strong case for demolition
- Current condition of the site is of detriment to Conservation Area

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

### **ADDITIONAL STATEMENTS**

|                                                |                                                            |
|------------------------------------------------|------------------------------------------------------------|
| 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          | Structural Appraisal and Residential Development Appraisal |

### **APPRAISAL**

38 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 which are referred to in the policy section above.

#### **Principle**

- 39 SPP 2014 confirms that the planning system has a vital role to play in delivering high-quality places for Scotland. Scottish Planning Policy (SPP) focuses plan making, planning decisions and development design on the Scottish Government's Purpose of creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth.
- 40 The site is within the Kinnesswood settlement boundary as identified in the LDP 2014. Policy HE3B and paragraphs 143-144 of Scottish Planning Policy (SPP) 2014 state that there is a presumption against the demolition of buildings within a Conservation Area and in favour of retention and restoration and that any proposals for demolition should be accompanied by a detailed application for the replacement development.

- 41 Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019 is also a material consideration. This is a much more compact document in comparison with the previous Scottish Historic Environment Policy (SHEP 2016). HEPS contains wide ranging policies and guidance on managing the historic environment, including understanding the benefits of the historic environment and its promotion. It also states that, should detrimental impact on the historic environment be unavoidable, steps should be taken to minimise the impact and demonstrate that alternatives have been explored.
- 42 There is a distinct difference between the assessment of the demolition of a listed building and the demolition of a building in a Conservation Area; a more stringent justification for demolition of a listed building is required. This is why there is separate guidance from HES on the demolition of listed buildings contained within Managing Change in the Historic Environment: Demolition of Listed Buildings. This guidance does not apply to this application.
- 43 HES have published separate guidance relating to Conservation Areas called "Managing Change - Guidance on Conservation Areas" dated 25 April 2019 where paragraphs 16-20 refer to demolition. Paragraph 17 requires Planning Authorities to take into account the importance of the building to the character and appearance of the Conservation Area and the proposals for future use of the cleared site. Paragraph 18 states that a "positive attempt should always be made by the Planning Authority to achieve its retention, restoration and sympathetic conversion to some other compatible use".
- 44 Paragraph 19 states that "in some cases, demolition may be thought appropriate.....if its structural condition rules out its retention at reasonable cost". It goes on to state that "where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building". It should be noted that there is no requirement within the guidance for the building to be marketed to a restoring purchaser, as is suggested in some of the letters of representation.

### **Impact on Character of Conservation Area**

- 45 The assessment below has been undertaken in conjunction with the Conservation Officer within the Development Management Team.
- 46 The former Lomond Inn is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area for those travelling from the south east. The south east elevation of the Lomond Inn sits directly adjacent to the footpath and the attractive main south facing elevation is clearly visible when entering the village from the south. On the basis of the key contribution which the building had to the character of the Conservation Area, it is therefore considered important to assess the information submitted with the application, which seeks to justify its demolition as required by the above guidance.
- 47 The submission includes both a Structural Appraisal (SA) of the building together with a Residential Development Appraisal (RDA) which outlines the costs for

restoration of the building whilst comparing these against the cost of new build development on the site. This RDA considers the development in the context of the wider development of the site, including the erection of four new build dwellings which already have planning permission. HES have commented on the application and stated that they believe the figures submitted should be independently assessed to establish their accuracy. The SA has been undertaken by a recognised structural engineer and identifies a number of deficiencies with the building in its current condition. This includes bulges in the stonework, rotting timber and unstable masonry. Section 3 of the appraisal includes a series of recommendations of works required to enable the existing building to be converted into a dwelling.

- 48 The figures provided in the RDA in relation to the conversion of the building are based upon the submitted SA and the works it identifies as being required to bring the existing building back into use.
- 49 The RDA demonstrates that the building could be converted at an estimated cost of £415,000, which is identified as being well in excess of the value of the building once renovated. A cost plan for the conversion is provided in Appendix 2 of the RDA. The RDA concludes that “this is one of the most obvious non-viable appraisals which we have carried out in some time and we are firm in our view that there is no reasonable way that the project costs and revenues can be adjusted to make the scheme viable”.
- 50 The Council's Quantity Surveying Team has considered both the cost of the proposed new build development and the conversion of the Lomond Inn. It has been concluded that the costs outlined in the RDA are reasonable.
- 51 The RDA has been considered by the Council's Estates and Commercial investment Team and they have concluded that this is a robust development appraisal undertaken by a Royal Institute of Chartered Surveyors (RICS) profession in accordance with RICS guidelines. On the basis of this independent assessment I am satisfied that the structural condition of the building rules out its retention at a reasonable cost.
- 52 The Council previously granted consent for the re-use of the building and its conversion into a dwelling, demonstrating that a positive attempt has been made to retain and re-use the building. However, it has now been demonstrated in this submission that the conversion and re-use of the building is not financially viable.
- 53 As outlined in the associated report for full planning permission for the development of the site, the new build dwelling and garage are considered to be acceptable and to accord with the relevant national and local planning policy.
- 54 Whilst the demolition of the former Lomond Inn is unfortunate, it has been justified in accordance with the requirements of HES guidance. As such the demolition of building together with the new development and the associated hard and soft landscaping will deliver an element of benefit to the wider community by bringing the site back into use and removing dereliction from the site.

- 55 A condition is recommended to ensure that no demolition takes place on site until a contract has been agreed to implement the associated planning permission (should it be granted) (Condition 2). This is to ensure the site does not become vacant and lead to further dereliction to the detrimental of the Conservation Area.
- 56 It is therefore concluded that the poor condition of the existing building is evident from on-site inspection and identified within the SA. Therefore the demolition is justified. The demolition will allow for a new development to come forward, bringing the site back into active use to the overall benefit of the Conservation Area. The level of justification provided, in conjunction with the proposals currently under consideration for redevelopment of the site, is therefore considered to justify demolition of the building in this case. As such the proposal is considered to comply with the requirements of Policy HE3B of the LDP and the guidance provided by Historic Environment Scotland.
- 57 It is recommended that a standing building survey of the existing buildings is undertaken prior to demolition and a condition is recommended to ensure this (Condition 4).

#### **Alternative Uses/Community Buy Out**

- 58 The letters of representation have raised the possibility of a potential community buy out of the former Inn and to re-use it for an alternative purpose and to form car parking for the local community and open space within part of the site. Whilst this is noted, an alternative proposal and community buy out is not part of this proposal and at this stage is speculative. The Council is required to consider the proposal put forward in this application and, on the basis of the assessment above, the proposal demolition has been justified and accords with the policies contained within the LDP and national guidance.

#### **Availability of External Funding for Redevelopment**

- 59 The Council has considered whether there is any scope for additional funding to make up the deficit identified in the costs provided. One of my Conservation colleagues has indicated that there is extremely limited funding available for works to unlisted buildings in Conservation Areas at present. As far as she is aware, there are no current plans for a Conservation Area Regeneration Scheme (CARS) in this area, funding through Townscape Initiatives (HLF) is not available and there are no other grant schemes for which this building would be eligible. Whilst the HLF do fund individual projects there is no scheme currently in development for what is usually a lengthy and complex process.

#### **LEGAL AGREEMENTS**

- 60 Not required.

#### **DIRECTION BY SCOTTISH MINISTERS**

- 61 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**

- 62 Whilst the loss of the building is regrettable and will have a negative impact on the character of the Conservation Area, the proposal satisfies the criteria set out within the relevant legislation, policy and guidance. Provided conditions are attached to secure the salvage of the roofing materials, recording of the building and redevelopment of the site, the demolition is considered to be acceptable.
- 63 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

### **A RECOMMENDATION**

#### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

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

- 2 Prior to commencement of the demolition works, evidence of the letting of a contract(s) for the carrying out of the works for redevelopment of the site shall be submitted to, and agreed in writing by, the Council as Planning Authority.

Reason: To avoid the site being left vacant and to protect the character of the Conservation Area.

- 3 Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

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

Reason: To ensure a survey of the demolished historic building is undertaken in accordance with best practise.

## **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 Conservation Area Consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.
- 2 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 29 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 18 July 2019

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

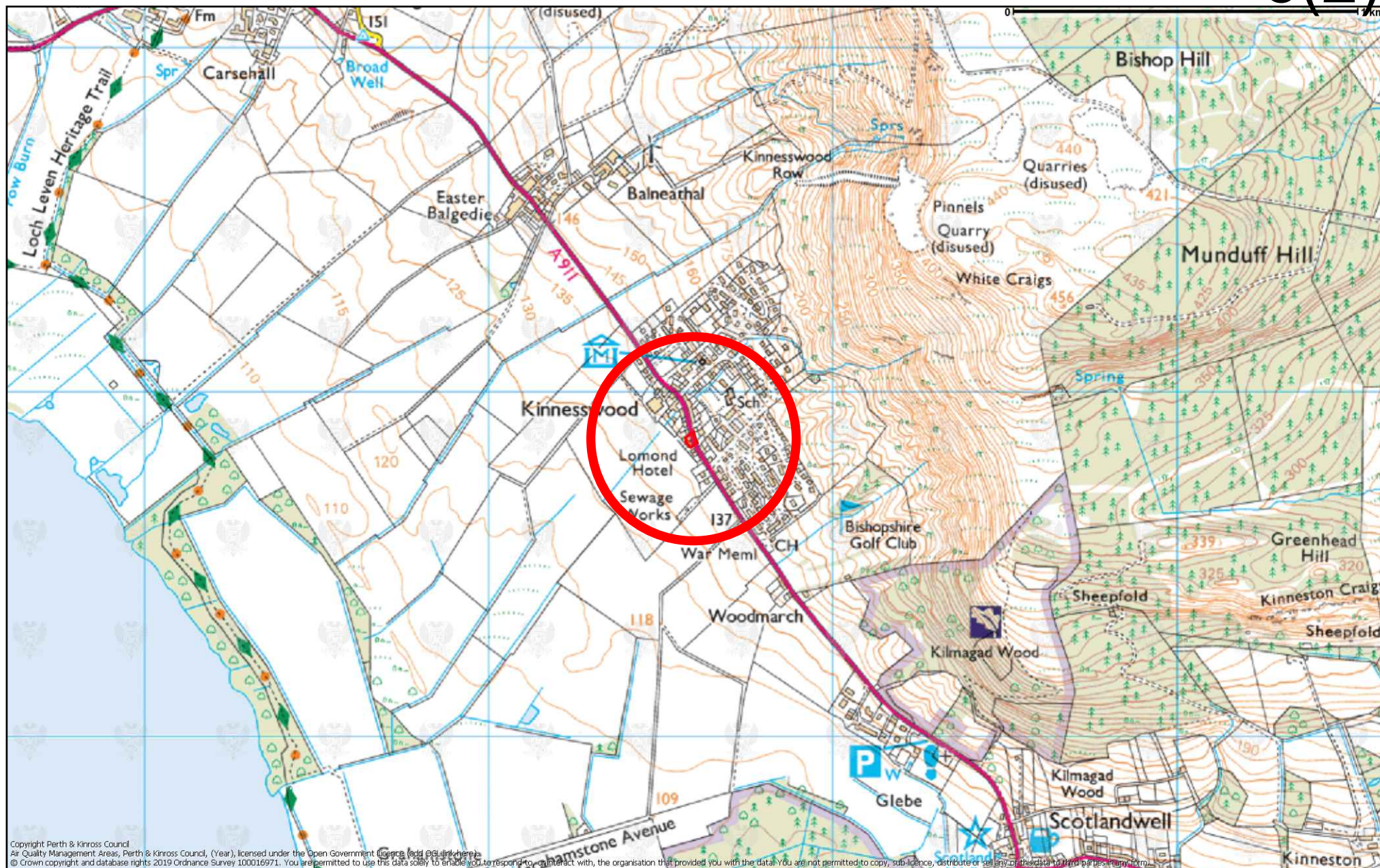
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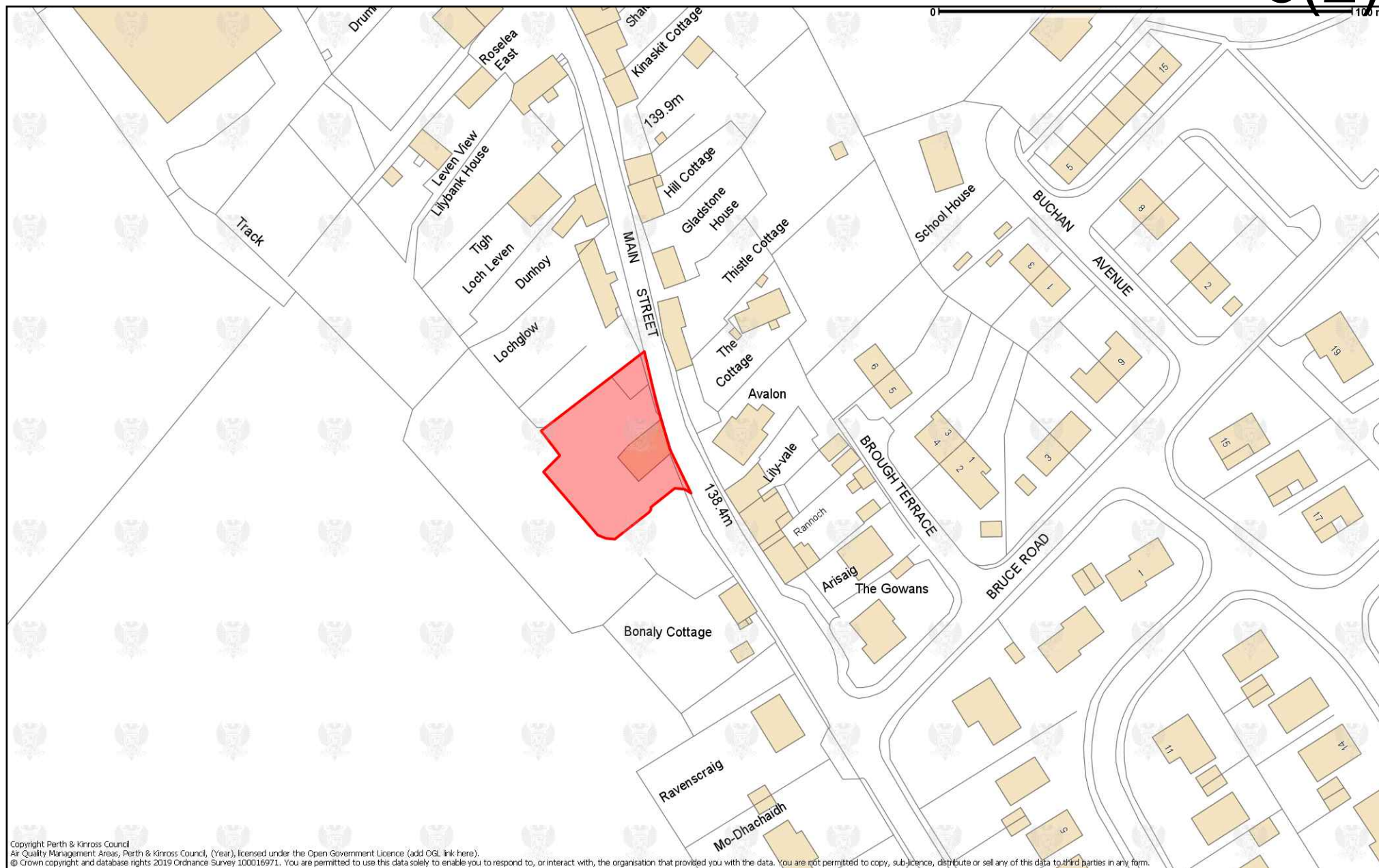
19/00559/CON

Demolition of building, Former Lomond Hotel, Main Street, Kinnesswood









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19/00559/CON

Demolition of building, Former Lomond Hotel, Main Street,  
 Kinrosswood





Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/212)

**PROPOSAL:** Erection of a dwellinghouse and garage

**LOCATION:** Land 40 Metres North West Of Bonaly Cottage, Main Street, Kinnesswood

Ref. No: [19/00558/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 and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning permission is sought for the erection of a detached dwellinghouse and associated detached garage on the site of the Lomond Inn on Main Street, Kinnesswood. The site is located on the south west side of Main Street and slopes from the road down towards the edge of the settlement.
- 2 The site was occupied for approximately 125 years by the Lomond Inn and the building footprint area has been extended many times, together with the construction of a separate accommodation annexe and garage outbuildings, until eventual closure in 2012, due to the poor economic conditions.
- 3 Planning permission was approved in 2016 (16/00326/FLL) for the partial demolition of the Lomond Inn and the conversion of the remainder to a dwellinghouse (Plot 1). This application also included the erection of four further detached dwellinghouses (Plot 2-5) within the wider grounds of the former inn, extending west and south from the former Inn.
- 4 At time of writing, the application site has been cleared other than the remainder of the Lomond Inn which is currently approved to be converted into a dwelling. It is this remaining element of the Lomond Inn which the applicant seeks to demolish and replace.
- 5 The proposal involves the erection of a detached dwelling with a T-shaped footprint which is proposed to front onto Main Street. Access is to be taken using the same access which is approved for Plots 2-5 which will allow access into the Plot from the rear (west) of the site. A detached garage is proposed in the western corner of the site. A set back is proposed to allow a 1.2m wide

pedestrian footway to be installed along the eastern boundary of the site onto Main Street.

- 6 The demolition of the existing Lomond Inn building is sought through an associated application for Conservation Area Consent which is also under consideration at this Committee meeting (19/00559/CON).

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

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

- 9 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Placemaking: paragraphs 36 – 57
  - Valuing the Historic Environment: paragraphs 135-137
  - Conservation Areas: paragraphs 143-144

### **Planning Advice Notes**

- 11 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 71 Conservation Area Management

### **Creating Places 2013**

- 12 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**

- 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.

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

- 14 This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.
- 15 The following policy documents and guidance from Historic Environment Scotland are also relevant to this proposal:
- 16 **Historic Environment Scotland's Historic Environment Policy for Scotland (HEPS) April 2019**
- 17 **Managing Change in the Historic Environment - Guidance on Conservation Areas**

### **DEVELOPMENT PLAN**

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

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

- 19 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. There are no specific TAYPlan policies which are relevant to this application. Nevertheless, 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**

- 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 policies are:

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

- 26 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 HE1B - Non Designated Archaeology**

- 27 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 HE3A - Conservation Areas**

- 28 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 CF2 - Public Access**

- 29 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 TA1B - Transport Standards and Accessibility Requirements**

- 30 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 ER6 - Managing Future Landscape -Change to Conserve and Enhance the Diversity and Quality of the Area's 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 EP3B - Water, Environment and Drainage**

- 33 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**

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

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

- 35 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.

### **Policy NE3 - Biodiversity**

- 36 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.

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

- 37 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

### **SITE HISTORY**

- 38 There have been a series of applications for works to the Lomond Inn which are not relevant to this application. The relevant history relating to this application is outlined below:

- 39 [14/00707/FLL](#) Erection of five dwellinghouses and associated engineering operations Decision Issued 17 July 2014 Application Withdrawn
- 40 [15/00505/FLL](#) Erection of 5 dwellinghouses and associated works Decision Issued 26 February 2016 Application Withdrawn
- 41 [15/00506/CON](#) Demolition of buildings Decision Issued 26 February 2016 Application Withdrawn
- 42 [16/00325/CON](#) Part demolition of hotel and demolition of annexe building and outbuildings Decision Issued 19 October 2016 Application Approved – Development Management Committee October 2016
- 43 [16/00326/FLL](#) Part demolition, change of use and extension to hotel to form dwellinghouse, erection of 4 dwellinghouses and associated works Decision Issued 5 July 2017 Application Approved – Development Management Committee October 2016
- 44 [18/00666/CON](#) Complete demolition of a building Decision Issued 26 June 2018 Application Withdrawn
- 45 [18/00667/FLL](#) Erection of a dwellinghouse Decision Issued 26 June 2018 Application Withdrawn
- 46 [19/00559/CON](#) Demolition of building – Pending consideration and also presented to this Planning & Development Management Committee

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Portmoak Community Council**

- 48 The Community Council considers the new building development to negatively impact on the character of the Conservation Area due to the scale and design of the dwelling. Should consent be granted the Community Council wishes an appropriate management during construction operations.

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

- 49 Preference is for building to be retained but if not a condition relating to the requirement for a standing building survey is recommended.

#### **Scottish Water**

- 50 No objection.

## **INTERNAL**

### **Biodiversity Officer**

- 51 No objection.

### **Transport Planning**

- 52 No objection subject to conditions.

### **Development Negotiations Officer**

- 53 No contribution required.

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

- 54 Condition recommended relating to the provision of a contaminated land investigation and remedial works.

## **REPRESENTATIONS**

- 55 A total of 19 letters of representation have been received, including a letter from Portmoak Community Council. All of the letters object to the application and the following points were raised:

- Out of character with area
- Impact on visual amenity
- Loss of views
- Contrary to Development Plan
- Excessive height and scale
- Loss of car parking
- Loss of open space
- Traffic congestion
- Fails to preserve or enhance Conservation Area – particularly approach from South
- Fails to enhance streetscape
- Site should be used as open space and car parking and address public need
- Consideration given to public interests as indicated in SPP
- Potential for community buy out
- Cumulative impact
- Pedestrian access
- Construction management

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

## ADDITIONAL STATEMENTS

|                                                |                                                            |
|------------------------------------------------|------------------------------------------------------------|
| 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          | Structural Appraisal and Residential Development Appraisal |

## APPRAISAL

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

### Principle

- 58 The application site is located within the Conservation Area of Kinnesswood in an area designated for residential and compatible uses where Policy RD1 and HE3A apply. Policy RD1 supports residential development in principle subject to certain criteria, including protecting the amenity of neighbours, ensuring the design and scale of the proposal relates to the character and amenity of the area amongst others. Policy HE3A seeks to ensure that new development preserves or enhances the character and appearance of the Conservation Area. Other relevant policies include PM1A and B which relate to placemaking and require new development to respect its surroundings in terms of appearance, height and scale and respect existing building lines amongst other criteria. As the site is located within the settlement boundary, the principle of residential use on this site is considered acceptable. The paragraphs below will provide an assessment of the relevant criteria above and associated LDP policies. Furthermore the closure of the Lomond Inn and its conversion to residential use has been accepted under the 2016 permission. On that basis there is no further requirement to assess this matter.

### Impact on Character of Conservation Area/Visual Amenity/Design/Layout

- 59 Policy HE3A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area. The implications of the demolition on the Conservation Area will be considered separately through application 19/00559/CON which is also under consideration at this Committee.

- 60 It was noted from site visits that Kinnesswood Conservation Area is made up of varying design styles with a mixed palette of materials evident. There are also varying ridge heights and eave heights along Main Street. The former Lomond Inn is considered to play an important part in the historic character of the Conservation Area and acts as a gateway point into the Conservation Area for those travelling from the south east. The attractive south east elevation of the Lomond Inn sits directly adjacent to the footpath with its east facing, gable end fronting onto Main Street.
- 61 Main Street of Kinnesswood is characterised by properties generally fronting onto the street. The existing Lomond Inn is one of a few buildings in Kinnesswood which has a gable facing the street. Whilst it is unfortunate that the Lomond Inn building is to be demolished, the re-orientation of development on the site is considered to be appropriate and very much relates to the established historical context of development on Main Street. The re-orientation also allows for a set back of the building from Main Street.
- 62 The house is to be relatively simple in its design and form with a simple two storey form and gable ends which replicates other historic development within the Conservation Area. The house extends to 7.8m to the ridge and has a wallhead to roof ratio which is similar to other buildings within the Conservation Area. The house also sits at a lower topography than the buildings on the east side of the public road which will help to ensure the scale and massing of the building is appropriate for its context. The gable elevation facing south retains some interest with a chimney and windows breaking up its mass which helps to provide character and ensure the approach into Conservation Area from the south east is not compromised.
- 63 The plans appear to suggest the use of sash and case windows. No details on the materials for the windows have been submitted. The extant permission on the site allows for timber alu-clad windows on the new build dwellings and converted Lomond Inn and a condition is recommended to ensure details of the window materials are submitted for approval (Condition 5). Given that this building will replace an important building it is considered vital to ensure the materials are of high quality. Therefore a condition is recommended to ensure that the new rainwater goods are cast iron, similar to the previous permission to protect the character of the Conservation Area (Condition 9). The roof is proposed to be finished in slate and the walls are proposed to be a cream coloured render with grey banded window surrounds and basecourse. Details of all finishing materials will be requested by condition and the re-use of the slates from the Lomond Inn on the new build will also be secured by condition (Conditions 5 and 8).
- 64 The existing stone boundary wall fronting Main Street is to be taken down and re-built to accommodate the 1.2 wide footpath. Details of the re-built wall and its finishing materials will also be secured by condition (Condition 6). A further condition to ensure details of the remaining boundary treatments are submitted is also recommended (Condition 7).

- 65 The proposed garage is again to have a simple form and appropriate scale and is to be located to the rear of the site with limited views from the public realm. Its scale and proportions are considered to be acceptable.
- 66 The proposal is considered to be an appropriate replacement for the unfortunate loss of the existing Lomond Inn building in the Conservation Area and is considered to be an overall improvement to the character and appearance of the area, given the building's current condition, as required by LDP policy.

### **Residential Amenity**

- 67 Policy PM1A and PM1B seeks to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area. Policy RD1 contains similar criteria. The house is located close to the boundary with Lochgalloway to the north west. The side elevation of the house faces towards Lochgalloway, however, this faces towards a blank gable. As such I do not consider there to be any issues relating to overlooking or overshadowing from the proposed dwelling. The scale of the house is considered to be appropriate and will not result in any significant overshadowing to neighbouring ground.
- 68 Overall, I consider the proposal to be acceptable in terms of the residential amenity of residents of the surrounding area and that of the future occupiers of the dwelling and therefore in accordance with the relevant placemaking policies of the LDP and the criteria outlined in Policy RD1.

### **Developer Contributions**

#### Education

- 69 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 70 This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time.

#### Transportation

- 71 The site is located outwith the area where a contribution towards transportation infrastructure is required.

### **Access/Traffic/Transport**

- 72 Main Street is relatively straight in this location and benefits from existing traffic calming measures in close proximity to the site. As such, vehicle speeds are

likely to be low. As the site previously operated as an Inn I do not consider the proposed development to result in a significant level of increased traffic over that which utilised the Inn. Additionally, the current proposal does not result in any increased traffic in comparison with the consented development on the site. Transport Planning have been consulted on the proposal and have provided no objections subject to the access onto Main Street being formed in accordance with Council standards (Condition 2). They have also requested that turning facilities and two car parking spaces per dwelling are provided on site. These are marked on the submitted plans. The proposal also includes the creation of a 1.2m wide footpath along the frontage of the site. Whilst the footpath width overall is limited on the western side of Main Street, and varies up and down its length, I believe the provision of a wider footway along the boundary of the site to be an overall improvement for pedestrian safety in the area. Subject to these conditions the proposal is considered to be in accordance with Policy TA1B of the LDP.

### **Waste Collection**

- 73 The site is served by Council waste collection and Waste Services have indicated that the proposed property will be provided with a three bin system (general, recyclables and garden/food waste) which should be presented to Main Street for collection. A bin presentation area has been recommended by Waste Services close to Main Street and this can be secured by condition (Condition 4).

### **Drainage**

- 74 The site is served by the public drainage system in Kinnesswood and the application form indicates that the intention is to connect into this system. It also states that the proposal is to connect to the public water supply network and that a sustainable urban drainage system (SUDS) will be utilised to cater for surface water drainage. The principle of this is considered to comply with policies EP3B and C of the LDP. The exact detail and design of the drainage proposals will be secured through a building warrant.

### **Rights of Way**

- 75 The Main Street of Kinnesswood is an adopted Core Path (PTMK/146); however, I do not consider any of the development proposed to be of detriment to the use of this path which is along a public road. The provision of a wider footpath adjacent to the site will also improve public access along Main Street. As such I am satisfied that the proposal complies within the criteria outlined in Policy CF2 of the LDP.

### **Biodiversity**

- 76 An ecological survey was submitted with the previous application and no confirmed bat roosts were found and the report recommended some measures to enhance the site for biodiversity. I am satisfied that the conclusions remain appropriate. Bat boxes were installed on trees within the wider development site in April 2017 to cater for the loss in habitat. Mitigation measures for protected



species can be secured by condition (Conditions 11 and 12). As such the proposal is considered to comply with Policy NE3 which relates to biodiversity.

### **Flooding**

- 77 There are no flooding concerns at the site and therefore the proposal complies with Policy EP2 of the LDP.

### **Contaminated Land**

- 78 Environmental Health has indicated that their service is in the possession of a site investigation report of December 2013 which identified some contamination on site. This investigation made a recommendation for either capping or removal of the contaminated material. It is unknown whether these remedial works have been undertaken therefore a condition is recommended (Condition 10). This will ensure the compliance with policy EP12 of the LDP.

### **Lack of "Conservation Report"**

- 79 A letter from Portmoak Community Council raised the issue of the lack of any "Conservation Report" on this proposal. This has been raised in separate letters of complaint to the Council in the past and a detailed answer has been provided to the Community Council and I therefore do not intend to provide any detail on that issue within this report. In conclusion there is no requirement for a "Conservation Report" to be prepared as the Community Council suggests and an assessment of the merits of this application are provided within this report.

### **Archaeology**

- 80 Perth and Kinross Heritage Trust (PKHT) has been consulted on the application and stated that they wish for the existing building to be retained. The merits of demolition will be considered under the Conservation Area Consent application. PKHT has indicated that should the building be demolished, a standing building survey is undertaken. This can be secured by condition on the Conservation Area Consent should consent be granted (19/00559/CON).

### **Alternative Uses/Community Buy Out**

- 81 The letters of representation have raised the possibility of a potential community buy out of the former Inn and to re-use it for an alternative purpose and to form car parking for the local community and open space within part of the site. Whilst this is noted, the Council is required to consider the proposal put forward in this application and on the basis of the assessment above the proposal for a new build dwelling and garage is considered to be consistent with the requirements of the LDP and national guidance. Any alternative proposal for the site which may come forward in the future would be subject to a separate application which would be considered on its own merits.

## **Economic Impact**

- 82 Whilst the closure of the Lomond Inn is unfortunate it is clear from the information submitted that there is no market for a facility of this nature within Kinnesswood. The Council has previously accepted its conversion to a dwellinghouse. There will be limited economic impact associated with the construction phase of the development.

## **Construction Management**

- 83 Given the proposal relates to a single house development it is not considered to be reasonable to apply a condition seeking a detailed construction management plan for the site. The restriction of construction hours is controlled through PKC Environmental Health.

## **Loss of View**

- 84 The loss of a view is not a material planning consideration.

## **LEGAL AGREEMENTS**

- 85 There is an existing legal agreement secured under application 16/00326/FLL which secures a contribution in relation to affordable housing. This section 75 agreement remains relevant to this permission.

## **DIRECTION BY SCOTTISH MINISTERS**

- 86 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**

- 87 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be in accordance with the Development Plan. I can find no material considerations which would justify refusal of the application. I consider the proposal as a whole to result in an improvement to the visual amenity and character of Kinnesswood Conservation Area through the development of an identified area of need which is currently in poor condition. On balance, the benefits of the new build development and the overall proposal to bring the site back into active use are considered to improve the character and visual amenity sufficiently to merit the approval of the proposed new build development.

## **A RECOMMENDATION**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

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

- 2 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.

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

- 3 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 pedestrian and traffic safety and in the interests of free traffic flow.

- 4 Prior to the commencement of any development full details of a bin presentation area close to Main Street shall be submitted to and approved in writing by the Planning Authority. The details shall ensure that adequate provision for bin collection is provided whilst respecting the character and visual amenity of the Conservation Area. The details, as approved, shall be implemented as part of the site development to the satisfaction of the Planning Authority.

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

- 5 Prior to the commencement of any development a sample of the proposed render finish and window bands, natural slate and composite window materials shall be submitted to and approved in writing by the Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

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

- 6 Prior to the commencement of any development on site, full details, including a scaled elevation of the re-built 1.2m high natural stone boundary wall on the north eastern side of the site shall be submitted to and approved in writing by the Planning Authority. The wall detail, as agreed in writing, 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.

- 7 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for 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.

- 8 Prior to commencement of the demolition works a scheme which allows for the verification of the existing slates on the building to establish those which can be re-used in the new development shall be submitted to and approved in writing by the Planning Authority. The slates shall be removed and re-used in accordance with the approved verification scheme to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

- 9 The rainwater goods on the development hereby approved shall be cast iron, painted black, to the satisfaction of the Council as Planning Authority.

Reason: In order to protect the character and appearance of Kinnesswood Conservation Area.

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

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

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

- 11 Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority.

Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

- 12 All works to buildings or structures that may be used by bats (such as demolition, roof stripping, excavations or building works or associated operations) shall only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

Reason: To reduce the risk of disturbing any bats present within the buildings

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

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

- 14 Prior to the commencement of any development full details of all proposed hard and soft landscaping shall be submitted to and approved in writing by the Planning Authority. The details shall include hedge boundaries to the plot. The details shall include the species, planting density and stock sizes for all planting. The scheme as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **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 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.
- 6 No work shall commence on site until consent has been granted for the associated Conservation Area Consent application for the demolition of buildings (Ref: 19/00559/CON).
- 7 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 permission for a development does not provide a defence against prosecution under this act.

Background Papers: 19 letters of representation  
 Contact Officer: John Williamson 01738 475360  
 Date: 18 July 2019

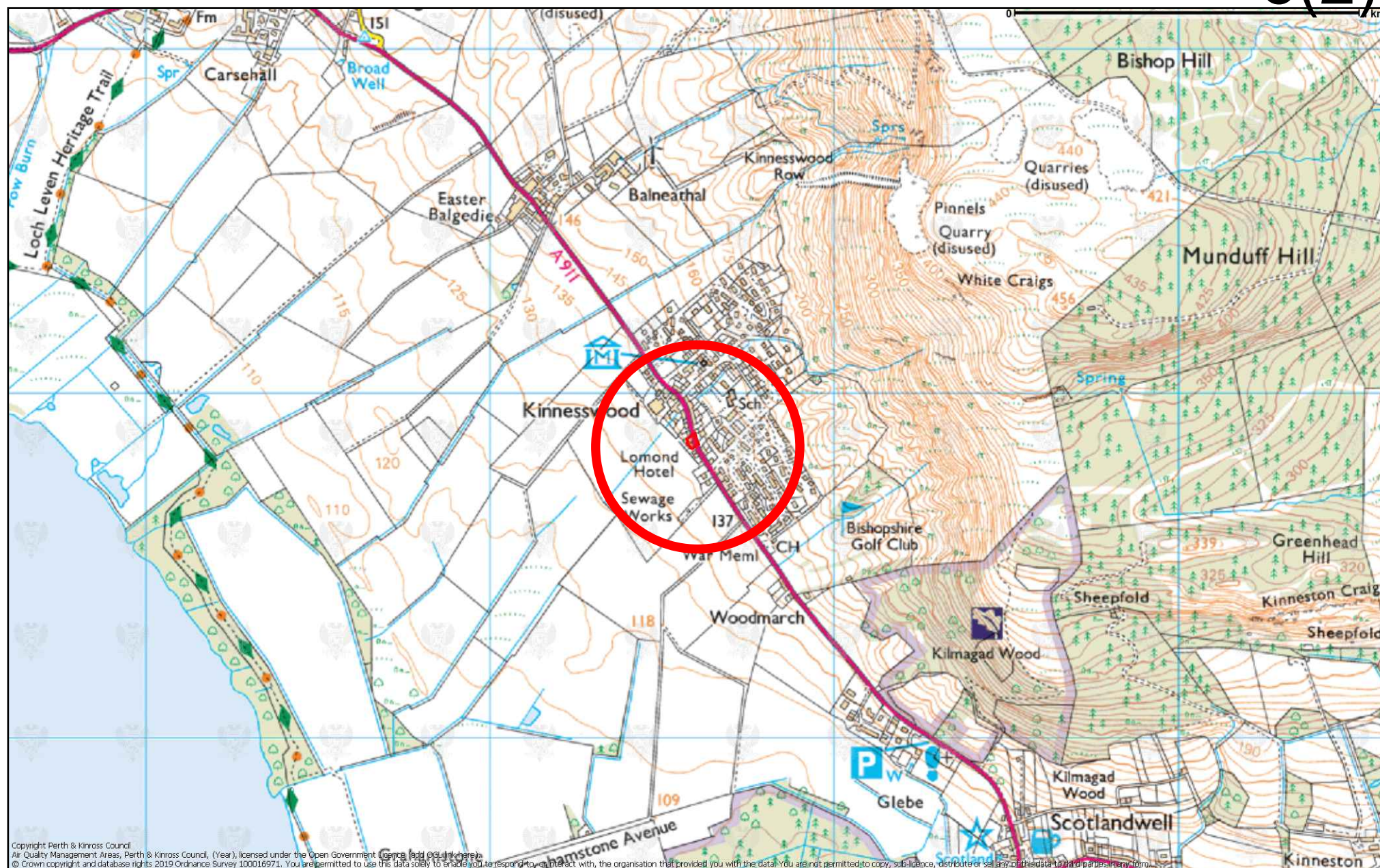
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

|                                                                                                                                                                                                                                                                    |
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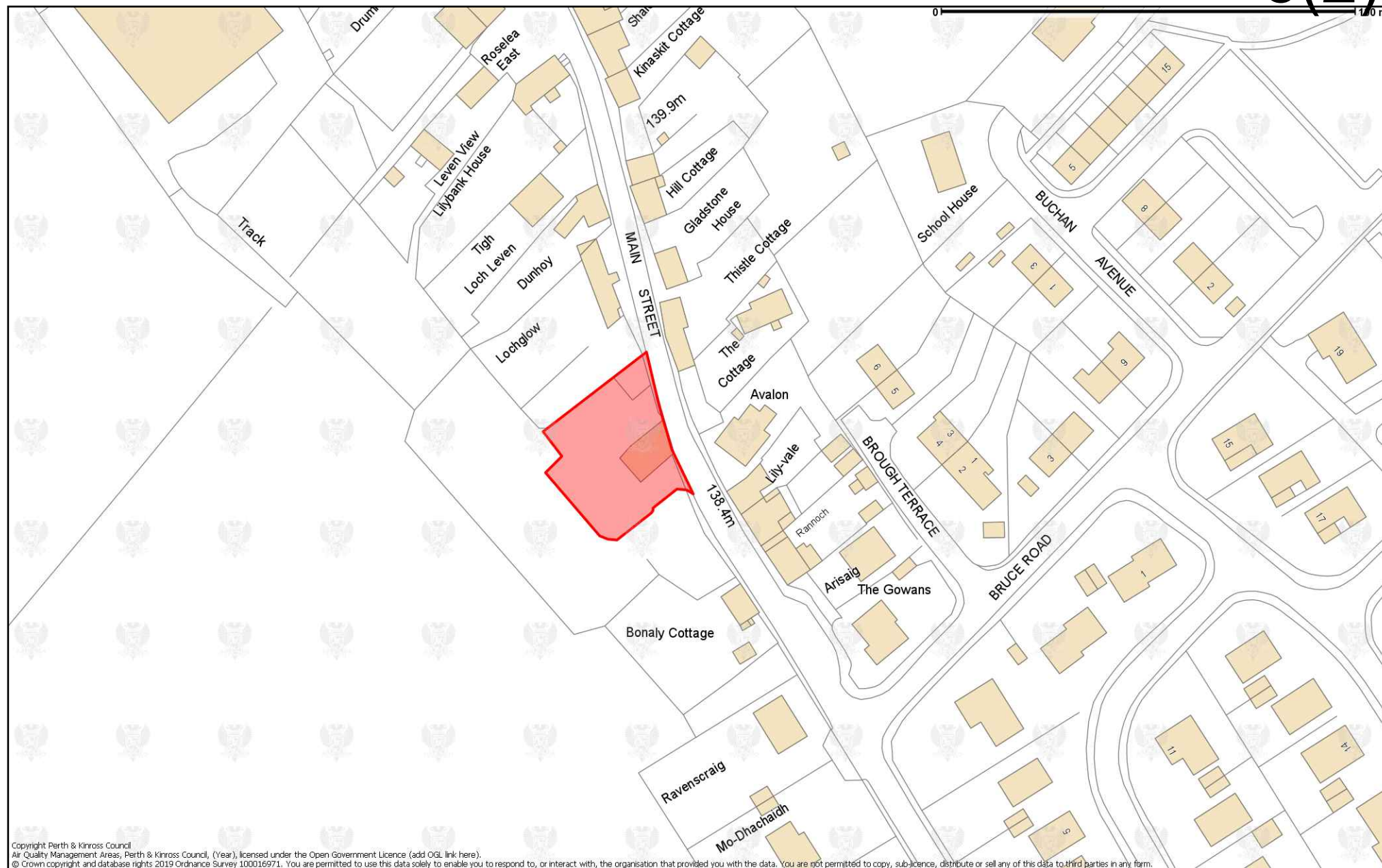
19/00558/FLL

Erection of a dwellinghouse and garage, land NW of Bonaly Cottage, (former Lomond Hotel site), Main Street, Kinnesswood









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19/00558/FLL

Erection of a dwellinghouse and garage, land NW of Bonaly Cottage, (former Lomond Hotel site), Main Street, Kinnesswood





Perth and Kinross Council  
Planning & Development Management Committee – 31 July 2019  
Report of Handling by Head of Planning & Development (Report No. 19/213)

**PROPOSAL:** Alterations and extension to hotel

**LOCATION:** McKays Hotel, 138 - 144 Atholl Road, Pitlochry, PH16 5AG

Ref. No: [19/00693/FLL](#)  
 Ward No: P4 - Highland

### **Summary**

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

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 McKays Hotel is a large, stone built Victorian building located centrally within Pitlochry. The building is not listed but it is a relatively attractive traditional building that stands within Pitlochry Conservation Area. The main frontage of the building has largely retained its traditional character but there have been a number of alterations and extensions to the building over the years. The rear of the building also exhibits a number of extensions including a large flat roofed extension.
- 2 A previous application to extend the Hotel in a very similar form was granted planning permission in December 2016 (16/01803/FLL). Whilst this permission remains valid the current application seeks a modification to the design. The previous application with limited objection was determined under delegated powers.
- 3 The proposal is to extend the building on the rear elevation (north) with a stepped extension positioned on top of the existing ground floor function room. The extension will provide a further 12 bedrooms and be linked at first floor to the existing hotel then increased in height to accommodate a further level of accommodation. The extension in terms of window proportions and design details reflect the existing building. The finishes are white render and slate roof.
- 4 There is no change proposed to the existing vehicular access at Birnam Place which provides access to the car park.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice

Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework**

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

### **Scottish Planning Policy 2014**

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

### **Planning Advice Notes**

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

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

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

## **DEVELOPMENT PLAN**

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

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

- 14 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.
- 15 The principal relevant policies are, in summary;

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

- 16 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**

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

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

- 18 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 RC1 - Town and Neighbourhood Centres**

- 19 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 TA1B - Transport Standards and Accessibility Requirements**

- 20 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 HE2 - Listed Buildings**

- 21 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**

- 22 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 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.

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

- 24 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended

modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **SITE HISTORY**

- 25 [15/01563/FLL](#) Alterations and extension to hotel Application Approved under delegated powers - Decision Issued 17 November 2015
- 26 [16/00276/FLL](#) Installation of biomass boiler, flue and associated works Application Withdrawn 14 April 2016
- 27 [16/01803/FLL](#) Alterations and extension Application Approved under delegated powers - Decision Issued 21 December 2016
- 28 [16/01945/FLL](#) Alterations and extension Application Approved under delegated powers - Decision Issued 17 January 2017
- 29 [18/00635/FLL](#) Alterations Application Approved under delegated powers - Decision Issued 29 May 2018

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Scottish Water**

- 31 No objection to proposal

### **INTERNAL**

#### **Transport Planning**

- 32 No objections to the proposal on parking provision or use of access

#### **Development Negotiations Officer**

- 33 No developer contributions required

## **REPRESENTATIONS**

- 34 The following points were raised in the 7 representations received:

- Lack of parking

- Impact on local road network
- Loss of light
- Impact on visual amenity
- Impact on conservation area
- Loss of a view

- 35 These issues are addressed in the Appraisal section of the report, with the exception of loss of a view which is not a material planning consideration and unauthorised parking on private land. Unauthorised parking is not a planning issue and is for others to enforce.

#### **ADDITIONAL STATEMENTS**

|                                                |              |
|------------------------------------------------|--------------|
| 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          | Not Required |

#### **APPRAISAL**

- 36 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.

#### **Principle**

- 37 The application site is located within the centre of Pitlochry where Policy RC1 Town and Neighbourhood Centres and Policy HE3A Conservation Areas are directly applicable. Policy PM1 Placemaking is also relevant.
- 38 Policy RC1 encourages uses within Class 1, 2 and 3 uses and also leisure uses provided that they contribute to the character, vitality and viability of the retail area.
- 39 Policy HE3A outlines that 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 should be appropriate to its appearance, character and setting.
- 40 Policy PM1A & B are applicable to all new proposals within the plan area and seek to ensure that the quality of the surrounding built and natural environment



is maintained and that all new development respects the existing character and amenity of the existing areas.

- 41 The proposed extension to the hotel use is considered to be compatible with neighbouring land uses, the Conservation Area and residential amenity is not considered to be compromised. For reasons mentioned throughout this report, the proposed extension is considered to be compliant with the relevant provisions of the aforementioned Local Development Plan.

### **Design and Layout**

- 42 The proposal is to extend the building on the north elevation. There is already a ground floor flat roof extension to the rear of the building which is set into the ground partially at a lower street level accommodating a courtyard and function room. The bedroom extension will be located on top of this area with the courtyard to be enclosed but retained as a single storey wing along the road/footpath edge.
- 43 The extension links to the first floor of the existing hotel building then steps up the site increasing in height resulting in a 1 ½ and 2 ½ storey extension with the upper floor partially accommodated within the roof space served by dormer windows. This reflects stepped terraced dwellings on the opposite side of Birnam Place. The stepping up also assists in mitigating the impact of the extension as the setback of the 2 ½ storey element screens the higher ridge from view on Atholl Road.
- 44 The design of the extension complements the existing hotel and picks up on the existing design features. The way the extension has been designed with differing ridge heights and varied footprint assists in reducing the overall mass.
- 45 The proposed finishes are slate roof and wet harl render painted white. Comments have been received regarding the colour of the render being inappropriate. The rear of the building does feature white render (although a little weathered) and within the area there are examples of render finishes. In this case an off white would be more appropriate and a condition will be added to cover external finishes including a sample of the slate. (Conditions 2 and 3)

### **Residential Amenity**

- 46 The site is located within the town centre with residential properties located to the north and east at Birnam Place. Concerns have been raised regarding the height of the development in relation to loss of light and privacy to neighbouring properties.
- 47 To the rear of the hotel there is an existing flat roof extension and a courtyard contained by a wall which abuts the footpath. The extension is to be set back from the footpath with the courtyard retained along the boundary at single storey this increases the separation between the extension and the existing dwellings.

- 48 This application, compared to the extant permission, has reduced the overall mass of the extension by the reduction in height of the middle section. This reduction is at a point where it faces a residential property which has a lower ridge height on Birnam Place. It is therefore considered that this current proposal will have a reduced impact on the existing residential amenity due to the reduction in scale from the previously approved proposal.
- 49 The proposed development faces the public road with residential properties beyond. In this case when considering windows across a public road the distances expected would not be as far as, for example, in rear gardens. In this case the distance combined with the set back of the extension is considered acceptable to protect existing residential amenity.
- 50 Overall I consider the proposal to be acceptable in terms of the impact on the existing residential amenity of residents of the surrounding area therefore the proposal is in accordance with the relevant placemaking policies of the LDP and the criteria outlined in Policy RD1.

### **Conservation Considerations**

- 51 The design of the proposed alterations and extensions are generally in keeping with the character of the Conservation Area and will in many ways improve the appearance of the hotel and is therefore in accordance with Policy HE3A.
- 52 The extension is set back behind Atholl Road In terms of impact upon the setting of the nearby listed buildings (128-134 Atholl Road) the scale, massing and proportions of the proposed extension will not have a detrimental impact on the setting of these buildings and is therefore in accordance with Policy HE2.

### **Roads and Access**

- 53 Concerns have been raised over an increase in traffic and lack of parking. The agent has confirmed that the purpose of the extension is to attract the coach trip and group tour market, which he considers could potentially reduce the number of private vehicles using the hotel car park. The hotel has 16 parking spaces available with 6 further spaces available on land within the hotel ownership. Guidance on maximum parking provision for hotels is given in the National Roads Development Guide as 1 space per 2.5 bed spaces. The total number of bed spaces for the existing and proposed additional rooms to the hotel is 54. This indicates that the maximum parking provision for the proposals is 22 ( $54/2.5 = 21.6$ ). Therefore the hotel can provide the maximum car spaces. It would however be advantageous for the current car park to be upgraded and the car parking spaces delineated as part of this development. (Condition 5) In addition in line with the National Roads Development Guide secure and covered cycle parking provision is required to accommodate 5 bicycles. (Condition 4)
- 54 It is noted that the hotel has a good location in terms of public transport, with access to both bus stops and train station within desirable walking distances. There are also a number of public car parks within walking distance.

- 55 My colleagues in Transport Planning do not object to the parking provision offered. The proposal is considered to be in accordance with Policy TA1B of the LDP.

### **Biodiversity**

- 56 The proposed development creates opportunities to provide nest sites for swifts. Pitlochry is known to have a sustainable population of swifts and everything possible should be done to encourage the increase in numbers.
- 57 The north east and south east elevations offer the opportunity to incorporate swift nest bricks at eaves height. Consequently, eight swift bricks have been included within the proposal.

### **Drainage and Flooding**

- 58 There are no changes proposed to the drainage arrangements and there is no flood risk associated with the site.

### **Waste Collection**

- 59 The hotel has existing waste storage provision which will be unaltered by this proposal.

### **Developer Contributions**

- 60 No developer contributions are required in relation to the proposal.

### **Economic Impact**

- 61 The existing hotel is within a town centre location and the agent has confirmed that the extension is to provide more bedrooms to attract the coach market and group tours. The extension will therefore contribute to the amount of tourist accommodation on offer in Pitlochry.

### **LEGAL AGREEMENTS**

- 62 No legal agreement required

### **DIRECTION BY SCOTTISH MINISTERS**

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

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 64 To conclude, the application must be determined in accordance with the 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 in terms of the principle to extend the hotel and the proposed design and finishes does not conflict with the Development Plan.

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

## **A RECOMMENDATION**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

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

- 2 Prior to the commencement of the development hereby approved, a sample of the roof slate shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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

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

- 4 Prior to the development hereby approved being completed or brought into use, secure and covered cycle parking provision shall be provided to accommodate 5 number bicycles in accordance with the National Roads Development Guide to the satisfaction of Perth & Kinross Council as Planning Authority.

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

- 5 Prior to the commencement of the development hereby approved a plan of the car park layout with spaces delineated shall be submitted to and agreed in writing by the Council as Planning Authority. The car park shall be resurfaced and laid out as per the approved plan prior to the development being completed or brought into use.

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

## **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 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/>

Background Papers: 7 letters of representation  
Contact Officer: Joanne Ferguson 01738 475320  
Date: 18 July.2019

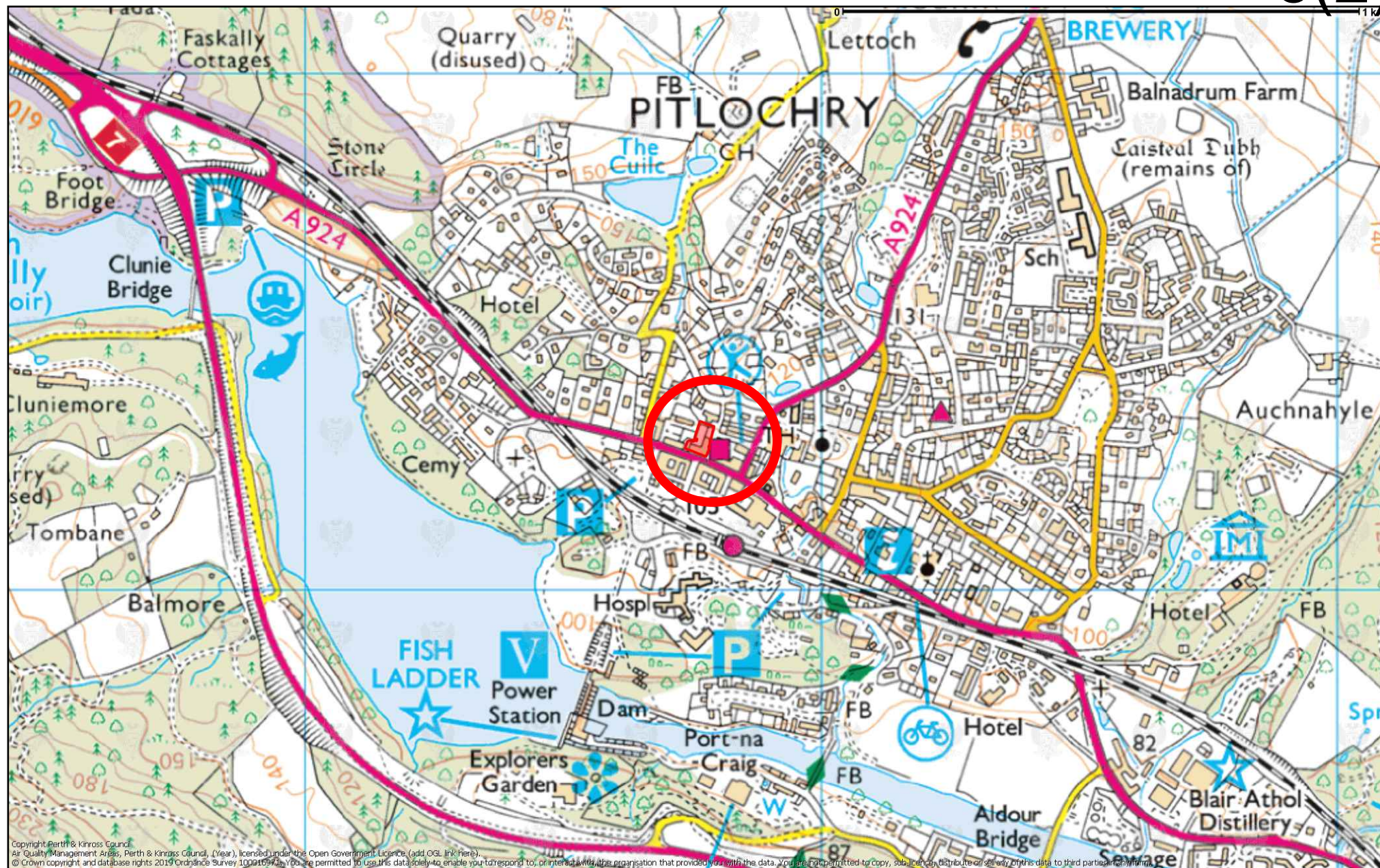
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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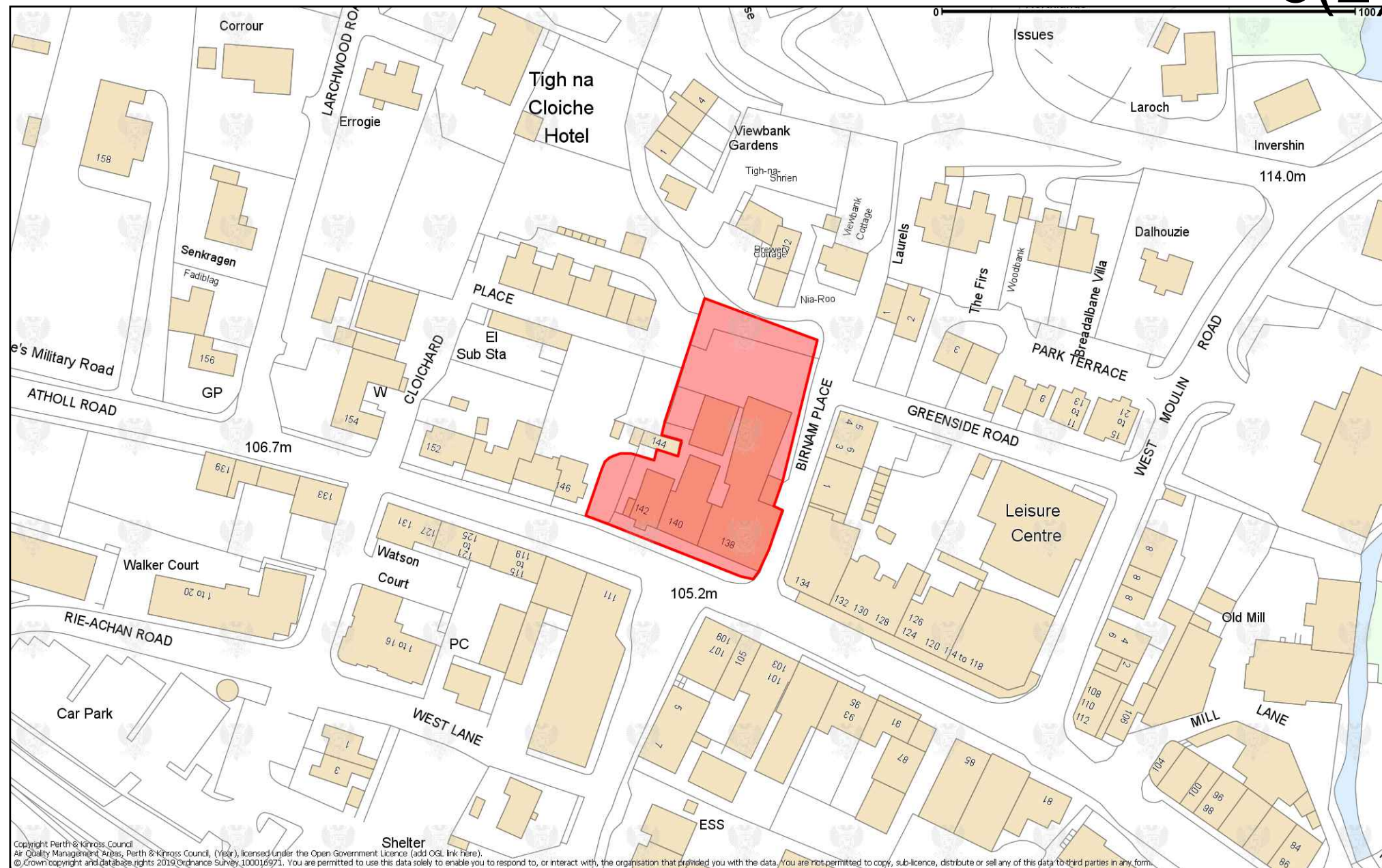
19/00693/FLL

Alterations and extension to hotel at McKays Hotel, 138 - 144  
 Atholl Road, Pitlochry









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19/00693/FLL

Alterations and extension to hotel at McKays Hotel, 138 - 144  
 Atholl Road, Pitlochry





Perth and Kinross Council  
Development Management Committee – 31 July 2019  
Pre-Application Report by Head of Planning and Development (Report No. 19/214)

Residential development at land 70 Metres East of Tigh Grianach  
 St Ninian's Road, Alyth (Part of LDP Site H60)

Ref. No: 19/00002/PAN  
 Ward No: P2 - Strathmore

### **Summary**

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a proposed residential development on the remaining part of LDP site H60. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### **BACKGROUND AND DESCRIPTION**

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 23 May 2019. The purpose of this report is to inform the Development Management Committee of a potential forthcoming planning application in respect Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The application site forms the southern half of LDP Site H60 which is allocated for residential use. There is extensive planning history associated with this site, as set out below. This PoAN seeks to formally establish a major development comprising uses as previously set out. The exact range of uses, scale and design of the development may be arrived at during pre-application discussions or through the ultimate submission of a detailed planning application.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request has yet to be submitted.

### **PRE-APPLICATION PROCESS**

- 4 The PoAN confirmed that a public exhibition was held on 19<sup>th</sup> July at Alyth Town Hall. The Ward Councillors and Alyth Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework**

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

### **The Scottish Planning Policy 2014**

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

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

- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- Planning and Waste Management Advice (July 2015)

## **Designing Streets 2010**

- 9 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– A policy statement on architecture and place for Scotland 2013**

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

## **National Roads Development Guide 2014**

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

## **LOCAL POLICY AND GUIDANCE**

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

- 12 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*"By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs"*

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

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

- 14 Seeks to focus the majority of development in the region's principal settlements. Milnathort is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of the additional development.

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

- 15 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**

- 16 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**

- 17 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**

- 18 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; and,
  - the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

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

- 19 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 20 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.”*
- 21 Under the LDP, the following policies are of particular importance in the assessment of this application:-

- PM1 – Placemaking
- PM2 – Design Statements
- PM3 – Infrastructure Contributions
- RD1 – Residential Areas
- RD4 – Affordable Housing
- TA1 – Transport Standards and Accessibility Requirements
- CF1B - Open Space Retention and Provision
- NE2 – Forestry, Woodland and Trees
- NE3 – Biodiversity
- NE4 – Green Infrastructure
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP8 – Noise Pollution
- EP12 – Contaminated Land

## **OTHER POLICIES**

- 22 The following supplementary guidance and documents are of particular importance in the assessment of this application:-

- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

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

- 23 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

## **PLANNING SITE HISTORY**

- 24 [09/00577/IPM](#) Residential development approved by Development Management Committee March 2010.
- 25 [15/01177/FLL](#) Variation of condition 1 of permission 09/00577/IPM to extend time period for the commencement of the development. Application approved by Development Management August 2015.



- 26 [16/01842/FLM](#) Deletion of condition 5 of permission 15/01177/FLM to remove the requirement for an equipped area of play. Application refused by Development Management Committee December 2016.
- 27 [17/00644/AMM](#) Erection of 27 dwellinghouses, garages and associated works (approval of matters specified in conditions 15/01177/FLL). Application approved by Planning and Development Management Committee January 2018

## **CONSULTATIONS**

- 28 As part of the planning application process the following would be consulted:-

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Scottish Water
- Transport Scotland
- Alyth Community Council

### **Internal**

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Biodiversity Officer
- Waste Services

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

- 29 The key considerations against which the eventual application will be assessed include:-
- a. Visual Impact
  - b. Scale, Design and Layout
  - c. Relationship to Nearby Land Uses
  - d. Natural Heritage and Ecology
  - e. Landscape
  - f. Water Resources and Soils
  - g. Impact on Noise
  - h. Transport Implications
  - i. Open Space Provision
  - j. Waste
  - k. Affordable Housing Provision



- I. Education Provision
- m. Flooding and Drainage
- n. Noise Implications

## **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

30 In the absence of an EIA, the following supporting documents will need to be submitted with any planning application;

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Statement/Assessment
- Flood Risk and Drainage Assessment
- Phase 1 Habitat Survey including protected species and breeding birds
- Sustainability Assessment
- Noise Assessment
- Construction Management Plan

## **CONCLUSION AND RECOMMENDATION**

31 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None

Contact Officer: Steve Callan – Ext 01738 475337

Date: 18 July 2019

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING AND DEVELOPMENT**

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Scale 1:25000



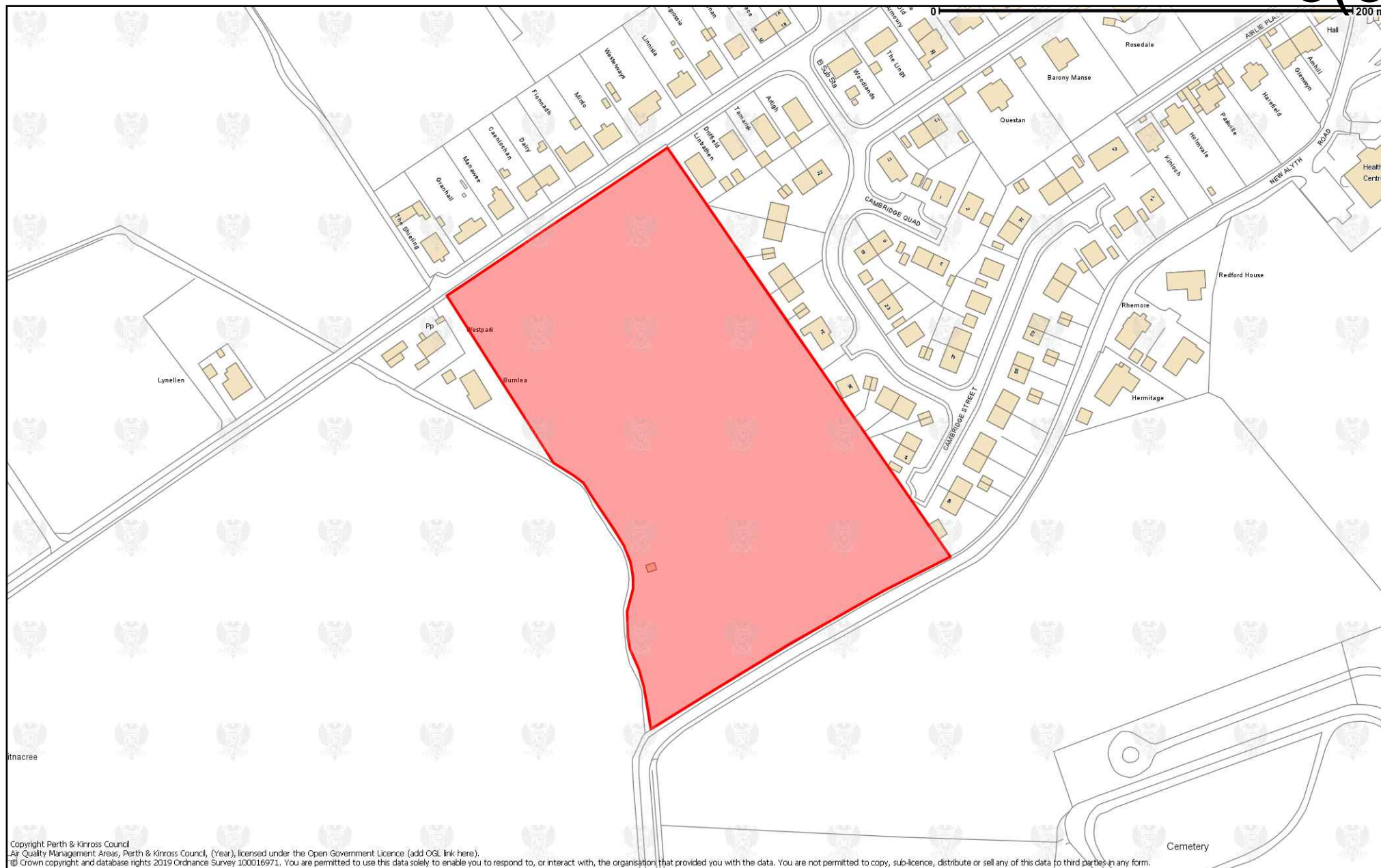
**19/00002/PAN**

**Residential development (LDP Site H60) at land east of Tigh Grianach, St Ninian's Road, Alyth**









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19/00002/PAN

Residential development (LDP Site H60) at land east of Tigh  
 Grianach, St Ninian's Road, Alyth



