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Council Building
2 High Street
Perth
PH1 5PH

4 March 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, 13 March 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.

Councillor Willie Wilson

Members:

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

Planning and Development Management Committee

Wednesday, 13 March 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 13 FEBRUARY 2019 FOR APPROVAL AND SIGNATURE (copy herewith) 5 - 26**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 18/02139/FLM - SCONE - ERECTION OF 51 RETIREMENT FLATS AND CYCLE STORE, FORMATION OF PARKING AND ASSOCIATED WORKS, LAND AT WHEEL INN, 37 ANGUS ROAD, SCONE 27 - 54**
Report by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 19/68)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 18/01614/FLL - DUNNING - ERECTION OF AN AGRICULTURAL BUILDING, LAND SOUTH EAST OF A M HOWIE YARD, YETTS ROAD, DUNNING 55 - 74**
Report by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 19/69)
- 5(2)(ii) 18/01941/FLL - DUNNING - ERECTION OF 2 AGRICULTURAL BUILDING, LAND SOUTH EAST OF A M HOWIE YARD, YETTS ROAD, DUNNING 75 - 92**
Report by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 19/70)

- 5(2)(iii) 18/01908/FLL - ARDLER - ERECTION OF A FREE RANGE EGG PRODUCTION UNIT AND ASSOCIATED WORKS, LAND 800 METRES SOUTH WEST OF EAST ARDLER FARM, MAIN STREET, ARDLER** **93 - 120**
Report by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 19/71)
- 5(2)(iv) 18/02009/FLL - CRIEFF - ERECTION OF 4 DWELLINGHOUSES, 10 FLATS, BIN AND CYCLE STORAGE, FENCING AND GATES, FORMATION OF STEPS, PARKING AREA, LANDSCAPING AND ASSOCIATED WORKS, LAND AT DISUSED BOWLING GREEN AND 42 MITCHELL STREET, CRIEFF** **121 - 144**
Report by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 19/72)
- 5(2)(v) 18/02168/FLL - MEIKLEOUR - CHANGE OF USE FROM AGRICULTURAL LAND TO FORM EXTENSION TO CAR PARK, MEIKLEOUR ARMS HOTEL AND RESTAURANT, MEIKLEOUR, PERTH, PH2 6EB** **145 - 162**
Report by Interim Development Quality Manager
(Recommendation - Approve) (copy herewith 19/73)
- 5(3) PROPOSAL OF APPLICATION NOTICE (PAN)**
- 5(3)(i) 18/00016/PAN - COUPAR ANGUS - FORMATION OF AN ENERGY STORAGE COMPOUND INCLUDING 15 BATTERY STORAGE UNITS, INVERTERS AND TRANSFORMERS A SUBSTATION, ANCILLARY EQUIPMENT, SOTE, VEHICULAR ACCESS, TRAC AND ASSOCIATED WORKS, SOUTH EAST OF COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS** **163 - 170**
Report by Interim Development Quality Manager (copy herewith 19/74)

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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 13 February 2019 at 10.00am.

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

In Attendance: A Condliffe, D Niven, J Scott, D Littlejohn, G Bissett, D Salman, L Reid and A Rennie (all Housing and Environment); G Fogg, L Gowans and D Williams (all Corporate and Democratic Services).

Apologies: Councillors B Band, H Coates and I James.

Councillor R McCall, Convener, Presiding.

. **WELCOME AND APOLOGIES**

The Convener welcomed everyone present to the meeting.

. **DECLARATIONS OF INTEREST**

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

. **MINUTES**

The minute of meeting of the Planning and Development Management Committee of 16 January 2019 (Arts. 14-19) was submitted, approved as a correct record and authorised for signature.

. **DEPUTATIONS**

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

Planning Application No.
18/01800/IPM

Art. No.
*(1)(i)

. **WITHDRAWAL OF APPLICATION**

The Committee noted the following application had been withdrawn from the Agenda:

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18/01908/FLL - ARDLER - Erection of a free range egg production unit and associated works, Land 800 metres South West of East Ardler Farm, Main Street, Ardler (Report 19/42)

APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) 18/01800/IPM - PERTH - Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 2 (phasing of development) of planning permission 15/01112/IPM (residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)), Land at Bertha Park, Perth – Report 19/40 – Bertha Park Ltd**

J Scott, Team Leader, delivered an update on proposed conditions, which were circulated to members prior to the meeting.

Mr Godfrey, on behalf of Luncarty, Redgorton and Moneydie as objector to the application, followed by Mr Martin, on behalf of the applicant's agent, addressed the Committee, and following their respective representations, withdrew to the public gallery.

Resolved:

Grant, subject to the following direction, terms, conditions and informatives, including the updates provided by planning:

Direction

The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions, as specified below, shall be submitted to, and approved by, the Planning Authority before the commencement of development. All application(s) for Phase 1 and Phase 2 shall be made no later than 9 years from the date of this permission and all application(s) for Phase 3 shall be made no later than 19 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal.

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the

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Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006. This is an application in principle.

2. Within 12 months of the date of this decision notice, a revised delivery plan confirming the updated phased delivery of the site and construction works shall be submitted to and approved in writing by the Council as Planning Authority. A revised delivery plan shall include a commitment to the submission of an application for the approval of matters specified no later than May 2024, covering (as a minimum) the road layout and associated plot servicing for Phase 1.2. 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. No development shall commence on each phase of the development until formal application(s) for the Approval of Matters Specified in Conditions has been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan:-

- a) The delivery of the development in phases associated with the character areas prescribed in Bertha Park's masterplan.
- b) Details of all cut and fill operations.
- c) Details on the removal of mineral resource from the site or on-site use of the mineral resource to ensure the resource is not sterilised.
- d) Full details of the proposed means of disposal of foul water to serve the development.

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- e) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
- f) The siting, design, height and external materials of all buildings or structures.
- g) Measures to maximise environmental sustainability through design, orientation and planting or any other means.
- h) Details of any screen walls/fencing to be provided.
- i) Details of all landscaping, planting, screening, open space and allotments associated with the development.
- j) Details of play areas and the equipment to be installed.
- k) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
- l) The detailed specification of all street and footpath lighting.
- m) Further supplementary noise surveys shall be undertaken to inform the preparation and implementation of corresponding phases and include noise mitigation measures where necessary.
- n) A detailed plan of public access across the site (existing, during construction & upon completion).
- o) A Woodland Management Plan for all woodland areas and timescales for implementation.
- p) Further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

The development shall be implemented in accordance with the planning application(s) and the approved details.

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

4. In pursuance of condition 3 c) removal of mineral resource from the site or on-site use of the mineral resource:-

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- a) Prior to the extraction of the economic mineral resource to be won on site, the extent of the economic mineral resource shall be quantified to ensure it is not sterilised. Details of which shall be submitted to and approved in writing by the Planning Authority.
- b) Prior to the extraction of the economic mineral resource a mineral working programme and phasing plan shall be submitted to and approved in writing by the Planning Authority. This shall detail the method and working direction of the mineral resource along with temporary restoration to be deployed before receiving built development.
- c) No buildings shall be constructed on the identified economic mineral resource until a detailed survey plans, including levels to Ordnance Datum, to show that the economic mineral resource associated with that working phase has been extracted is submitted to and approved in writing by the Planning Authority.

Reason: To ensure the economic mineral resource on the site is not sterilised and to enable the Planning Authority to control the working programme to minimise its impact on rest of the Bertha Park development.

5. In pursuance of condition 3 d), foul drainage for each phase of the development shall be drained to the mains sewerage system or instillation by means of an adoptable sewerage and plant system. The details of which shall be submitted to and approved in writing by the Planning Authority prior to its instillation and in consultation with Scottish Water, Scottish Environment Protection Agency and Scottish Natural Heritage. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

Reason: in the interests of public health and to prevent pollution.

6. In pursuance of condition 3 e), disposal of surface water:-

- a) 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 associated with each development phase. 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.

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- b) 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.
- c) Development shall not commence on each phase 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 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. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
- d) Development shall not commence on each phase until the design of all new and existing culverts/bridges and associated features (such as screens) for that phase have been submitted to and approved in writing by the Planning Authority, in consultation with the Council's Flooding Team. Thereafter, all works shall be carried out in accordance with the agreed details and be operational prior to the bringing the development phase into use.
- e) Prior to commencement of any works, full details of the finalised design of the replacement pond and SUDS pond within phase 1 of the development will 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.

7. In pursuance of condition 3 g), measures to maximise environmental sustainability through design, orientation and planting or any other means, each development phase shall also include:-
- a) The submission of sustainability checklists.

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- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 - Sustainability'.

Following written approval from the Planning Authority the development phase shall be undertaken in accordance with the approved details.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

8. In pursuance of condition 3 k) future application(s) for development areas within the masterplan shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

9. In pursuance of condition 3 i), landscaping, planting, screening, open space and allotments shall be submitted as part of the matters specified by condition application for each phase of development. 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.

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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 schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

10. In pursuance of condition 3 n), a detailed plan of public access across the site (existing, during construction & upon completion), for each phase of development, will 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.

11. No more than 750 residential units are permitted to be occupied until the Cross Tay Link Road Improvement including the Tay Crossing, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, have been designed, approved and contract let to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

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12. No development shall commence until appropriate mitigation measures have been 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 supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

13. No development shall commence until a Construction Traffic Management Plan (CTMP) 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.

14. Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of lighting within the site likely to impact on the trunk road shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

15. Prior to approval of further detailed applications for the eastern portions of the application site (Phase 3), details of the barrier / boundary fencing and frontage landscaping treatment along the A9 trunk road boundary shall be submitted for written approval and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road, with the consequential risk of accidents.

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16. No development shall commence until a detailed specification for the emergency access arrangements to be put in place between the Inveralmond Bridge and Bertha Lodge along with implementation timescales has been submitted to and approved in writing by the Planning Authority. Thereafter the approved emergency access arrangements to accord with the agreed timescales shall be installed and thereafter 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 each phase of the development, all watercourses on the site Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) 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 (Gelly, unnamed watercourse and unnamed drains as referred to in the FRA dated 18 June 2015) 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 commencement of each phase of development 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 phases of the felling, construction and operation programmes will

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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 of that phase shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of protecting environmental quality and of bio-diversity.

21. Two months prior to the commencement of the development, 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 phases. 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 phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are 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

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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. No development shall take place on the development phase until details of checking surveys for protected species or the nests of any breeding birds on the site has been submitted to and approved in writing by the Planning Authority, in consultation with 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 phase 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. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local 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.

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- 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 local 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. No development shall take place on the development phase until the trees to be retained as identified in the submitted surveys have been 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. No development shall commence until 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 has been 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 thereafter 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.

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26. No works in connection with the development hereby approved shall take place until such time as a mechanism has been agreed and concluded to the satisfaction of and the Planning Authority to ensure that the structural landscaping works between Phase 1 and 2 and Phase 1 and 3 have been completed in full.

Reason: to ensure the completion of the agreed structural landscaping scheme at an early stage in the interests of the visual amenity of the area and to provide a buffer between the mineral extraction and Phase 1 of the MasterPlan.

27. No 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, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. 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 agreement with Perth and Kinross Heritage Trust.

Reason: To safeguard any archaeological interest of the site.

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

29. Prior to the commencement of development of each phase a detailed noise impact assessment must be prepared by a suitably qualified consultant and shall be submitted to and approved in writing by the Planning Authority. This assessment should include proposed mitigation measures such that an acceptable level of amenity is ensured for the proposed development. Before

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any residential unit is occupied the measures agreed to mitigate noise shall be fully implemented as approved by the Planning Authority.

Reason: In the interests of public health and to prevent noise pollution.

30. Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc., must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason: To prevent disturbance from noise.

31. Prior to the commencement of development of each phase, an evaluation for the potential of the site 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 after 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.

32. Prior to the completion or bringing into use of any part of the development phase 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 phase of 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.

33. 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.

Reason: To comply with the Council's approved policy on affordable housing.

Justification

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

Procedural Notes

The decision notice shall not be issued until the Section 75 Agreement relating to In Principle permission 15/01112/IPM has been varied taking account of this application. The legal agreement shall be updated and registered within 4 months of the date of any Committee approval.

Informatives

1. 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 outwith the application site. These works themselves may require the submission of a planning application.
2. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
3. 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.
4. 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 Environment Protection Agency.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
6. 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.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. 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.
9. 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.
 10. Where protected species have been identified the ecologist shall provide guidance and advice to site staff on how to avoid disturbance of protected species.
 11. 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.
 12. The applicant is advised to pay full cognisance to PKC Flooding and Flood Risk Guidance Document (June 2014).
 13. 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 15/01112/IPM. This permission continues to be tied by this legal agreement (or any agreed amendment thereof) 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).

(2) Local Applications

- (i) 18/01807/IPL - KINROSS - Residential development (in principle), land 20 Metres South West of 16 Curate Wynd, Kinross – Report 19/41 – Mr A Fraser**

Resolved:

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

Conditions

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: (a) the siting, design and external appearance of the development, (b) the hard and soft landscaping of the site (including retention of trees), (c) all means of enclosure, (d) means of access to the site, (e) vehicle parking and turning facilities, (f) detailed levels

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survey (existing and proposed), (g) foul and surface water drainage (h) waste management provision and (i) a survey on site contamination and associated remedial strategy.

Reason - In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.

2. In pursuance of condition 1a) the residential development shall be limited to a maximum one storey in height (but allowing accommodation in the roof space). For the avoidance of doubt the indicative footprints and plans submitted with this application are not approved.

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.

3. In pursuance of condition 1b) the scheme shall include:
- (i) A tree survey and tree constraint plans to accord with BS58S7:2012 'Trees in relation to construction'.
 - (ii) Details of existing hedging and boundary treatment to be retained
 - (iii) The location of new trees, shrubs hedges, grassed areas and water features.
 - (iv) A schedule of plants to compromise species, plant sizes and proposed numbers and density.
 - (v) The location design and materials of all hard landscaping works.

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, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of 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 - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

4. In pursuance of condition 1(i) a survey of on-site contamination and associated remedial strategy shall include:
- (i) the nature, extent and type(s) of contamination on the site

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- (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
- (iv) condition of the site on completion of decontamination measures

Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

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

5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

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2. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
3. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
4. 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 Environment Protection Agency.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage authority.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
9. Please note that all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) should be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).

(3) Proposal of Application Notice (PAN)

**(i) 18/00014/PAN - MILNATHORT - Residential Development,
Land at Pitdownies Farm, Mase Road, Milnathort – Report
19/43 – Springfield Properties PLC**

Councillor Barnacle requested consultation be undertaken with NHS Tayside and Education and Children's Services at application stage. In addition, Councillor Wilson requested consultation with the Perth and Kinross Health and Social Care Partnership, particularly with relation to Primary Care. Councillor Anderson further highlighted the importance of importance of consultation responses from NHS Tayside or alternatively the Perth and Kinross Health and Social Care Partnership.

Councillor Wilson requested that Phasing be considered at application stage.

Councillor Watters requested that special attention be paid to capacity at Milnathort Primary School. Councillor Watters also requested that construction traffic be considered, along with an updated traffic model for the surrounding area.

Members also noted the issues identified by the Interim Development Quality Manager.

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Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/68)

**PROPOSAL:** Erection of 51 retirement flats and cycle store, formation of parking and associated works

**LOCATION:** Land at Wheel Inn, 37 Angus Road, Scone

Ref. No: 18/02139/FLM  
Ward No: P2- Strathmore

**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 51 retirement living apartments, including 13 affordable apartments, provided across two blocks which are intended to be age restricted to residents aged 55 and over. To facilitate this development, the proposal includes the demolition of the existing public house and restaurant known as the Wheel Inn.
- 2 The application site is located within the Scone settlement boundary and extends to 0.71 hectares in area (7100sqm). Currently, the vacant Wheel Inn buildings occupy an approximate footprint of 1200sqm located to the west of the site, with associated open space and car parking to the south and east. The site has a main vehicular access from Angus Road, with a secondary access from Stormont Road to the north. The site is bounded by a doctors' surgery to the north, residential dwellings to the south and west and larger dwellings to the opposite side of Angus road to the east (elevated by topography). The site is characterised by boundary trees along the eastern frontage and orchard trees within the current open space and play area to the southern extents of the site. A large area of car parking to the front (Angus Road) defines the entrance with the existing building sitting back into the site. The topography of the site is variable, with the ground sloping down from Angus Road towards the car parking and then back up again to the existing Wheel Inn building.
- 3 Up until recently the site was known to be in active use as a pub and restaurant business, including public toilet provision and recycling facilities, with hotel rooms, a large car park which is understood to also be commonly used by the public and mobile banking units.
- 4 This application follows on from the withdrawal of an earlier planning application for 55 retirement living apartments (18/01466/FLM), which was

recommended to the applicants as being unsupportable at an officer level on a number of grounds, including a failure to satisfy placemaking policy and a lack of drainage and flooding information and clarification.

- 5 The physical elements of the proposals comprise a principal three-storey 'Block 1' of 38 private apartments, located centrally in the site, which extends to a site area of approximately 1300sqm and 'Block 2' a two-storey building of 13 affordable apartments, located to the south of the site and occupying a footprint of approximately 600sqm. ,

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

- 6 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.
- 7 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.
- 8 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA schedule 2 thresholds through the proposed development area being less than 5000sqm.

## **PRE-APPLICATION CONSULTATION**

- 9 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held on 23 July 2018 at the Robert Douglas Memorial Institute (RDMI) in Scone. The four local ward councillors were made aware of the event, along with Scone & District Community Council. During the public exhibition, at least 55 interested parties were understood to have attended, with 17 feedback forms completed and returned. A further 4 questionnaires were thereafter submitted, along with 2 e-mails from local residents.

## **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

## **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 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.

## **Designing Streets 2010**

- 16 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**

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

## **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:
- 20 *"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 the TAYPlan 2016 are of particular importance in the assessment of this application.

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

- 22 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.

## **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 PM2 - Design Statements**

- 27 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**

- 28 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**

- 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 RD4 - Affordable Housing**

- 30 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 RD6 - Particular Needs Housing Accommodation**

- 31 Support will be given to proposals for particular needs housing and accommodation for the frail, elderly or those with special needs where they

are appropriately located and where they have minimum impact on the environment. Proposals for Houses of Multiple Occupation will be supported provided a need can be demonstrated and the residential amenity of an area is not affected.

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

- 32 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 CF3 - Social and Community Facilities**

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

### **Policy NE2 - Forestry, Woodland and Trees**

- 34 Requires tree surveys to be undertaken by a competent person for all planning applications where there are existing trees on a site and mitigation measures would normally be required for any loss of individual trees.

### **Policy NE3 - Biodiversity**

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

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

- 36 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 EP3C - Water, Environment and Drainage**

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

### **Policy EP11 - Air Quality**

- 38 Within or adjacent to designated Air Quality Management Areas, where areas of degraded air quality are already identified, development proposals which



would adversely affect air quality may not be permitted. Within these areas, where a development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify any impact on air quality and appropriate mitigation measures.

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

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

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

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

### **SITE HISTORY**

- 43 91/01929/FUL Demolition, various alterations and formation of play areas. Application Approved under delegated powers 24 December 1991
- 44 92/00851/FUL Alteration to public house and restaurant. Application Approved under delegated powers 21 July 1992

- 45 92/01238/FUL Display of signs. Application Approved under delegated powers 7 September 1992
- 46 04/02204/ADV Display of signage. Application Approved under delegated powers 26 November 2004
- 47 04/02284/FULA Change of use of part of ground for the formation of a recycling point. Application Approved under delegated powers 21 January 2005
- 48 06/00868/ADV Display of a sign Application Approved under delegated powers 19 July 2006
- 49 06/01087/FUL Erection of a smoking shelter (in retrospect) Application Approved under delegated powers 23 June 2006
- 50 [16/01122/FLL](#) Formation of a sensory garden, erection of boundary treatments, engineering works and other associated works Application Approved under delegated powers 16 August 2016
- 51 [18/00005/PAN](#) Residential development PAN Decision Issued 12 June 2018
- 52 [18/01466/FLM](#) Erection of an assisted living facility comprising 55no. accommodation units, communal area, office, store, 2no. plant rooms, bin storage, boundary treatments and formation of parking areas, landscaping and associated works. Application Withdrawn.

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Perth Scone Airport**

- 54 No comments received.

#### **Scottish Water**

- 55 No objection with sufficient capacity identified at both Perth Water Treatment works and Scone Waste Water Treatment works.

#### **Scottish Environment Protection Agency**

- 56 No objection.

#### **Scone and District Community Council**

- 57 Object on a number of grounds, which are further set out in the representations section of the report.

## **INTERNAL**

### **Development Negotiations Officer**

- 58 No objection subject to a planning condition securing provision of the proposed 13 affordable apartments.

### **Biodiversity Officer**

- 59 No objection, subject to applying recommended conditions, including adhering to the recommendations in the associated ecology and bat reports.

### **Community Greenspace**

- 60 No objection.

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

- 61 No objection with a recommendation made for a mini glass recycling point being provided and an informative suggested in relation to refuse collection access.

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

- 62 No objection subject to conditions relating to control of noise.

### **Structures and Flooding**

- 63 No objection based on background information submitted.

### **Strategy and Policy**

- 64 No objection based on the background information submitted in relation to the loss of the community facility and through recognition of 2 other existing establishments serving the population locally and several halls.

### **Transport Planning**

- 65 No objection with conditions recommended.

## **REPRESENTATIONS**

- 66 The following issues were raised in the 18 representations received, including Scone & District Community Council (SDCC):

- Contrary to development plan including:
  - Embargo for no more than 10 houses set out in the LDP

- Contend its consideration as a brownfield site
- Loss of a valued community facility from Scone area
- Loss of facility identified in support of the H29 (Scone North) planning submission.
- Potential for precedent for other sites within Scone
- Proposals are out of character from the rest of Scone.
- Inappropriate density
- Parking/transport issues, including adverse impact on Balformo road
- Visual impact
- Noise impact
- Cumulative effects – air quality/congestion
- Flood risk and drainage issues, particularly in relation to the barrel drain
- Loss of waste recycling facility for the area
- Impact on doctors surgery

67 The salient material issues are addressed in the Appraisal section of the report.

### **ADDITIONAL STATEMENTS**

68

|                                                |                                                                                                                                                                                                                                           |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Environment Statement/Report                   | 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          | Submitted, including: viability and marketing study, transportation statement, drainage and flood risk assessments, tree survey and arboriculture report, air quality, preliminary ecological appraisal, bat survey, culvert CCTV survey. |

### **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 as set out.

### **Principle**

- 70 The key determining issues in supporting the principle of a re-development of this site in the first instance are compatibility with LDP policies RD1, CF3 and Scone specific requirements, in particular section 5.32.3 Infrastructure considerations.
- 71 It is acknowledged that there are a number of services and facilities that will be lost through this proposal, notwithstanding the fact that 'The Wheel Inn' has ceased trading. Policy CF3 states that development involving the loss or change of use of the land or buildings serving community purposes would only be permitted whereby it satisfies sub policy criteria a and b or c. Policy RD1 supports development where existing residential amenity will be protected. The policy does not refer to the loss of pubs or restaurants specifically but does advise that the loss of ancillary uses and community facilities will be resisted without justification that the use is no longer viable.
- 72 The applicant has provided marketing evidence of the current business viability alongside a condition survey of the building. Whilst it is not categorically established that the business is no longer feasible, it is clear that significant investment in the site would be required and the associated building and the trading sales records over a number of years do not make it an attractive proposition for a future landlord/hotelier or indeed the opportunity as it serving solely as a community facility.
- 73 In addition and fundamentally, Scone currently also benefits from two other pubs that serve food and with at least one offering overnight room accommodation. The former Bank of Scotland on Angus Road has also been granted planning permission into a café/wine bar ([17/02032/FLL](#)). A number of other community facilities are available for private or community events and functions within the village. Further to this, Scone sits in close proximity to Perth City, benefitting from a frequent and reliable bus route to facilities in the city.. All of these factors diminish the material weight on the loss of this facility overall.
- 74 The proposed new land use, which is categorised as residential assisted living, is consistent with LDP policy RD6 for particular needs housing accommodation and is a facility that would support the local housing needs market for the older generation of Scone and assist in supporting remaining local services, whilst being compatible with the residential nature of the area.
- 75 In terms of the infrastructure embargo, this site does not trigger the 10 dwelling embargo threshold as it is a brownfield site within a settlement which has been previously developed. A number of objections have also cited the supporting reference of The Wheel Inn as part of the Scone North (H29)

proposal. This is not considered to be a material consideration and was not a determining factor in the assessment of the Scone North In Principle planning application.

- 76 Overall, the justification set out in the supporting information is considered to demonstrate that the principle for the loss of a pub and restaurant business and the redevelopment of the site for specialised residential development is considered to comply with LDP policies RD1, CF3 and RD6 in this regard. Specific LDP policy requirements beyond assessing the principle of the proposed development on this site will be discussed in the following sub topics.

### **Particular Needs Housing and Affordable Housing**

- 77 The site is located centrally in Scone, close to shops, the health surgery and accessible to adjacent bus routes and stops, which should encourage public transport use and reduced car usage. As such, the site is appropriate for particular needs housing as set out in Policy RD6. The site density is considered appropriate in relation to the type of development being proposed and within the wider site context. The 13 proposed on-site affordable apartments would meet the 25% requirement. The means of securing the detail and phasing for the affordable housing element is proposed to be in place via conditional requirement (Condition 3), seeking to be secured prior to the occupation of any element of the development. The proposals are considered to satisfy LDP policies RD4 and RD6.

### **Design and Layout**

- 78 A design and access statement was submitted in support of the application, updating the position from the earlier planning submission seeking to respond to the concerns of the initial application (18/01466/FLM) regarding the scale, massing and detailing not appropriately reflecting the surrounding built form and therefore failing to accord with LDP Policy PM1A and PM1B.
- 79 The current design proposal includes the removal of the original buildings, with their replacement by two apartment blocks, comprising:

#### **Block 1:**

- 20 x 1 bedroom apartments
- 18 x 2 bedroom apartments
- Communal Lounge area

#### **Block 2:**

- 8 x 1 bedroom apartments
- 5 x 2 bedroom apartments
- Office and plant room

- 80 Both blocks are designed with pitched roofs that continue to sit back within the site, visible from principal Angus Road and surrounding streets. A simple

palette of external materials has been proposed, including buff brick, smooth render shades, grey roof tiles and dark framed UPVC windows and doors. There has been significant work on the re-design of Block 1 following the initial application submission, with the scale and massing reduced through staggering the buildings to create a more domestic and village scale and form, including mansard roofs and gable detailing with vertical detail emphasis all assisting in visually breaking up the building.

- 81 The scale of the development has also been reduced by four apartments from the original scheme, improving the overall massing and addressing the urban nature of the original proposal. The accommodation in Block 1 is restricted to three storeys and staggered to ensure single aspect from key views, with a maximum ridge height of 13m, which is acknowledged to be a storey taller than surrounding residential accommodation (approximately 2m higher than the existing ridge line of the Wheel Inn).
- 82 The 3 storey scale and form of the principal block is considered to be well contained through a range of site contextual factors including its set back relationship within the site, the existing and proposed boundary landscape treatment and elevated situation of dwellings directly opposite on Angus Road sitting at a higher relative position through site topography. Overall, Block 1 is not assessed to dominate the surrounding built form. In turn, Block 2 is two-storeys in form and simple in detailing, reflecting a lower scale and modesty of development to the south and its surrounding building relationship. Block 2 has also been orientated to take advantage of key views down Union Road and create a more successful connection and relationship with Union Road and Balforno Road. The materials proposed are contemporary whilst remaining sympathetic to the village character. Work has been undertaken to address previous concerns regarding pedestrian access and maximise open space opportunities as set out in the design and access statement, which is also welcomed.
- 83 The current proposals create an opportunity for a more attractive alternative than the existing building on the site, which has been compromised by modern extension interventions, surrounded by a sea of tarmac on this large corner site. In summary therefore, the proposals are considered to go far enough to satisfy LDP policies RD1, PM1A and PM1B in respect of design and layout through contributing positively to the quality of the surrounding built and natural environment.

### **Landscape & Trees**

- 84 LDP Policy ER6 seeks to ensure that local distinctiveness, diversity and quality of the landscape character area, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of the landscape experience is not eroded. Policy NE2B also seeks development proposals to be supported by a tree survey where there are existing trees on a development site with Policy NE2A protecting trees.
- 85 An arboriculture report was submitted in support of the application. This identifies and assesses the extent of the tree resource at the site, tree loss

and also sets out the extent of root protection areas that should be protected by fencing. In summary, 1 Category B tree and 1 Category B/C tree is proposed to be removed along with 9 Category C trees.

- 86 Overall, 11 trees within the site are identified for removal to facilitate the new development. As part of the new layout however, replacement trees are proposed on a ratio of at least 1:1; which is considered acceptable and recommended to be further secured via condition (Condition 5). It is not considered that there will be an adverse impact on the existing landscape or the associated treescape through the proposals.
- 87 The proposed landscaping, which is conveyed schematically, will complement the physical building elements, existing treescape and soften the scheme overall in comparison to the extensive over provisioned car park, which dominates the eastern extents of the site currently. It is considered appropriate to further control the specific detailing of the landscaping proposals via condition (Condition 6). In this regard, the proposals are considered to satisfy the policy terms of LDP Policy ER6, NE2A and NE2B.

### **Residential Amenity & Noise**

- 88 Through the assessment of the plans, an element of overshadowing is anticipated to occur to the neighbouring car park area at the doctors' surgery in the winter months and marginally to the rear garden ground of 9 Stormont Road in the early morning winter sun. The extent of overshadowing to neighbouring ground is, however, not excessive and would not cause an unacceptable adverse impact.
- 89 Taking account of site context, and the associated detailed proposals, it is considered that an acceptable level of privacy will be maintained in both the case of proposed residential amenity and relative to existing surrounding residential properties through window to window distances of living spaces. This is further assisted through the benefit of existing and proposed boundary treatments, which includes soft and hard boundary landscaping including trees, walling and fencing. In all cases, over 18 metres of (living) window to window distances would be achieved, including the proximity of the proposed balconies on the southern elevation of Block 1 facing towards 18 Balforno Road, which is the closest relationship experienced. In the majority of cases, well in excess of 20 metres would be achieved between relative window distances, including 28 metres with 11 Thistle Place as an example. Taking the aforementioned into account, the proposed development is considered to be in compliance with the Council draft placemaking guide and LDP Policy PM1A and PM1B.
- 90 Policy EP8 of the LDP relates to noise. It is understood that the development will include two plant rooms to house building services and it is therefore recommended that a condition (Condition 11) is attached to protect current and future residential amenity.



## **Visual Amenity & Amenity Space**

- 91 The proposed development will take the developed area up to approximately 26% of the overall site area. This is not considered to be overdevelopment and will still provide a reasonable mix and proportion of open space opportunities to the future residents. There is no minimum standard of private open space for flatted developments, which this development type most closely relates. The communal open space is considered appropriate for the anticipated number of residents as set out in page 46 of the supporting Design and Access statement (drawing 18/02139/23); with communal gardens and open space clearly identified with pedestrian access permeating through the site from Union and Balforno road to Angus and Stormont Road. Four of the apartments also benefit from private balconies on the southern elevation of block 1. Furthermore, the site also benefits from being in close proximity to Scone Park (less than 200m) and other open spaces. There is not considered to be any adverse impact in relation to visual amenity or loss of amenity space through the resulting design and layout proposals. The proposals are considered to sufficiently comply with LDP Policy RD1 and CF1B.

## **Roads and Access**

- 92 Policy TA1B is concerned with providing safe access and appropriate car parking associated with a development proposal. The proposal would continue to utilise both the vehicular accesses onto Angus and Stormont Road and proposes to reduce the overall amount of car parking within the site curtilage. Based on the information submitted, it is anticipated that vehicle movements arising from the proposed development would, at peak times, be equal to 10 movements during the morning and 10 movements during the afternoon. This would be a net reduction of 22 and 24 movements respectively during the peak times, compared to the current land use.
- 93 Concerns have been expressed in representation about the loss of existing car parking provision on the site. There are currently a number of informal arrangements in place, including school drop off and pick-ups, GP surgery overflow and church goers. Whilst there was an acceptance of these uses by the site owners, and it is an informal benefit of the community, the continuance of this arrangement is not, in itself, a valid material planning consideration for this application. Similarly, neither is it reasonable nor proportionate to seek to enforce the retention of surplus car parking spaces for these informal uses for the same reasons.
- 94 Transport Planning has been consulted and they offer no objection to the proposed development, and consider the submitted transport statement provides a robust assessment of the transport implications. In response to some of the objection points raised, Transport Planning clarified that the proposed retirement flats produce a different trip generation to that of mainstream housing, with less traffic overall and generally traffic during off-peak times. It is recommended that the proposed accesses are upgraded with associated cut back of vegetation, upgrading of lighting cables underneath the accesses (Condition 13) and the further submission and approval of a site

specific transport management plan for the construction period (Condition 12). The terms of LDP Policy TA1 is considered to have been satisfied in this regard.

### **Air Quality**

- 95 Policy EP11 identifies that where applicable; applicants will be required to identify any impact on air quality and appropriate mitigation measures. The proposed development is approximately 750m from a Local Air Quality Management Area and the Environmental Health team identified concerns that an increase in vehicle movements on and off the site has the potential to impact on local air quality objectives.
- 96 It is considered that in light of the aforementioned transport assessment and associated betterment identified overall in anticipated vehicle movements overall, it has been sufficiently demonstrated that the proposed development shall not adversely impact on Local Air Quality, according with LDP Policy EP11.

### **Drainage and Flooding**

- 97 LDP Policy EP2 confirms there will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.
- 98 A Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) were submitted in support of the application, which included a CCTV survey of the barrel drain at this section. Following assessment by SEPA and the Councils Structures and Flooding team, no objection with the proposals were raised and it was acknowledged an overall net improvement would be achieved. The Structures and Flooding team welcomed the replacement of the barrel drain across the site and an overall betterment and reduction of drainage from surface water from the site draining into the barrel drain.
- 99 As a worst case scenario, the proposed discharge rate from the development into the Barrel Drain will be 5l/s for all rainfall events, up to and including the 1:200 year event. This will provide an improvement upon the existing situation where a significant area of the site's hardstanding currently drains into the Barrel Drain at an unrestricted rate. Initial calculations have shown that the current unrestricted discharge is approximately 6.7l/s during a 2 year return period rainfall event. Subject to detailed design, this demonstrates an improvement on the current position and this level of betterment will increase during more extreme rainfall events.
- 100 A condition is therefore recommended to establish the final calculations of the betterment achieved, secure the appropriate discharge details of the Sustainable Urban Drainage System proposed and establish its future maintenance and adoption (Condition 15). The proposals are considered to satisfy the policy objectives of LDP Policies EP2 and EP3.

## **Waste Collection**

- 101 It is acknowledged that recycling facilities for the wider public will be removed from this site as a result of the proposals. The current recycling facilities will, however, be relocated to Scone Park and Ride to the north of the village, which is easily accessible and considered a reasonable alternative in the circumstances.
- 102 The development itself will require a total of 10 x 1280 litre wheeled bins for general (landfill) waste and 10 x 1280 litre wheeled bins for dry mixed recyclables. These bins will be collected on alternate weeks. It is additionally recommended that the developer install a mini glass point for colour separated glass for the exclusive use of residents.
- 103 Overall, it is judged that adequate waste and recycling facilities and access can be accommodated on site and the relocation of the current community recycling facilities to the Council owned Park and ride facility at the edge of the village is welcomed as a reasonable alternative solution.

## **Natural Heritage and Biodiversity**

- 104 The application was supported by a preliminary ecological survey and detailed bat survey, which provides no evidence of bat roosts in the existing Wheel Inn building. The survey reviewed the building itself for bat and bird nesting opportunities (including two bat surveys), along with opportunities along the tree lines and grassland surrounding the site. The survey proportionately identifies what it sees as the risks of developing out the site, including the demolition of the existing building and works in and around the landscaped edges. In summary, the survey advises close attention should still be applied during the demolition elements for bat roosts (which were not apparent at time of survey) and a nesting bird check prior to any removal or demolition or maintenance of habitat areas during the months from March to August inclusive.
- 105 The survey concludes that if work does not commence prior to 03/01/2020 a further survey should be commissioned. Subject to conditional control therefore (Conditions 7, 8 and 9); the proposed works are assessed as not being detrimental to biodiversity interests, providing long term opportunities through the associated open spaces and planting proposed, with no conflict with the terms of Policy NE3.

## **Developer Contributions**

### Education

- 106 This proposal is within the catchment of Robert Douglas Memorial Primary School. The proposal includes communal facilities and will be age restricted. In line with paragraph 4.6 of the Developer Contributions and Affordable Housing Supplementary Guidance April 2016, sheltered housing will not be required to pay a contribution. Sheltered housing is defined as groups of

housing units provided for elderly who require occasional support and assistance from a residential warden but who do not require full residential care. This type of accommodation will generally have an element of communal facilities, as is being proposed. No contributions towards primary education will be required. Therefore, subject to control of the occupancy of the residential units as for the retirement age profile (Condition 2), the proposal complies with this aspect of Policy PM3.

#### Transport Infrastructure

- 107 In line with paragraph 6.12 of the Developer Contributions and Affordable Housing Guidance, where replacement buildings are proposed the Trip Rate of the existing use will be taken into account and the contribution reviewed accordingly on a case by case basis. The Transport Statement shows that the proposed development would create a reduced impact on the transport network. The proposal will reduced the overall number of parking spaces on site from 70 down to 58. Retirement properties create their peak trips out-with the normal commuter traffic peak periods and therefore have a reduced impact in the transport network in comparison to mainstream housing. As the proposal will have a reduced impact on the transport network no contributions towards Transport Infrastructure will be required.

#### Affordable Housing

- 108 Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing.

The existing Wheel Inn includes a manager's dwellinghouse. The proposal will create an additional 50 units. The proposal includes 13 affordable apartments. The affordable requirement for a 50 unit development is 12.5 units (50 x 0.25). The onsite provision will be managed by an RSL and further details of this arrangement and timing of delivery should be secured via condition (Condition 3).

#### **Economic Impact**

- 109 Overall there is acknowledged to initially be a net economic loss associated with this proposal through the direct loss of the business on the site. Economic impact will be achieved directly through the construction phase of the development with future scope for limited on site employment opportunities to manage and maintain the facility, whilst also increasing the viability of existing and future local services through an increased local footfall.

#### **LEGAL AGREEMENTS**

- 110 Not required.

## **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 respect, I have taken account of the Local Development Plan and material considerations and, in this case, I am content that the development proposed does not conflict with the Development Plan. Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

2. The occupation of the residential accommodation hereby approved shall be restricted to occupants aged 55 and over and shall not be occupied as the sole or main residence of any occupant aged under 55 years of age.

Reason – For the avoidance of doubt and to ensure occupation of the development hereby approved complies with Policy PM3 – Infrastructure Contributions, of the Perth and Kinross Local Development Plan 2014.

3. Prior to the occupation of any phase of the development, the detail and timing of the on-site affordable apartment delivery shall be submitted to and agreed in writing by the Council as Planning Authority. The approved scheme shall thereafter be delivered and managed in accordance with the agreed delivery mechanism and timing.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

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

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

5. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction. Any works required within the Root Protection Areas shall be fully justified by an arborist and a detailed construction method statement shall be submitted to and approved in writing by the Council as Planning Authority with subsequent works being undertaken to fully comply with the arborist recommendations.

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

6. Prior to the commencement of the development hereby approved, further detail (including the detailed specification and planting numbers satisfying required compensatory planting and biodiversity opportunities) of the proposed landscaping and planting scheme shall be submitted to and agreed in writing by the Council as Planning Authority. The detailed scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

7. The recommendations within the supporting Bat Activity Survey Report ( plan: 18/02139/28) 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).

8. No removal of hedgerows, trees or shrubs or works to, or demolition of, buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests

immediately before the vegetation is cleared or building affected, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

9. Prior to the commencement of development hereby approved, details of the location, number and specification of swift brick(s) or swift nest box(s) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential block.

Reason – In the interests of enhancing biodiversity opportunities on the site.

10. Prior to the commencement of works on site, further detailed drawings showing locations for bin collection presentation shall be submitted for the further written agreement of the Council as Planning Authority and thereafter implemented as part of the development.

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

11. 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.

12. Prior to the commencement of the development, a construction traffic management scheme (CTMS) shall be submitted for the written approval of the Planning Authority. The CTMS 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 takes place, on Sundays or 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 the construction site associated with the development being deposited on the public road;

- f) Arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) Arrangements for signage at site access and crossovers in order to provide safe access for pedestrians and cyclists;
- 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 detailing with non-compliance.

The CTMS as approved shall be adhered to during the entire site construction programme.

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

13. Prior to the development hereby approved being completed or brought into use, the accesses at Angus Road and Stormont Road shall be upgraded to the satisfaction of the Council as Roads Authority and footpath links, including dropped kerbs shall be provided at both accesses in accordance with the standards required by the Council as Roads Authority.

Reason – In the interest of pedestrian and cycle safety.

14. Prior to the development hereby approved being completed or brought into use, a scheme for the location and specification of a 3 bay cantilever bus shelter and information board shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with the Council's Public Transport Unit. The approved scheme shall thereafter be installed at the applicants expense, in accordance with the agreed details and confirmed as operational by the Council's Public Transport Unit, prior to the occupation of the last residential unit.

Reason – In the interest of promoting sustainable public transport.

15. Development shall not commence on site until further details for the proposed sustainable urban drainage system (SUDS) has been submitted to, and approved in writing by, 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 and clarify future ownership and maintenance of the proposed system. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason – For clarity and in order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.



## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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. 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; and
  - Printed on durable material.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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.
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 consent for a development does not provide a defence against prosecution under this act.

8. Swift brick installation should proceed in accordance with Swift Conservation guidance available from [swift-conservation.org](http://swift-conservation.org). Installation of lighting and bat boxes should proceed in accordance with Bat Conservation Trust guidance.
9. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
10. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
11. The applicant is advised to allow for a maximum of 10 linear metres of level hard standing from bin storage or presentation point to refuse collection vehicle to reduce manual handling for bin collection crews.
12. The applicant is recommended to discuss potential options with the Councils waste service team for securing an onsite glass recycling point for the benefit of the development

Background Papers: 18 letters of representation

Contact Officer: Callum Petrie 01738 475353

Date: 28 February 2019

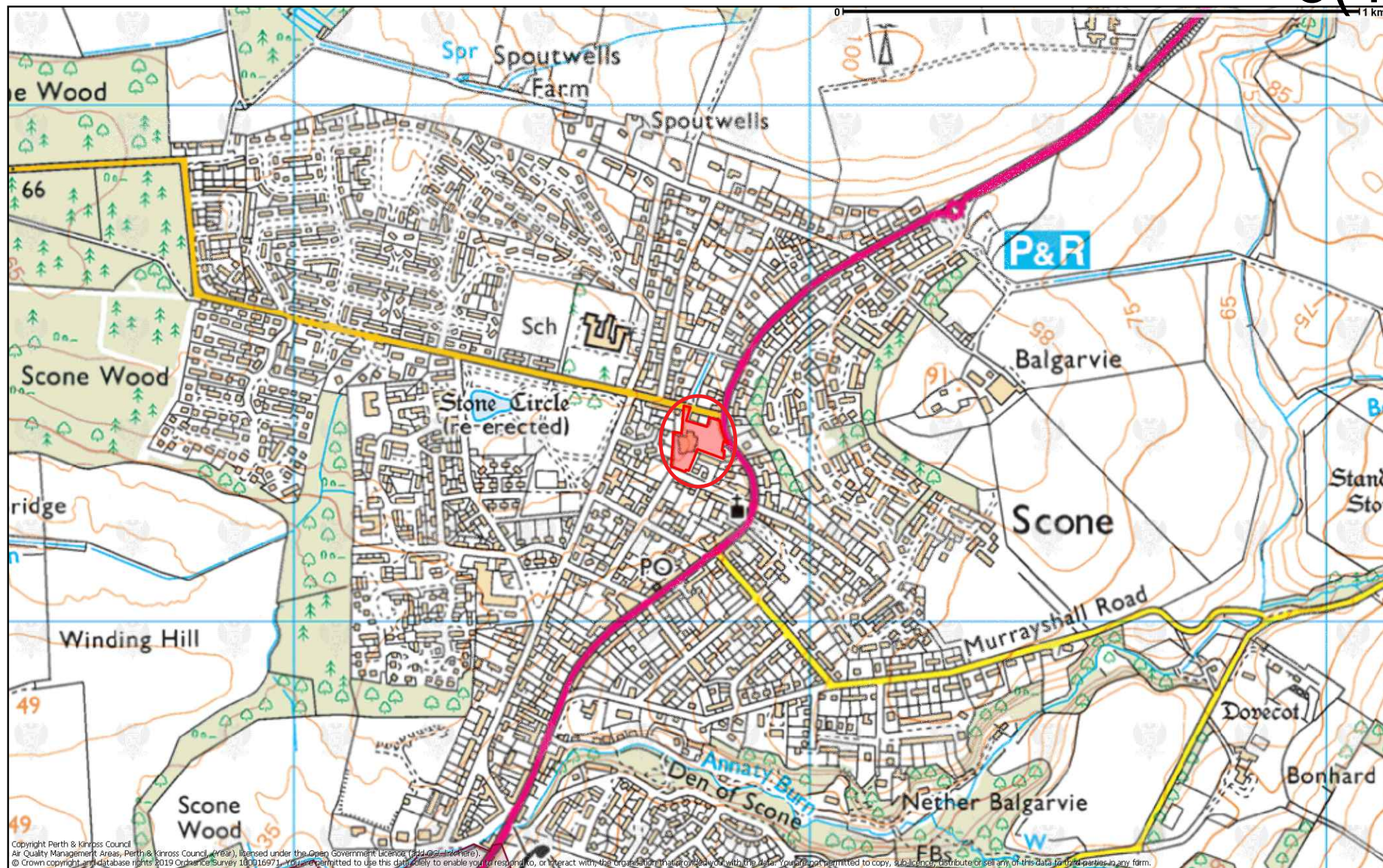
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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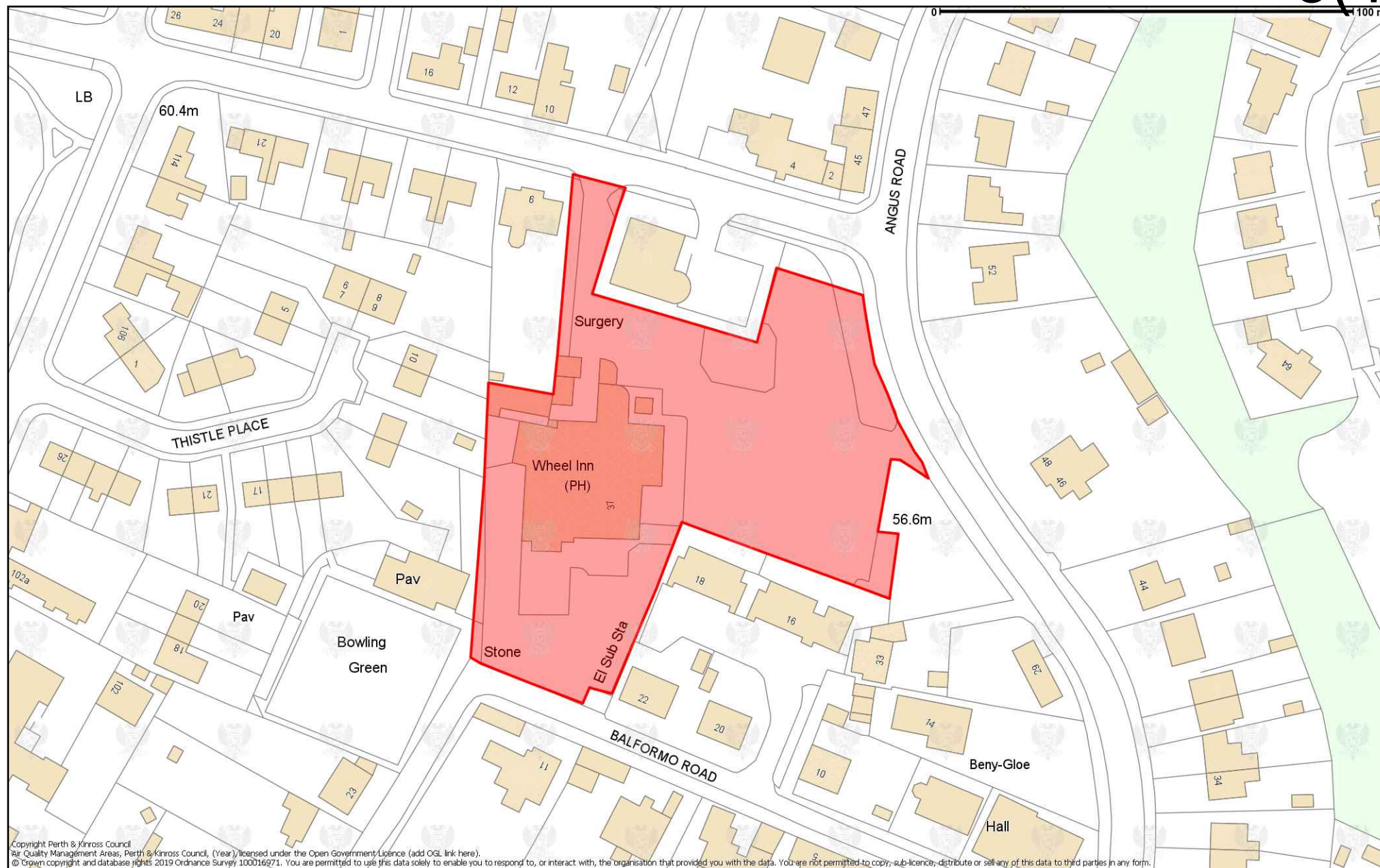
18/02139/FLM

Erection of 51 retirement flats and cycle store, formation of parking and associated works Land At Wheel Inn 37 Angus Road Scone Perth









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18/02139/FLM

Erection of 51 retirement flats and cycle store, formation of parking and associated works, land at Wheel Inn, 37 Angus Road, Scone





Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/69)

**PROPOSAL:** Erection of an agricultural building

**LOCATION:** Land South East of A M Howie Yard, Yetts Road, Dunning

Ref. No: [18/01614/FLL](#)

Ward No: P7 - Strathallan

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is located to the south east of the village of Dunning. The land has been historically in agricultural use, prior to the regrading of the field. The land is categorised as Grade 3.2 which is not prime agricultural land.
- 2 The site is defined by the Dunning Burn running along the north and east boundary. A residential area of Dunning known as Newton of Pitcairns is located beyond the burn to the north. To the south and west is an application site which has approval for the erection of 3 agricultural buildings, workshop/office/staff accommodation building and land engineering operations (15/02097/FLL). To date this development has not commenced in terms of any buildings but the permission remains extant as a consequence of the groundworks that were undertaken.
- 3 The agent has confirmed that this application is proposed in addition to the buildings already approved on the site. A further application is also being considered at this committee for the erection of two smaller storage buildings to the south of this site.
- 4 This current proposal is for the erection of an agricultural building to be used entirely for storage and will be erected to the east of the approved workshop/office/staff accommodation. The building is 60m x 22m with an overall height of 11.8m. The materials have not been detailed on the plans and would need to be covered by condition to ensure they are of an appropriate colour to blend in with the other buildings already approved on the adjacent site
- 5 The access road to the site is from the B 934 via an access road formed as a secondary access to Millhouse Farm.

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

- 6 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.
- 7 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.
- 8 The proposal was screened and an EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **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:

- Paragraphs 24 – 35 Sustainability
- Paragraphs 36 – 57 Placemaking
- Paragraphs 74 – 91 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business and Employment
- Paragraphs 254 – 268 Managing Flood Risk and Drainage

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 1/2011 Planning and Noise

### **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. The vision for the area as set out in the plans states that:
- 17 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 19 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.
- 20 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on

resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

### **Policy 3: Managing TAYplan's Assets**

- 21 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

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

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

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

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

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

- 31 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 EP8 - Noise Pollution**

- 32 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)**

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

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

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

### **SITE HISTORY**

- 36 [12/02169/FLL](#) Formation of access - Application Approved under delegated powers 1 March 2013
- 37 [15/02097/FLL](#) Erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect). Application Refused by Development Management Committee on 28 February 2017. Appeal to DPEA upheld and permission was granted 15 August 2017
- 38 18/00340/SCRN Proposed agricultural storage shed Decision Issued 12 March 2018
- 39 [18/01941/FLL](#) Erection of 2 agricultural storage buildings - under consideration & on the Agenda for this Committee 13 March 2019.

### **CONSULTATIONS**

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

#### **External**

- 41 No external consultation required

#### **Internal**

#### **Transport Planning**

- 42 No objection to the proposal in relation to access and traffic generation.

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

- 43 No objection subject to conditions to control odour and noise from development consistent with the related application 15/02097/FLL.

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

- 44 No contaminated land identified as site was previously used for grazing.

### **Structures and Flooding**

- 45 No objection subject to condition requiring the submission of a detailed sustainable urban drainage system for the site.

### **Development Negotiations Officer**

- 46 No contributions required.

### **REPRESENTATIONS**

- 47 The following points were raised in the 13 representations received including the Dunning Community Council. The community council have the following concerns; proximity to dwellings, noise pollution, inadequate landscaping, piecemeal approach to development unacceptable.
- Visual impact
  - Noise Pollution
  - Light Pollution
  - Contrary to LDP
  - Excessive height
  - Over looking
  - Traffic Congestion
  - Road Safety Concerns
  - Inappropriate Land Use
  - Out of character
  - Over intensive development
  - Impact on residential amenity
  - Inability for the site to comply with previous planning conditions (7.00hrs to 19.00hrs operation restriction)
  - Inclusion of access road misleading (as it has already been approved)
  - Detrimental Impact on Dunning Burn
- 48 These issues are addressed in the Appraisal section of the report.
- 49 The inclusion of the access road is not considered as a material planning consideration as access from an application site to the public road is required to validate the planning application.

## ADDITIONAL STATEMENTS

50

|                                                |                                        |
|------------------------------------------------|----------------------------------------|
| 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          | Submitted – Noise and Odour Assessment |

## APPRAISAL

- 51 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

- 52 The site is located out with the settlement boundary of Dunning and the principle of establishing development on the site is considered primarily under Policy ED3 Rural Business and Diversification.
- 53 Policy ED3 states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites out with settlements may be acceptable where they offer opportunities to diversify an existing business. This is provided that they will contribute to the local economy through the provision of in this case permanent employment.
- 54 The site has approval for agricultural buildings and the proposed building is to be used in conjunction with this use. Therefore the principle of this type of building has already been accepted on the site.
- 55 Proposals should also be compatible with the surrounding land uses and not detrimentally impact on the amenity of residential properties within or adjacent to the site. This is covered in detail in later sections of the report.

### Design and Layout

- 56 The building proposed is 11.8m in height to accommodate farm machinery and the area of the building is approx. 1240sqm. The building will infill a gap in the site left in the previous application.

- 57 The building has three large machinery door openings on the south elevation and one on the west elevation. Windows are proposed on the west, south and north elevations. Roof lights and solar panels are proposed on the roof. The finish materials have not been detailed on the plans but can be covered by condition (Condition 6).
- 58 The building will be located beside an approved workshop/office building which is over 8.28m in height to the northwest of the site. It is therefore considered that a building of this size running in line with the approved building would not be out of scale when viewed in context with the wider development of the site.

### **Residential Amenity**

- 59 The principle of developing the site for farm buildings has been established and this proposal is to add an additional agricultural storage building. The previous application on the site sought approval, in addition to agricultural buildings, for a workshop and cattle building. The noise and odour from these uses was considered in detail due to the proximity of existing dwellings to the site. This agricultural storage building is proposed to the north of the cattle building beside the workshop.
- 60 The applicant has submitted further information on noise and odour which assessed the effects of this application and the 18/01941/FLL application on residential receptors; this is covered below in detail in the sections noise and odour.
- 61 The development of the site is not considered to have an impact with regards to overlooking due to the proposed use not being residential.

### **Odour**

- 62 The building is for the storage of a combine harvester, farm implements, trailer and tools. It will also store dried goods such as artificial fertilisers, dry animal feeds and concentrates.
- 63 The storage of dried goods such as fertilisers, animal feeds and concentrates can have the potential to cause odours if these are not stored correctly. Environmental Health are in agreement with the applicants consultant that the odour effect of these products are not significant in comparison with the storage of silage and manure, however they still have the potential to become odorous if storage conditions are inappropriate or compromised (for example by the moisture content of goods).
- 64 An Odour Management Plan was submitted and agreed for the previous approval on the site. A New Odour Management Plan is required to include the procedures for storage of these goods (open/unopened), stock rotation and procedure for inspection of goods for spoilage and the removal/disposal of spoiled goods from building. This is proposed to be covered by condition (Condition 2).

## Noise

- 65 Noise is a consideration due to the scale of building being able to accommodate machinery however, it has been confirmed that the building will not contain any noise generating equipment.
- 66 An additional noise assessment has been submitted in support of this application based on the baseline survey and predictions of the 15/02097/FLL Noise Impact Assessment. The NIA report includes two additional scenarios based on this application and 18/01941/FLL (scenarios 5 & 6). The NIA report gives the predicted noise levels for;
- all activities that is scenario 5 & 6 and previous noise modelled.
  - Scenario 5 - telehandler being used to unload or load an HGV near the straw barns.
  - Scenario 6 - telehandler movements at the store building only
- 67 The assessment concluded that the additional noise from the additional activities associated with the proposed building would have a neutral/slight adverse significance and there would be no significant cumulative impact.
- 68 Environmental Health agrees with the assessment of the Consultant. They note that the noise conditions for the 15/02097/FLL consent should still be applicable to this application. (Conditions 4, 5, 8 and 9)

## Glint and Glare

- 69 The applicant proposes to install PV solar panels onto the roof of the proposed agricultural building.
- 70 There is the potential for glare/glint to affect amenity of existing residential properties that sit at a higher level, however the panels are located on the south elevation of the roof which is angled away from the nearest residential receptors which lie to the north. In addition to this the installation of solar panels on agricultural buildings is permitted development.

## **Planning Conditions**

- 71 The previous application for the wider site, through the use of planning conditions, tightly controlled the operations on the site. This was required due to the proximity of existing residential dwellings, particularly at Newton of Pitcairns. A number of conditions were imposed to cover noise, odour, operations, etc. In particular the hours of operations were limited to 07.00 – 19.00 hours (apart from the occupancy of one of the buildings by cattle). The proposed development is clearly an integral part of the previously approved development and is located in the same area, close to residential properties. This proposal therefore requires to be conditioned in the same manner as the other buildings and cannot be operated independently as their use may have implications on noise and odour. It is worth noting that had the buildings been proposed in another location and not in association with the cattle and



workshop buildings then such strict conditional control would not have been required. The need to impose the strict conditions has been raised with the agent and applicant who are content that the building would not be used outwith the previously conditioned operational hours.

- 72 A query was raised in relation to wider farm operations outwith the site which would not be controlled by the operating conditions, for example use of a combine harvester and its return to the storage building outwith hours. In this case the applicant has confirmed that the combine harvester would be left in the field overnight and not returned to the shed outwith the specified hours and that additionally, other locations are available for storage if necessary.

### **Landscape**

- 73 It was considered that this area of the site (in the previous application) would have benefitted from a landscaping proposal to provide a buffer between the settlement of Dunning and the development site. A scheme was subsequently submitted and agreed.
- 74 The planting along this edge has been shown on the plans. The proposed planting will not screen the building but will certainly soften its impact. The provision of a building in this area will however help to contain the site and the operations taking place in the yard beyond. Therefore the building in itself will provide additional screening and site containment. A landscaping scheme however will be required to be submitted to agree the planting under this permission. (Condition 11)

### **Visual Amenity**

- 75 The application site is on the edge of Dunning village and the development infills within an approved set of buildings. It is within an area already characterised by a mix of dwellings, agricultural buildings for example at Millhouse Farm and more industrial scale buildings at Findony.
- 76 It is considered that as the site is set back from the public road B934 with rising land to the south between the site and the road, the visual impact would be reduced to an acceptable level. The site is well screened from within the residential area of Newton of Pitcairns, located to the north.

### **Roads and Access**

- 77 The site is served by an existing access road from the B934 to Millhouse Farm, approved under planning permission reference 12/02169/FLL. This access road has been constructed up to a standard which can serve the proposed development.
- 78 Concerns have been raised regarding the existing road network and HGV traffic. Most movements will be confined to the immediate area and daily movements will not involve HGVs. Transport Planning have no objection to the proposal and consider that the scale of the development and vehicle movements are not significant. They also note that movements along the

public road cannot be controlled and given that there are no restrictions in place on the public road which serves the site, it is acceptable for large vehicles to use the route.

### **Pollution/Impact on Dunning Burn**

- 79 Agricultural pollution is the contamination of the soil, air and water environments resulting from farming activities. In this case the run-off from farm roads and yards, farm buildings and roofs after rainfall are all potential sources of pollution. Measures to reduce the risk of pollution at the farm steading (for example, improved collection and storage of silage effluent, fuel oil and pesticides) have successfully reduced the risk of direct discharges to rivers.
- 80 The Scottish Government in the 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice gives detailed advice on minimising pollution in relation to farming activities.
- 81 The development would therefore not be expected, if managed correctly, to pollute nearby watercourses if good practice advice is followed.

### **Drainage and Flooding**

- 82 The building does not require any drainage connection and the roof/site runoff and surface water will be handled through an onsite SUDS attenuation system full details of which will be required by condition (Condition 13).

### **Conservation Considerations**

- 83 The site is located over 300m from Dunning Conservation Area. It is considered that the intervening distance incorporating the landscape features and existing built development will reduce any impact from the development on the setting or character of the Conservation Area.

### **Developer Contributions**

- 84 The Transport Infrastructure Supplementary Guidance does not apply to the agricultural buildings and this proposal is exempt from contributing towards Transport Infrastructure.

### **Economic Impact**

- 85 The building will complement the approved buildings and assist the operation of the farming unit.

### **LEGAL AGREEMENTS**

- 86 No legal agreement required

## **DIRECTION BY SCOTTISH MINISTERS**

- 87 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**

- 88 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.
- 89 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

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

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 commencement of development, an Odour Management Plan (OMP) taking account of the one approved under application 15/02097/FLL dated 7 October 2016 shall be submitted and agreed in writing with the Council as Planning Authority. The plan as agreed shall be fully implemented and maintained as part of the planning permission 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.

3. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance shall be put in place, and a new or revised Odour Management Plan must be submitted to the council within a specified agreed timescale.

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

4. Noise levels arising from the development shall not exceed a Rating Level of LAeq time rating 52 dB, when measured over any given 1 hour period, at the façade of any residential property. All measurements shall be determined using the guidance of BS4142:2014 RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS, and measurements shall be corrected appropriately for acoustic features as described by this standard.

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

5. Should any aspect of the operation of this facility lead to a breach of the condition 4, within 14 days of written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

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

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

7. The hours of operations shall be restricted to 0700 hours to 1900 hours daily.

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

8. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

9. 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; to ensure a satisfactory standard of local environmental quality.

10. Prior to the installation of any external lighting the details 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; to ensure a satisfactory standard of local environmental quality.

11. Prior to the commencement of development a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include an area of planting to the northeast to provide a buffer between the site and the residential properties to the north. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

12. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

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

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

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

Background Papers: 13 letters of representation

Contact Officer: Joanne Ferguson

Date: 28 February 2019

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

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**Scale 1:5000**



**Erection of an agricultural building, land SE of A M Howie Yard,  
Yetts Road, Dunning**











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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|



Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/70)

**PROPOSAL:** Erection of 2 agricultural storage buildings

**LOCATION:** Land South East of A M Howie Yard, Yetts Road, Dunning

Ref. No: [18/01941/FLL](#)

Ward No: P7 - Strathallan

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is located to the south east of the village of Dunning. The land has been historically in agricultural use, prior to the regrading of the field. The land is categorised as Grade 3.2 which is not prime agricultural land.
- 2 The site is defined by an agricultural field to the south. The wider site is undeveloped presently but to the north, east and west it will be bound by buildings approved under application ref 15/02097/FLL for the erection of 3 agricultural buildings, workshop/office/staff accommodation building and land engineering operations. To date this development has not commenced in terms of any buildings but the permission remains extant as a consequence of the groundworks that were undertaken.
- 3 The agent has confirmed that this application is proposed in addition to the buildings already approved on the site. A further application is also being considered at this committee for the erection of an agricultural building to the north of the site.
- 4 The proposal is to add two additional straw sheds to an approved straw shed under ref 15/02097/FLL. One shed will replicate and adjoin the shed already approved with a smaller shed proposed to the west. The sheds are open on one side to the farmyard and have low pitched roofs.
- 5 The access road to the site is from the B 934 via an access road formed as a secondary access to Millhouse Farm.

**ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 6 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.

- 7 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.
- 8 An EIA Report was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds.

## **NATIONAL POLICY AND GUIDANCE**

- 9 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**

- 10 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**

- 11 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.
- 12 The following sections of the SPP will be of particular importance in the assessment of this proposal:
  - Paragraphs 24 – 35 Sustainability
  - Paragraphs 36 – 57 Placemaking
  - Paragraphs 74 – 91 Promoting Rural Development
  - Paragraphs 92 – 108 Supporting Business and Employment
  - Paragraphs 254 – 268 Managing Flood Risk and Drainage

## **Planning Advice Notes**

- 13 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 1/2011 Planning and Noise

## **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:
- 16 *“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.”*
- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

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

- 18 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.
- 19 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

### **Policy 3: Managing TAYplan's Assets**

- 20 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

## **Policy 6: Developer Contributions**

- 21 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.

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

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

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy ED3 - Rural Business and Diversification**

- 26 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 TA1A - Transport Standards and Accessibility Requirements**

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

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

- 28 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 EP2 - New Development and Flooding**

- 29 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 EP8 - Noise Pollution**

- 30 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)**

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

## **SITE HISTORY**

- 34     [12/02169/FLL](#) Formation of access - Application Approved under delegated powers 1 March 2013
- 35     [15/02097/FLL](#) Erection of 3 agricultural buildings and workshop/office/staff accommodation building and land engineering operations (in part retrospect) - Application Refused by Development Management Committee on 28 February 2017. Appeal to DPEA upheld and permission was granted 15 August 2017
- 36     [18/01614/FLL](#) Erection of an agricultural building - under consideration and on the Agenda for this Committee 13 March 2019.

## **CONSULTATIONS**

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

### **External**

- 38     No external consultations required.

### **Internal**

### **Transport Planning**

- 39     No objection to the proposal in relation to access and traffic generation.

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

- 40     No objection subject to conditions to control odour and noise from development consistent with the related application 15/02097/FLL.

### **Structures and Flooding**

- 41     No objection, SUDs condition required.

### **Development Negotiations Officer**

- 42     No contributions required.

## **REPRESENTATIONS**

- 43     The following points were raised in the 6 representations received:

- Visual impact
- Noise Pollution
- Light Pollution
- Odour Pollution
- Traffic Congestion



- Road Safety Concerns
- Over intensive development
- Impact on residential amenity
- Inability for the site to comply with previous planning conditions (7.00hrs to 19.00hrs operation restriction)
- Inclusion of access road misleading (as it has already been approved)
- Detrimental Impact on Dunning Burn

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

45 The inclusion of the access road is not considered as a material planning consideration as access from an application site to the public road is required to validate the planning application.

### **ADDITIONAL STATEMENTS**

46

|                                                |                                      |
|------------------------------------------------|--------------------------------------|
| 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          | Submitted Odour and Noise Assessment |

### **APPRAISAL**

47 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**

48 The site is located out with the settlement boundary of Dunning and the principle of establishing development on the site is considered primarily under Policy ED3 Rural Business and Diversification.

49 Policy ED3 states that the Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites out with settlements may be acceptable where they offer opportunities to diversify an existing business. This is provided that they will

contribute to the local economy through the provision of in this case permanent employment.

- 50 The site has approval for agricultural buildings and the proposed building are to be used in conjunction with this use. Therefore the principle of this type of building has already been accepted on the site.
- 51 Proposals should also be compatible with the surrounding land uses and not detrimentally impact on the amenity of residential properties within or adjacent to the site. This is covered in detail in later sections of the report.

### **Design and Layout**

- 52 The proposal is to add two additional straw sheds to the one approved under ref 15/02097/FLL. One shed will replicate and adjoin the shed already approved with a smaller shed proposed to the west. The sheds are open on one side to the farmyard and have low pitched roofs. The finish materials have not been detailed on the plans but can be covered by condition (condition 6).

### **Residential Amenity**

- 53 The principle of developing the site for farm buildings has been established and this proposal is to add two additional storage buildings. The previous application on the site sought approval, in addition to agricultural buildings, for a workshop and cattle building. The noise and odour from these uses was considered in detail due to the proximity of existing dwellings to the site. The proposed sheds are proposed to the south of the cattle building between two agricultural storage buildings.
- 54 The applicant has submitted further information on noise and odour which assessed the effects of this application and the 18/01614/FLL application on residential receptors; this is covered below in detail in the sections noise and odour.

### **Odour**

- 55 The building is for storage of clean straw which is unlikely to be a significant odour source. Environmental Health agree that the odour effect of the storage of straw is not significant in comparison with the storage of silage and manure, although it still has the potential to become odorous if storage conditions are inappropriate or compromised (moisture content).
- 56 An Odour Management Plan was submitted and agreed for the previous approval on the site. A New Odour Management Plan is required to include the procedures for storage of the straw. This is proposed to be covered by condition (Condition 2).

## Noise

- 57 The building would not contain any noise generating equipment however the additional activities associated with the proposed buildings could have an impact on residential amenity.
- 58 An additional noise assessment has been submitted in support of this application based on the baseline survey and predictions of the 15/02097/FLL Noise Impact Assessment. The NIA report includes two additional scenarios based on this application and 18/01614/FLL (scenarios 5 & 6). The NIA report gives the predicted noise levels for;
- all activities that is scenario 5 & 6 and previous noise modelled.
  - Scenario 5 - telehandler being used to unload or load an HGV near the straw barns.
  - Scenario 6 - telehandler movements at the store building only
- 59 The assessment concluded that the additional noise from the additional activities associated with the proposed building would have a neutral/slight adverse significance and there would be no significant accumulative impact.
- 60 Environmental Health agrees with the assessment of the Consultant. They note that the noise conditions for the 15/02097/FLL consent should still be applicable to this application (Conditions 4, 5, 8 and 9).

## **Planning Conditions**

- 61 The previous application for the wider site, through the use of planning conditions, tightly controlled the operations on the site. This was required due to the proximity of residential dwellings. A number of conditions were imposed to cover noise, odour, operations etc. In particular the hours of operations were limited to 07.00 – 19.00 hours (apart from the occupancy of one of the buildings by cattle). The proposed development is clearly an integral part of the previously approved development and is located in the same area, close to residential properties. This proposal therefore requires to be conditioned in the same manner as the other buildings and cannot be operated independently as their use may have implications on noise and odour. It is worth noting that had the buildings been proposed in another location and not in association with the cattle and workshop buildings then such strict conditional control would not have been required. The need to impose the strict conditions has been raised with the agent and applicant who are content that the building would not be used outwith the previously conditioned operational hours.

## **Landscape/Visual Amenity**

- 62 This site is located between two approved buildings and the land to the north of the site rises. The proposed development will therefore be well contained and will not detrimentally impact the landscape or the visual amenity of the wider area.

## **Roads and Access**

- 63 The site is served by an existing access road from the B934 to Millhouse Farm, approved under planning permission reference 12/02169/FLL. This access road has been constructed up to a standard which can serve the proposed development
- 64 Concerns have been raised regarding the existing road network and HGV traffic. Most movements will be confined to the immediate area and daily movements will not involve HGVs. Transport Planning have no objection to the proposal and consider that the scale of the development and vehicle movements are not significant. They also note that movements along the public road cannot be controlled and given that there are no restrictions in place on the public road which serves the site, it is acceptable for large vehicles to use the route.

## **Pollution/Impact on Dunning Burn**

- 65 Agricultural pollution is the contamination of the soil, air and water environments resulting from farming activities. In this case the run-off from farm roads and yards, farm buildings and roofs after rainfall are all potential sources of pollution. Measures to reduce the risk of pollution at the farm steading (for example, improved collection and storage of silage effluent, fuel oil and pesticides) have successfully reduced the risk of direct discharges to rivers.
- 66 The Scottish Government in the 'The Prevention of Environmental Pollution from Agricultural Activity' Code of Good Practice gives detailed advice on minimising pollution in relation to farming activities.
- 67 The development would therefore not be expected, if managed correctly, to pollute nearby watercourses if good practice advice is followed.

## **Drainage and Flooding**

- 68 The building does not require any drainage connection and the roof/site runoff and surface water will be handled through an onsite SUDS attenuation system full details of which will be required by condition (condition 13).

## **Conservation Considerations**

- 69 The site is located over 300m from Dunning Conservation Area. It is considered that the intervening distance incorporating the landscape features and existing built development would reduce any impact from the development on the setting or character of the Conservation Area.

## **Developer Contributions**

- 70 The Transport Infrastructure Supplementary Guidance will not apply to the agricultural buildings and this proposal is exempt from contributing towards Transport Infrastructure.

## **Economic Impact**

- 71 The building will complement the approved buildings and assist the operation of the farming unit.

## **LEGAL AGREEMENTS**

- 72 No legal agreement required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 73 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**

- 74 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.
- 75 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

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

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 commencement of development, an Odour Management Plan (OMP) taking account of the one approved under application 15/02097/FLL dated 7 October 2016 shall be submitted and agreed in writing with the Council as Planning Authority. The plan as agreed shall be fully implemented and maintained as part of the planning permission 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.

3. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with

Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance shall be put in place, and a new or revised Odour Management Plan must be submitted to the council within a specified agreed timescale.

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

4. Noise levels arising from the development shall not exceed a Rating Level of LAeq time rating 52 dB, when measured over any given 1 hour period, at the façade of any residential property. All measurements shall be determined using the guidance of *BS4142:2014 RATING FOR INDUSTRIAL NOISE AFFECTING MIXED RESIDENTIAL & INDUSTRIAL AREAS*, and measurements shall be corrected appropriately for acoustic features as described by this standard.

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

5. Should any aspect of the operation of this facility lead to a breach of the condition 4, within 14 days of written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

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

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

7. The hours of operations shall be restricted to 0700 hours to 1900 hours daily.

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

8. Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

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

9. 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; to ensure a satisfactory standard of local environmental quality.

10. Prior to the installation of any external lighting the details 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; to ensure a satisfactory standard of local environmental quality.

11. Prior to the commencement of development a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include an area of planting to the northeast to provide a buffer between the site and the residential properties to the north. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained.

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

12. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

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

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

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

Background Papers: 6 letters of representation

Contact Officer: Joanne Ferguson

Date: 28 February 2019

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

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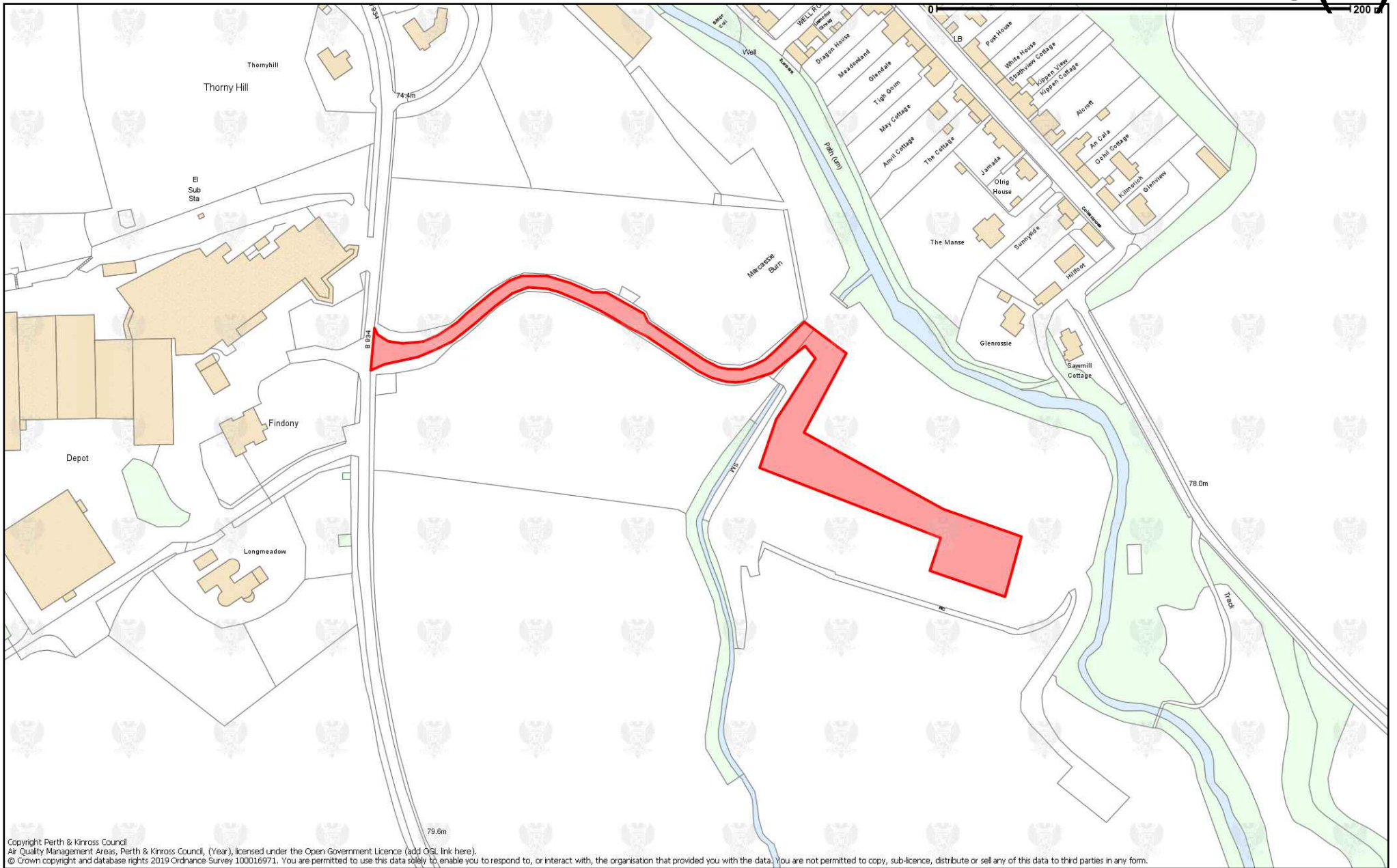
**Scale 1:5000**



**Erection of 2 agricultural storage buildings at land SE of A M  
Howie Yard, Yetts Road, Dunning**







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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------|--|



Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/71)

**PROPOSAL:** Erection of a free range egg production unit and associated works

**LOCATION:** Land 800 metres south west of East Ardler Farm, Main Street, Ardler

Ref. No: 18/01908/FLL  
Ward No: P2 - Strathmore

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Full planning consent is sought for the erection of an agricultural building which will house a free range egg laying unit which is proposed to accommodate 32,000 free range laying hens at land owned by Ardler Farms, Ardler Blairgowrie. The proposed building is to be sited in an existing arable field approximately 700m east of the existing farm buildings. The site extends to approximately 1.85 hectares and the building is proposed to be 175.5m x16.9m with a height of 6.2m. The building is proposed to be clad in composite panels coloured in Juniper Green. The supporting statement indicates that the building will house two separate flocks of 16,000 free range laying hens with a central packing room.
- 2 The site sits against a backdrop of mature woodland which is located to the south of the site. Access is proposed from the public road in the south west corner of the site. An access track will serve the building and a turning area for vehicles is proposed to the immediate south of the building. An area for a Sustainable Urban Drainage System (SUDS) is marked in the north east corner of the site.
- 3 The proposed building will operate on a 72 week production cycle with birds purchased at point of lay (16-17 weeks) and will remain in the shed producing eggs until the end of their economic egg laying life at approximately 72 weeks old, whilst also being able to access the external range area adjacent to the building.
- 4 The bird housing area is proposed to include tiered perches which are located over manure belts. The manure belts will allow manure to be removed from the building either once or twice a week directly into lorries or farm trailers for removal from the site in order to limit odour and to be utilised as fertilizer on the remainder of East Ardler Farm.



- 5 The nest boxes for birds will be located adjacent to the perch areas and angled towards an egg conveyor which leads to the packing area mentioned above. There is a computer controlled mechanical ventilation system proposed.
- 6 There will be lighting within the building on a time-switch providing lighting 14 hours per day. There is also a ventilation system proposed within the building with roof inlet vents and fans.
- 7 Further clarification was sought from the applicant on the extent of external range area associated with the building and a plan has now been provided to demonstrate this. "Pop" holes are indicated on the north west elevation of the building to provide access for the birds to an external range area. The range area extends into the existing agricultural fields to the north of the building. This area is outwith the planning application boundary but is solely for grazing of the birds similar to a fenced area where sheep or cattle may be kept. As such the range area does not require formal planning consent as no change of use is occurring.

## **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 Due to the scale and type of the proposal it was required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 regulations. A screening opinion of the application determined that the proposal was not EIA development (17/00293/SCRN). The proposal qualifies as schedule 2 development as the floor space exceeds 500 square metres, however it is concluded that, having taken account of the characteristics of the potential impact of the development, in terms of extent, magnitude, complexity, probability, duration, frequency and reversibility that it is unlikely to have a significant effect on the environment and therefore a detailed study through an EIA is not required.

## **NATIONAL POLICY AND GUIDANCE**

- 11 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**

- 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

### **Planning Advice Notes**

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

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

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

## **DEVELOPMENT PLAN**

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

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

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

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

- 21 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.
- 22 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

### **Policy 3: Managing TAYplan’s Assets**

- 23 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

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

- 24 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.

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

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

- 26 The principal relevant policies are, in summary;

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

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

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

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

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

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

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

- 32 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are

expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

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

- 33 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**

- 34 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 EP2 - New Development and Flooding**

- 35 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**

- 36 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**

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

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

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

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

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

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

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

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

- 41 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.

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

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

## **SITE HISTORY**

- 45 17/00293/SCRN Proposed free-range poultry development - Decision Issued 27 April 2017 – No EIA required
- 46 [17/01806/FLL](#) Erection of a free range egg production unit and associated works Application Withdrawn 21 November 2017

## **CONSULTATIONS**

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

### **Internal**

#### **Transport Planning**

- 48 No objection

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

- 49 No objection subject to conditions to control odour and noise from development which are considered in more detail within the appraisal section below.

#### **Structures & Flooding**

- 50 No objection

### **External**

#### **Scottish Water**

- 51 There is sufficient capacity for development in relation to water provision but a separate application to Scottish Water will be required.

#### **Meigle and Ardler Community Council**

- 52 The Community Council have advised that they neither support nor object to the application but have wished for a condition to be applied relating to screening of the development if it is approved.

#### **Dundee Airport Ltd**

- 53 Given the position and height of the development it would have no impact on the safeguarding surfaces of Dundee Airport.

## REPRESENTATIONS

- 54 A total of 68 letters of representation have been received which includes a letter from Meigle and Ardler Community Council.
- 55 Of the 68 letters received 66 objected to the application and 2 supported the application. The following points were raised in the letters of objection:
- Visual impact/height
  - Noise pollution
  - Out of character
  - Odour
  - Traffic increase (traffic management), lack of passing places (40mph limit)
  - Walking and cycling friendly roads
  - Lack of neighbour notification
  - Controls given no Pollution Prevention and Control Regulations (PPC) from SEPA
  - Provision for poultry manure storage
  - Impact on value of property
  - Overdevelopment
  - Vermin
  - Impact on health
  - Loss of high quality arable land/prime agricultural land
  - Dust creation
  - Pollution of water courses
  - Impact on bio diversity
  - Drainage capacity
  - Landscape impact
  - Impact of chickens being outdoors
  - No market for egg production
  - Impact on tourism
  - No economic benefit
  - Overlooking
  - Contrary to Development Plan
  - Flood Risk
  - Lack of search for alternative sites
  - Impact on Special Area of Conservation (SAC)
  - Reduce public access
  - Welfare of poultry
  - Impact on village amenity
  - Light pollution

56 The following points were raised in the letters of support:

- Diversify business
- Positive impact on environment through reduction of import
- Access to local produce
- Employment generation

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

### **ADDITIONAL STATEMENTS**

|                                                |                                                             |
|------------------------------------------------|-------------------------------------------------------------|
| Environment Statement                          | Not Required                                                |
| Screening Opinion                              | Undertaken(17/00293/SCRN)                                   |
| Environmental Impact Assessment                | Not Required                                                |
| Appropriate Assessment                         | Not Required                                                |
| Design Statement / Design and Access Statement | Not Required                                                |
| Reports on Impact or Potential Impact          | Supporting Planning Statement and Ecology Report submitted. |

### **APPRAISAL**

58 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy. The most relevant policies to be considered are outlined in the policy section above and referred to below.

#### **Principle**

59 Due to the nature of the process involved in the production of eggs, the proposed development requires to be located in an isolated location. LDP Policy ED3 - Rural Business and Diversification provides support for the creation of new businesses in rural areas and sites outwith settlement boundaries may be considered acceptable if they are related to a specific resource or opportunity.

60 As the development requires to be located in an isolated location but with close proximity to the transport network, it is considered that the principle of the introduction of a new agricultural operation accords with the objectives of the Development Plan provided that detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan with regard to: the impact on the landscape and visual impact of the proposal; traffic implications and effects on neighbouring amenity such as odour and noise.

## **Landscape Character and Visual Impact**

- 61 The supporting Planning Statement concludes that the landscape impacts of the development would be of minor significance. Applying LDP Policies PM1 the proposed development is not located in a special landscape area or near to historic and cultural environments.
- 62 The area is rural in its nature and is generally characterised by large scale agricultural style buildings which this development proposes to follow. The proposed design and building height (6.1m to ridge) adjacent to a woodland plantation respects the site's level topography and skyline, as well as the wider landscape character of the area. The existing woodland plantation, together with the proposed planting which will be secured by condition (Condition 10) will help to safeguard views, viewpoints and landmarks and thus protect the site's visual integrity and identity. The form, location and nature of existing woodland is considered appropriate and will assist in effectively assimilating this large building within the surrounding landscape. A condition is recommended to ensure additional tree planting is placed along the north west and north east boundaries of the site to further limit the visual impact of the building (Condition 10). The applicant's agent has confirmed that the use of the outdoor range area would not be affected by the provision of tree planting along these boundaries. The detail and extent of the planting will be agreed through condition 10.
- 63 To ensure effective integration with the landscape the colour finish of the walls and roof of the building is proposed to be a dark Juniper Green to complement the surrounding woodland.

## **Effects on Neighbours/Amenity**

- 64 The application contains provision for poultry sheds with a capacity for 32,000 free range hens in 2 x 16,000 bird sections with an egg packing area in the centre of the two sections. Application proposal of this scale therefore has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The closest existing residential property outwith the applicant's ownership is approximately 520m away from the building and 165m from the closest point of external range. The village of Ardler is located approximately 550m to the north east from the building and approximately 230m from the closest point of the external range.

## **Noise and Odour**

- 65 Concerns have been expressed relating to noise and odour generation from the development. Environmental Health (EH) have assessed the potential impact of the proposed development on residential properties in the area. The Scottish Government's guidance 'Prevention of Environmental Pollution from Agricultural Activity' recommends a minimum of 400m separation distance for livestock buildings, therefore the proposed building where any noise and odour would exist is at reasonable separation distance to sensitive receptors and EH have no objections in relation to noise and odour.

- 66 On the basis of the separation distance provided, EH have advised that they would not require a detailed Noise and Odour Impact Assessment for the development. They have, however requested a management plan in relation to noise and odour. EH have stated that these plans require to include measures to control noise and odour from the shed depletion, cleaning and re-stocking cycles which occurs for 2 weeks every 60 weeks. The document also requires to include a noise and odour complaint procedure.
- 67 A Noise and Odour Management Plan (NOMP) has now been submitted and has been reviewed by EH and is considered to be acceptable.
- 68 Similar to other recently approved egg production units of this nature, the bird housing areas will follow Best Available Technology (BAT) Reference Document, with tiered perches over manure belts thus ensuring manure is removed twice weekly by an elevator system into agricultural trailers and transported away from the building and stored until spread as a sustainable fertiliser at the existing farm. As a result of this system, odour and ammonia production is reduced within the bird housing areas.
- 69 Furthermore the NOMP has several elements including control, monitoring and review/contingencies.
- 70 The NOMP is a living document that formalises and sets control and management measures to ensure that the proposed development operates best practicable means to control/minimise odour emissions from the site to existing residential receptors.
- 71 The NOMP is a control measure and as such the underlying mitigation and control measures contained within the NOMP must be robust and effective. It is important that the NOMP is comprehensive, to allow the Planning Authority, on the receipt of any complaint, to assess that the site is being operated appropriately and in accordance with conditions. All of the above can be secured by suitably worded planning conditions (Conditions 5 and 6).
- 72 EH have recommended a condition relating to noise levels from plant and machinery associated with the use (Condition 3). A further condition is recommended to ensure that should any noise complaint received that this is suitably investigated and any required measures to mitigate the noise implemented with an appropriate timescale (Condition 4).
- 73 Odour and noise within the outdoor range area is not considered to be a concern due to the lower density of birds ranging and grazing naturally in the field and the proximity of the range to dwellings. The agent has also advised that there will be no cockerels on the range. Environmental Health have offered no objection to the proposed outdoor range area. Furthermore, as outlined above the NOMP is a fluid document and should any complaints be received regarding use of the outdoor range these could be addressed through an updated NOMP, if required.



- 74 As a consequence the proposal is therefore considered to comply with LDP Policy EP8 - Noise Pollution. However, as a precaution the recommended noise and odour conditions referred to above are proposed to protect amenity should any complaints be received.

### **Light Pollution**

- 75 There is no lighting marked on the proposed plans. It is likely that the site may require some lighting for its operation. As such, details of this will be requested by condition to ensure the level is appropriate for this rural location and to accord with the requirements of Policy EP5 of the LDP (Condition 8). A condition is also recommended to ensure that no lighting is permitted of the outdoor rage area (Condition 18).

### **Traffic and Transportation**

- 76 The Supporting Statement with the application identified both construction and operational traffic movements to and from the site. The development is proposed to be via an unclassified road which links Ardler to Keillor and has a 40mph limit given its narrow width. An existing field access is proposed to be upgraded to serve the site. There is an existing passing bay on this road.
- 77 The Statement indicates the extent of traffic associated with the operation of the site which is as follows:
- Egg collection - Three or four collections/vehicles per week  
Feed deliveries - One HGV per week  
Manure removal - One HGV or two farm trailers per week.
- 78 There will be additional traffic during shed cleaning out and re-stocking periods which will occur over a two week period once every 60 weeks.
- 79 By utilising the manure on the existing farm the proposal will also reduce the need for the farm to rely on importing fertilizer which will in turn reduce the existing vehicle movements associated with the farm.
- 80 There are also associated private vehicle movements for workers which will equate to 2 or 3 vehicles per day.
- 81 The submission indicates the route for vehicles servicing the site which is as per the approved route which currently serves East Ardler Farm to the A94 which is effectively a one way system. A drawing demonstrating this route has been submitted (18/01908/15). A condition is recommended to ensure that access to and from the site accords with this route (Condition 17).
- 82 Transport Planning have offered no objection to the application and consider the existing road arrangements in the area capable of accommodating the traffic associated with the operation of the site. It is noted that some of the roads in the area are identified as pedestrian and cycle friendly. This is

common for rural roads in Perth and Kinross and these are often shared with agricultural traffic.

- 83 There will be construction traffic associated with this proposal but this will be limited and be for a temporary period, nevertheless, for the avoidance of any doubt a condition is proposed requesting a Construction Traffic Management Plan (CTMP) to minimise impact on the local community during construction (Condition 2).

### **Economic Impact**

- 84 The submission indicates that the existing farm is attempting to diversify its operation and will result in the creation of new permanent employment in the form of two full time equivalent jobs. There is also likely to be associated economic opportunities in terms of the construction period and secondly jobs in haulage, veterinary science, agriculture and animal feed production. The impact of the proposal on the rural economy at this location is considered to be significantly positive.

### **Waste Collection and Storage**

- 85 The submission indicates that waste from the proposed building will be utilised as fertiliser on the existing farm. There will be a requirement to ensure this waste is dealt with appropriately to minimise odours and this can be addressed through the NOMP and conditions 5 and 6 recommended by Environmental Health as outlined above.

### **Developer Contributions**

- 86 The Councils 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. This site is located outwith the transport contribution area as such there is no contribution required.

### **Biodiversity**

- 87 An ecology report has been submitted with the application and no major concerns relating to bio diversity were identified within the report. The report states that red squirrel, bats and badger are the most likely species to be impacted by the development. The report also identifies a barn owl nest box within the woodland adjacent to the site which faces away from the site. The proposal does not involve the felling of any of the existing woodland trees. Furthermore the report states that ground nesting birds are unlikely to be found within areas in this close proximity to woodland. The report also concludes the potential disturbance to protected species is considered to be unlikely subject to appropriate mitigation including ensuring construction works are undertaken outwith the bird breeding season. A condition is recommended to ensure this (Condition 14).

- 88 Some letters of representation received refer to the potential impact on the River Tay Special Area of Conservation (SAC). The River Isla, which forms part of the SAC is located approximately 2.7km to the north west of the site. I do not consider the development to have any impact on the SAC given the significant distance between the site and the SAC.
- 89 As such, subject to the recommended conditions the proposal is considered to comply with policy NE3 of the LDP. (Conditions 14, 15 and 16)

### **Trees**

- 90 No trees are proposed to be felled to accommodate the development, however there is a large area of woodland directly adjacent to the site which helps to provide the building with an appropriate setting and screening. As such it is recommended that a condition is attached to any consent which requires these trees are protected during construction operations to ensure they remain healthy and the screening and setting for the building is retained. (Condition 9)

### **Flooding and Drainage**

- 91 The site is located outwith areas identified as flood risk and on that basis the Council's Flood Prevention Officer has offered no objection to the application. The proposal is therefore considered to comply with Policy EP2 of the LDP. A condition is recommended to ensure surface water drainage is catered for through an appropriate Sustainable Urban Drainage System (SUDS) to accord with policy EP3C of the LDP (Condition 13).

### **Animal Welfare**

- 92 It is noted that letters of representation have been received which express concern regarding the welfare of birds associated with the proposal. The application indicates that the operations will meet industry standards in relation to the housing and welfare conditions of livestock and the proposal is for free range egg production. Whilst these concerns are noted, nevertheless, this is not a material planning consideration and the responsibility for adherence to welfare standards will rest with Scottish Government through its Animal Health Division Offices.

### **Pollution Prevention and Control Regulations**

- 93 Members should be aware that the threshold for regulation of poultry units under SEPA's Pollution Prevention and Control Regulations is 40000 bird places, therefore this development falls below that threshold. At this site it would be PKC Environmental Health Officers who would be the relevant consultee with regards to odour and noise. As such EH have recommended conditions to control odour and noise as outlined above. (Conditions 3, 4, 5 and 6).

### **Prime Agricultural Land**

- 94 Policy ER5 states that development will not be permitted on prime agricultural land unless it is necessary to meet a specific need such as a major infrastructure proposal and there is no suitable site on non-prime land. The application site and wider farm unit is allocated as class 2 prime agricultural land which is defined as land capable of producing a wide range of crops. It goes on to state that small scale development directly linked to rural business, may also be acceptable providing it is compatible with other aspects of policy framework and there are no other suitable non-prime land sites available. In this instance the entire existing farm is allocated as prime agricultural land and therefore this building relates to a small percentage of the wider farm unit.
- 95 The proposed site benefits from direct links with the surrounding agricultural operation which is in the applicant's ownership and operations will be directly linked with waste from the site being utilised on the existing arable farm.
- 96 Overall the application site is a relatively small portion of a large agricultural unit and I am satisfied that the site is appropriate given its scale relative to the remainder of the farm unit. The development will therefore not result in an extensive area of prime agricultural land being lost and I believe this is appropriate under the policy requirements.

### **Neighbour Notification**

- 97 The neighbour notification and advertisement of the application has been carried out in accordance with the relevant legislation. Given the rural nature of the site there was no specific requirement to serve neighbour notification letters to domestic properties given the nearest properties are located outwith the 20m buffer zone for notification. The application has also been advertised as a "bad neighbour" development as required by the Town and Country Planning (General Permitted Development) Order 1992. It is my understanding that the applicant has also consulted with the local community on the proposal despite there being no statutory requirement to do so.

### **Impact on Properties Values**

- 98 The potential loss of property value as a result of the development is not a material planning consideration.

### **Core Path and Rights of Way**

- 99 The closest core path to the application site is KTNS/121 which is approximately 630m to the north west. The proposed development is not considered to impact directly on the use of this path. The proposal is therefore considered to accord with policy CF2 relating to public access.

## **Vermin**

- 100 The letters of representation raise concerns relating to vermin being attracted to the site. The building will be provided with appropriate fencing to provide security and furthermore the external range area will also be enclosed by fencing which could be erected under permitted development rights. Furthermore it would be in the applicant's interest to protect the birds from any vermin and take appropriate measures, outwith the remit of planning control, to ensure this.

## **LEGAL AGREEMENTS**

- 101 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 102 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**

- 103 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. It is clear that the primary intention of both the Development Plan and national policies is to support agriculture as a major land use in the Plan area. The proposals for a free range poultry enterprise at East Ardler Farm would accord with this broad objective provided that environmental and landscape issues are satisfactorily addressed by any new proposals.
- 104 Through the use of planning conditions the proposals could secure a satisfactory landscape fit, could have an acceptable relationship to nearby residential properties and would not adversely affect the local and national transport network.

## **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, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - (i) details of information signs to inform other road users of construction traffic;
  - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
  - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
  - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
  - (n) monitoring, reporting and implementation arrangements;
  - (o) arrangements for dealing with non-compliance; and
  - (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

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

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

4. Should any aspect of the operation of this facility lead to a breach of condition 3, within 14 days of a written request by the Council as Planning Authority the applicant shall arrange for an investigation by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter the agreed measures shall be implemented to ameliorate the nuisance.

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

5. The operation of the building shall be conducted strictly in accordance with the approved Noise and Odour Management Plan (NOMP) hereby approved (doc ref:18/01908/14). The Noise and Odour Management Plan is approved as a fluid document and any variations to the mitigation measures which are required as a result of any review shall be submitted to and approved in writing by the Council as Planning Authority and thereafter adhered to.

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

6. Should any aspect of the development result in verified odour complaint determined by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall arrange for an Odour Impact Assessment (OIA) to be carried out by a qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Odour Management Plan must be submitted to the Council as Planning Authority within a specified agreed timescale.

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

7. Prior to the installation of any external lighting, the details of all external lighting 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 visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

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

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

9. Prior to the commencement of any works on site the woodland to the south east of the site shall be retained 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 - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

10. Prior to the commencement of development, details of additional tree planting along the north west and north east boundaries of the site shall be submitted to and approved in writing by the Planning Authority. The agreed detail shall thereafter be implemented prior to the completion of the development and completed in accordance with the timescales outlined in condition 11.

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

11. The planting scheme as approved under condition 10 shall be implemented fully within one calendar year of the commencement of development and thereafter maintained.

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

12. 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.

13. 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.



14. The conclusions and recommended action points within the supporting biodiversity survey (doc ref: 18/01908/12) 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.

15. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

16. 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.

17. All operational traffic movements to and from the site shall be undertaken in accordance with the routing outlined on approved drawing 18/01908/15 to the satisfaction of the Council as Planning Authority.

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

18. No lighting of the outdoor range area is permitted. Any lighting in this area will require further planning permission.

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 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. The applicant should be aware of the SEPA's General Binding Rules of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and the Intake and Outfall Good Practice Guide [https://www.sepa.org.uk/media/150984/wat\\_sg\\_28.pdf](https://www.sepa.org.uk/media/150984/wat_sg_28.pdf) with regards the proposed treatment and discharge of treated surface water to the burn. Further information is available to the applicant in the CAR Practical Guide
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.

9. 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.

Background Papers: 68 letters of representation  
Contact Officer: John Williamson 01738 475360  
Date: 28 February 2019

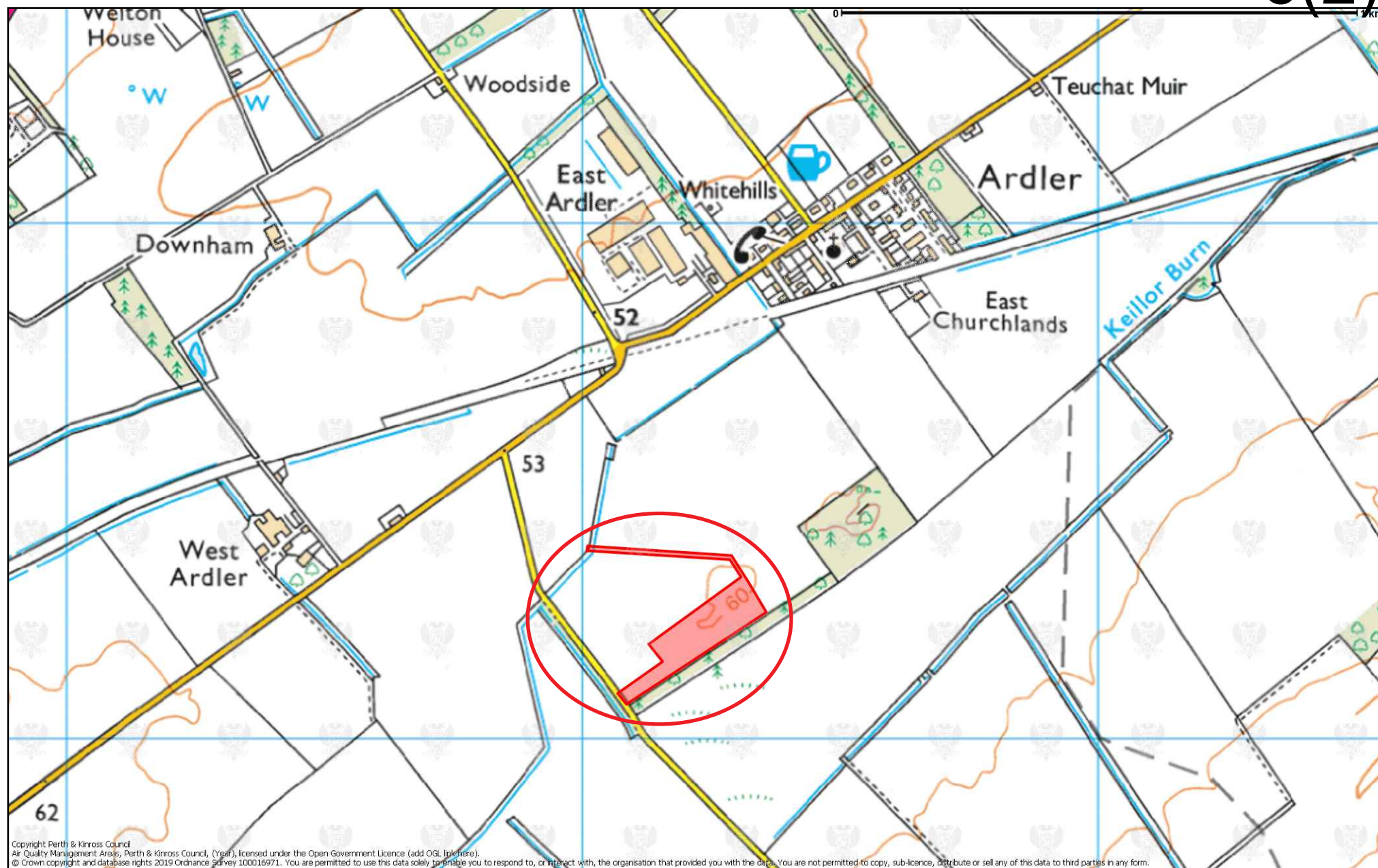
**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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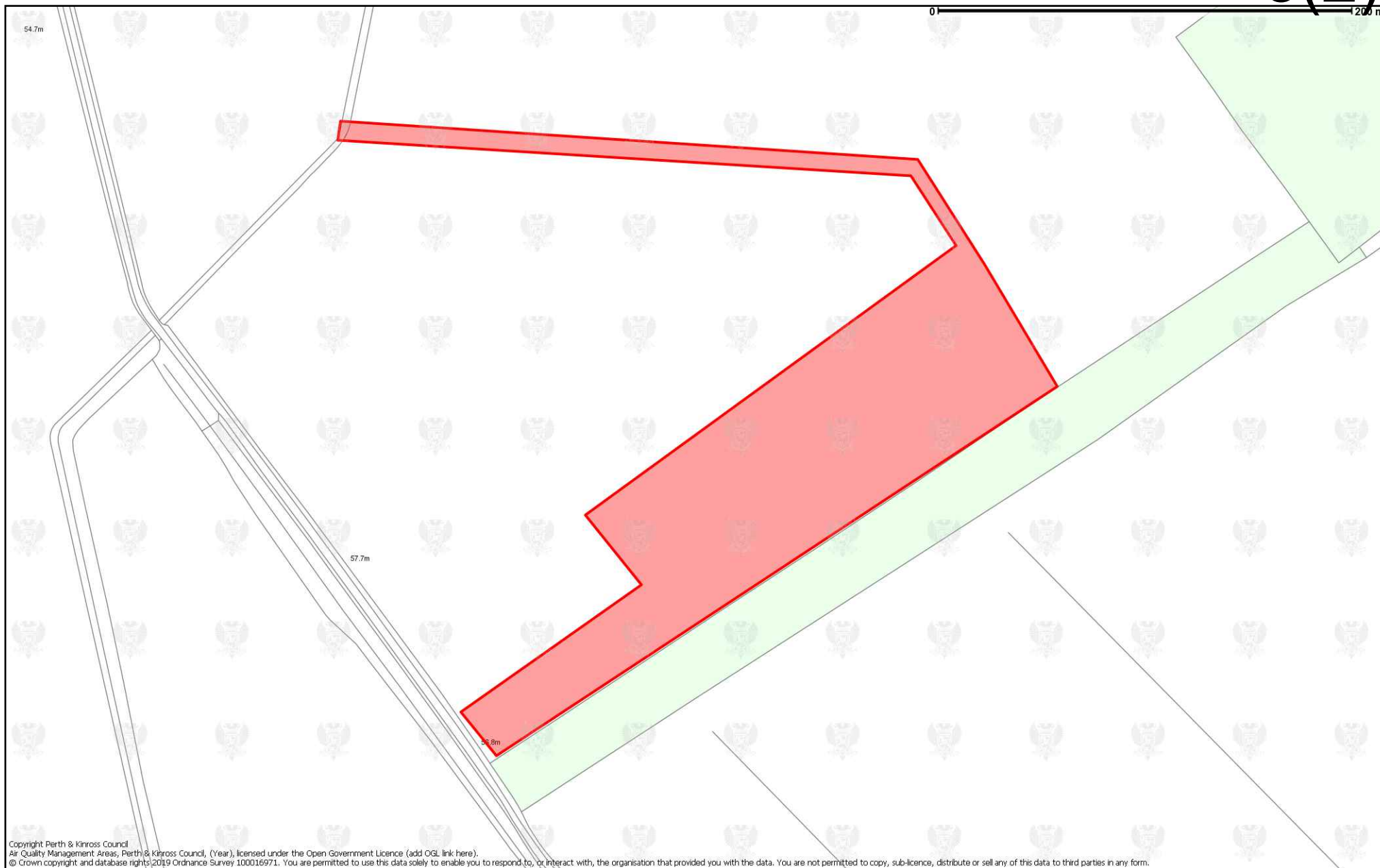


18/01908/FLL

Erection of a free range egg production unit and associated works on land SW of East Ardler Farm, Main Street, Ardler







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18/01908/FLL

Erection of a free range egg production unit and associated works on land SW of East Ardler Farm, Main Street, Ardler







Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/72)

**PROPOSAL:** Erection of 4 dwellinghouses, 10 flats, bin and cycle storage, fencing and gates, formation of steps, parking area, landscaping and associated works

**LOCATION:** Land at disused Bowling Green and 42 Mitchell Street, Crieff

Ref. No: [18/02009/FLL](#)  
 Ward No: P6 - Strathearn

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site relates to the disused bowling green at 42 Mitchell Street, Crieff, and is located within Crieff Conservation Area. The site is currently disused and is in a state of overgrowth. The site was granted planning permission in 2007 for the erection of 5 detached dwellinghouses (refer to application 06/01253/FUL) of which 1 has been constructed and is occupied. As such this permission has been implemented and is still valid. The site therefore still retains planning permission to construct the remaining 4 dwellinghouses.
- 2 It has been highlighted however that the developer has no longer intends to construct the remaining 4 detached dwellinghouses as market research carried out by the developer indicates that there is no longer a market for this type of development in Crieff. As such, in 2018, a new application was submitted for the erection of 4 dwellinghouses and 12 flats (refer to application 18/01287/FLL). This submission raised various concerns, namely in relation to design and density, transport arrangements and air quality. As such, the application was withdrawn in order for a more suitable scheme to be forthcoming.
- 3 Full planning permission is now being sought to construct a reduced scheme comprising of 4 dwellinghouses and 10 flats on the remaining undeveloped area of the site. The design of the units is contemporary with a mews character approach taken. The materials comprise of a combination of both grey and white smooth acrylic render with sections of slate slip cladding. Windows and doors will be grey timber framed units with all front doors being oak with a glass side screen. The roofs will be a single ply roof with a black UPVC hopper. The boundary treatments will be a 1.8metre high timber fence painted grey.

- 4 The general arrangement of the development will utilise the existing access from Mitchell Street and will lead relatively centrally through the site to a 'T' shaped junction. There will also be a pedestrian access to Millar Street to the south. A feature entrance will be created at the Mitchell Street access.

## **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 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

### **Creating Places 2013**

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

### **Designing Streets 2010**

- 11 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**

- 12 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**

- 13 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**

- 14 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:
- 15 *"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 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 1: Location Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 4: Homes
  - Policy 6: Developer Contributions
  - Policy 9: Managing TAYplan's Assets

## **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 principal relevant policies are, in summary;

### **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 PM3 - Infrastructure Contributions**

- 21 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**

- 22 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 HE3A - Conservation Areas**

- 23 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 TA1B - Transport Standards and Accessibility Requirements**

- 24 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 EP2 - New Development and Flooding**

- 25 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 EP8 - Noise Pollution**

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

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

- 27 Within or adjacent to designated Air Quality Management Areas, where areas of degraded air quality are already identified, development proposals which would adversely affect air quality may not be permitted. Within these areas, where the development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify any impact on air quality and appropriate mitigation measures.

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

- 28 Consideration will be given to proposals for the development of contaminated land, as defined under Part IIA, Section 78A(2) of the Environmental Protection Act 1990, where it can be demonstrated to the satisfaction of the Council that appropriate remediation measures can be incorporated in order to ensure that the site/ land is suitable for the proposed use and in order to ensure that contamination does not adversely affect the integrity of a European designated site.

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

- 29 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.

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

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

## **SITE HISTORY**

- 33 [06/00048/FUL](#) - Erection of 5 dwellinghouses Decision Issued 23 March 2006: Application Refused by Development Control Committee 15 March 2006
- 34 [06/01253/FUL](#) - Erection of 5 dwellinghouses Decision Issued 25 January 2007: Application Approved by Development Control Committee 2 August 2006
- 35 [18/01287/FLL](#) - Erection of 4no. dwellinghouses, 12no. flats, bin and cycle storage, fencing and gates, formation of steps, a parking area, landscaping and associated works Decision Issued 4 September 2018: Application Withdrawn

## **CONSULTATIONS**

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

## **External**

### **Scottish Water**

- 37 No objection to the proposed development. There is currently sufficient capacity in both the Turret Water Treatment Works and the Crieff Waste Water Treatment Works to service the development.

## **Internal**

### **Transport Planning**

- 38 No objection to the proposed development subject to conditional control regarding access, particularly in relation to pedestrian visibility, and street lighting.

### **Structures & Flooding**

- 39 Structures & Flooding initially objected to the application due to a lack of information regarding the design of the surface water drainage system. The requested information was consequently submitted and the Structures & Flooding team now have no objection to the proposed development.

### **Development Negotiations Officer**

- 40 In total, £86,355.00 is required from the following breakdown:  
  
Affordable Housing: £42,750 (2.25 x £19,000 commuted sums)  
Education: £43,605 (6.75 x £6,460)

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

- 41 No objection to the proposed development and noted the requirements for refuse collection on the site.

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

- 42 No objection to the proposed development subject to conditional control regarding contaminated land.

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

- 43 Environmental Health initially requested further information in relation to Air Quality. The information was consequently received and Environmental Health now has no objection to the proposed development, subject to conditional control regarding Air Quality and Dust Management.

## **REPRESENTATIONS**

- 44 44 letters of representation were received objecting to the proposed development. Of these 44 letters, 36 were from residents of Strathearn Court

who had the same letter of objection. In summary, the letters highlighted the following points:

- Loss of light
- Loss of amenity (reference to overlooking and overshadowing)
- Noise and odour (particular reference to bin store)
- Road safety and congestion
- Lack of parking
- Air quality
- Out of character with the surrounding area
- Density and design of development (reference to overdevelopment)
- Impact on visual amenity
- Loss of trees and existing boundary treatments
- Impacts from construction period
- Dog fouling and antisocial behaviour

- 45 These issues are addressed in the Appraisal section of the report, with the exception of dog fouling and antisocial behaviour, as this is not a material planning consideration.

#### **ADDITIONAL STATEMENTS**

46

|                                                |                                                                                           |
|------------------------------------------------|-------------------------------------------------------------------------------------------|
| 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          | Site Investigation, Drainage<br>Impact Assessment, Air<br>Quality Assessment<br>Submitted |

#### **APPRAISAL**

- 47 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 Placemaking Guide.



## **Principle**

- 48 The application site is within the settlement of Crieff as identified within the LDP; therefore Policy RD1 'Residential Areas' is directly applicable. As this proposal is within a residential area, the proposed use must therefore be compatible with residential uses. In this instance, as the proposed use is residential, this is considered to be compatible and thus the principle of the development is supportable.
- 49 The site is also located within the Crieff Conservation Area, therefore Policy HE3A 'Conservation Areas' will additionally be applied. 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. The design of the proposed scheme and the nature of the site, by virtue of back land development, is not considered to raise any adverse concerns. The proposal is therefore considered to comply with Policy HE3A.
- 50 In addition to the above, the Placemaking policies PM1A and PM1B will be applied to ensure that the proposed development does not detract from the quality of place. For reasons mentioned within this report, the proposal is considered to comply with all relevant provisions of the aforementioned LDP and thus is recommended for approval.

## **Design and Layout**

- 51 Of the 4 proposed dwellinghouses there are 2 different house types. Both house types are contemporary detached 4 bedroomed 2 storey units with integrated double garages, with the exception of plot 4 which has an integrated single garage. In addition to the integrated garages, plots 1, 5 and 6 have private driveways capable of accommodating 2 vehicles whilst plot 4 has a private driveway capable of accommodating 1 vehicle. Each dwellinghouse has private garden ground ranging from 205m<sup>2</sup> to 578m<sup>2</sup>.
- 52 The 10 flats will be divided between 2 blocks. 4 flats will form plot 2 and 6 flats will form plot 3. All of the flats are 2 bedroomed units. There will be approximately 406m<sup>2</sup> of private garden ground for the flats at plot 2 and approximately 472m<sup>2</sup> for the flats at plot 3.
- 53 The provided design statement indicates that a mews character approach to the building design and site layout has been adopted to form a "micro-place". The buildings are pushed forward to the street edge and create a consistent building line. The design of the units are contemporary, define a clear street edge, are similarly proportioned plots, and frame views of the nearby church tower (Crieff Parish Church) creating wider connections to the Crieff Conservation Area.
- 54 The plot arrangement results in a narrow wynd. The submitted design statement indicates that this approach has been taken in reference to the local context of the Crieff Town Centre. The Conservation Officer is of the opinion

that the form of the proposal is suitable for a new development as it is respectful of the general arrangement of Crieff.

- 55 It is therefore considered that the contemporary mews approach is appropriate for this site and will contribute positively to the quality of place. This is due to the character of Crieff Town Centre and immediately neighbouring streets being similar with the majority of buildings being constructed to the road edge. The design of each of the units is considered to have acceptable frontages and clear definitions. Furthermore, the existing dwellinghouse on the site that was granted under application 06/01253/FUL will complement the development well and will not look out of place. The development has been designed to complement the existing building on the site rather than to match it.

### **Landscape**

- 56 Development and land use change should be compatible with the distinctive characteristics and features of Perth and 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. In this case, the proposed development within the settlement boundary of Crieff, which does not exceed two-storey in height and is sited in a back land area, is not considered to erode the local distinctiveness, diversity and quality of the landscape.

### **Residential Amenity**

- 57 This current scheme has reduced the height of the flatted blocks to 2 storeys and has reconfigured the location of windows, from the earlier proposal, to help reduce overlooking.
- 58 Whilst the letters of representation received are noted, the proposal meets the standards required by the Council's Placemaking Guide. The Placemaking Guide recommends that window to boundary distance should be at least 9m. In this instance, the window to boundary distance is approximately 12.4m for plot 1, 12.3m for plots 4 and 5, and 9.3m for plot 6. With regards to the flats, these are 9m from plot 2 and 9.1m from plot 3. All of these distances are compliant with the Placemaking Guide. On the south east elevation, facing Mitchell Street, the closest window to window distance is approximately 28m. On the south west elevation, facing Millar Street, the closest window to window distance is approximately 21m. To the north east boundary with Strathearn Court, whilst the distance window to window is only approximately 11m, this is considered to be acceptable as the windows of concern are not habitable rooms (a hallway and an en-suite). To the north west, the main property of concern is 'The Lea' off Ferntower Road. The proposed house in Plot 4 will have a window to window distance of approximately 14m, with the window to boundary distance being over 11m. Again, this is considered acceptable, however, as it is not the principal elevation of The Lea (side elevation) and the presence of the existing mature hedge along the full length of the boundary will significantly reduce any potential overlooking at ground floor level. In regards to the upper floor level, whilst there will be glazing

extending the full height of the elevation facing towards the neighbouring property, the upper floor windows serve to provide light into a void space above the lounge area on the ground floor. As such the presence of the upper floor windows does not raise any concerns in relation to overlooking. Taking the above into account, the proposed development is considered to be acceptable and in compliance with the relevant Placemaking Policies, PM1A and PM1B.

- 59 With regards to the amenity of the future occupiers of the proposed development itself, it is considered that there is sufficient amenity space for each of the properties. Each dwellinghouse has private garden ground ranging from 205m<sup>2</sup> to 578m<sup>2</sup>. These gardens are considered appropriate scales for 4 bedroomed units. There will also be approximately 406m<sup>2</sup> of private garden ground for the flats at plot 2 and approximately 472m<sup>2</sup> for the flats at plot 3. Again, this is considered to be sufficient amenity space and in compliance with the requirements of the Placemaking Policies, PM1A and PM1B.

### **Roads and Access**

- 60 The general arrangement of the development will utilise the existing access from Mitchell Street and will lead relatively centrally through the site to a 'T' shaped junction. There will also be a pedestrian access to Millar Street to the south. Following concerns with the recently withdrawn application, the applicant has demonstrated that the 'T' shaped junction can provide safe manoeuvring for refuse vehicles and emergency services. A shared surface environment is proposed and the provided design statement states that this is to give pedestrians priority, encourage social interaction and foster a sense of community whilst reducing vehicle speed - adopting home zone principles. The scheme has been assessed by Transport Planning who are satisfied that the proposed arrangements are acceptable.
- 61 The proposed vehicular access from Mitchell Street is considered to be acceptable as it is similar to that previously granted under the 2006 application (06/01253/FUL). An additional pedestrian link to Millar Street will also be formed, which was not proposed under the 2006 application. This pedestrian access utilises an existing narrow lane which will provide improved permeability through the site, providing residents with an alternative means of access onto Millar Street and the town centre beyond.
- 62 With regards to parking, a concern raised within some of the letters of representations received, a total of 32 spaces have been provided in addition to a 12 space secure cycle store. Four of these 32 vehicle spaces are visitor spaces. In addition to the provided spaces, each of the 4 dwellinghouses has an integrated garage. With regards to the plots themselves, plots 1, 5 and 6 have private driveways capable of accommodating 2 vehicles whilst plot 4 has a private driveway capable of accommodating 1 vehicle. The Council's Transport Planner has assessed the proposals and advised that a sufficient number of parking spaces have been achieved in the development. Whilst Transport Planning has no objection to the proposed development, conditional control is recommended regarding street lighting and pedestrian access at the Mitchell Street entrance. This is therefore proposed to be covered by condition

(Conditions 5 & 6). Overall, it is considered that there are no adverse implications created in regards to roads and access due to a suitable arrangement being achieved on the site which is compliant with the relevant transport policy of the Local Development Plan, Policy TA1B 'Transport Standards and Accessibility Requirements'.

### **Drainage and Flooding**

- 63 The site is not in an area of known flood risk. The proposed development does however have the potential to create surface water drainage implications. This was also raised within some of the letters of representation received. The Council's Structures & Flooding section initially objected to the application due to a lack of information regarding the design of the surface water drainage system. A Drainage Impact Assessment was submitted and the Structures & Flooding team now have no objection to the proposed development, subject to conditional control regarding road level (Condition 3). An informative will also be added to the permission to ensure that the applicant is aware of the Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 (Informative 10). The proposal therefore complies with policy EP2 'New Development and Flooding' in relation to flooding and drainage.

### **Waste Collection**

- 64 Each of the 4 proposed dwellinghouses incorporate a private bin storage area, whilst a communal bin store is provided for each of the 2 blocks of flats. Concerns were raised within some of the letters of representation received in relation to the siting of the bin stores for the flats. Environmental Health and the Community Waste Team were both consulted as part of this application, neither of whom have concerns at the location of the bin stores. The applicant has also demonstrated that bin refuse vehicles can enter the site and manoeuvre safely. It is therefore considered that there are no adverse concerns in relation to waste collection. An informative (Informative 6) is proposed to ensure that waste collection is in accordance with the Council's requirements.

### **Conservation Considerations**

- 65 The site is located within Crieff Conservation Area. There are no listed buildings immediately adjoining the site. 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.
- 66 In this instance, due to the back land nature of the site and not being highly visible from the public road, the proposal is not considered to have any adverse impact upon the attributes that give rise to the designation as a Conservation Area. Furthermore the site in its current state does not contribute positively to the Crieff Conservation Area. Its development therefore poses an opportunity to enhance the area, as required by Policy HE3A of the LDP.

- 67 The contemporary approach with a mews character is considered to be of an acceptable design for the Crieff Conservation Area without detracting from the qualities of the surrounding area. The materials have been slightly amended from the previously withdrawn application to take account of the comments from the Conservation Officer. The timber framed windows and oak doors are considered to be of a high quality which is reflective of the streetscene. The scale is also acceptable and will not dominate the streetscene when viewed from Mitchell Street, Millar Street, Strathearn Court or Ferntower Road, which are the closest public roads to the proposed development. The setting of the nearby buildings will also not be compromised by the proposed development. Again, this is due to the back land nature of the development site. The proposal is therefore considered to be compliant with Policy HE3A 'Conservation Areas'.

### **Contaminated Land**

- 68 The proposed development is on land that is identified as being on a former bowling green. It is not uncommon for material to have been imported onto a site during the construction of a bowling green.
- 69 A site investigation report has been completed for the site however there are no details included regarding the risk assessment which has been carried out on the soil analysis results with regards either potential risk to human health, the water environment or the water supply pipes. There is also no justification provided for which soils have or have not been tested, in particular there is very little testing in the top 600mm. As such, Environmental Health has recommended that a condition is added any permission regarding contaminated land (Condition 4).

### **Air Quality**

- 70 The site is adjacent to the Crieff Air Quality Management Area (AQMA). As such, Environmental Health requested further information to ensure that the development is in accordance with acceptable levels of air quality. The submitted information demonstrated that acceptable levels could be achieved. Environmental Health now has no objection to the proposed development, subject to conditional control regarding Dust Management during construction and being in accordance with the findings of the Air Quality report (Conditions 2 & 7). This will not only control air quality levels but will also help to address some of the concerns raised within the letters of representation regarding the impacts from the construction period. The proposal is therefore considered to be compliant with Policy EP11 'Air Quality Management Areas'.

### **Natural Heritage, Biodiversity and Trees**

- 71 Since the bowling green became unused, the site has been left to deteriorate. As such, there are now large areas of overgrowth. It is proposed to fell the overgrowth and trees in the centre of the site and retain a number of the trees on the site boundaries. It in the interests of protecting the trees to be retained, a condition will be added (Condition 10) to ensure the protection of the trees during construction. A condition will also be added (Condition 11) to ensure

that the planting scheme proposed is implemented as part of the construction phase. This will ensure that the development is compliant with Policy NE2B 'Forestry, Woodland and Trees'.

- 72 The overgrowth and trees to be removed could provide habitat for protected species and nesting birds. Whilst it is noted that there are no known records of protected species on the site itself, it is considered appropriate to add informatives to the permission to highlight this possibility (Informatives 7 & 8) site itself. This will ensure compliance with Policy NE3 'Biodiversity'.

## **Developer Contributions**

### Affordable Housing

- 73 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 74 The previous planning permission was granted for 5 units under 06/01253/FUL. This permission had an affordable housing requirement of 1.25 units and a commuted sum payment was made. The contribution paid on the previous permission will be offset against the current proposal and all contribution requirements calculated on the additional units proposed.
- 75 The Affordable Housing requirement is based on 9 units (14 – 5) giving a requirement of 2.25 units. Due to the scale of the proposal a commuted sum payment is agreed in lieu of onsite provision. The commuted sum level for the Strathearn Housing market Area is £19,000 per unit.

### Primary Education

- 76 The Council's 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.
- 77 This proposal is within the catchment of Crieff Primary School.
- 78 An allowance will be given for the previous planning permission which predated the adoption of the Primary Education Contributions policy. No contributions are required from Affordable Housing units. The primary education contribution will be calculated on 6.75 units (9 – 2.25).

### Total

- 79 In total, £86,355.00 is required from the following breakdown:

Affordable Housing: £42,750 (2.25 x £19,000)

Education: £43,605 (6.75 x £6,460)

- 80 The applicant has indicated that they wish for a Section 75 agreement to allow the Council to secure the contributions.

### **Economic Impact**

- 81 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

### **LEGAL AGREEMENTS**

- 82 The applicant has indicated that a Section 75 legal agreement would be the preferred option for the Council to secure the £86,355.00 contributions required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 83 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**

- 84 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.
- 85 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.

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

2. Prior to the commencement of the development, a dust management plan for the construction stage of the development, detailing prevention, control and

mitigation measures for dust and noise control, shall be submitted for further written agreement of the Council as Planning Authority in consultation with PKC Environmental Health. Thereafter the agreed scheme will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

3. Prior to the commencement of development, full details of all road levels must be submitted to and agreed in writing by the Council as Planning Authority in consultation with PKC Structures and Flooding. Thereafter, the scheme as agreed must be implemented for the life of the development.

Reason – In the interest of flood risk.

4. Prior to the commencement of development, 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
  - IV. 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.

5. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type A junction Figure 5.5 access detail. A kerbed footway build-out (3m radius) should be constructed either side of the junction to aid vehicle and pedestrian visibility.

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

6. Prior to the installation of any external lighting, the details of all external lighting 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. Lighting cables in the footway should be lowered with twin wall ducting following any access improvements.

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

7. The recommendations contained within Section 6 of the Air Quality Management Plan hereby approved (18/02009/34), prepared by Resource and Environmental Consultants Limited (January 2019), shall be fully adhered to, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of air quality.

8. Prior to the commencement of development, a detailed site plan containing proposed site levels for the entire development site shall be submitted for further written agreement of the Council as Planning Authority. Thereafter the agreed scheme will be undertaken in full 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.

9. Prior to the commencement of development details of the proposed external storage identified within plots 2 and 3 shall be submitted for further written agreement of the Council as Planning Authority. Thereafter the agreed details will be undertaken in full 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.

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

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

11. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, 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 - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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

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

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 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 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the

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

- 7 The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
- 8 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.
- 9 Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn).
- 10 The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development.  
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>

Background Papers: 44 letters of representation  
Contact Officer: Sean Panton  
Date: 28 February 2019

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

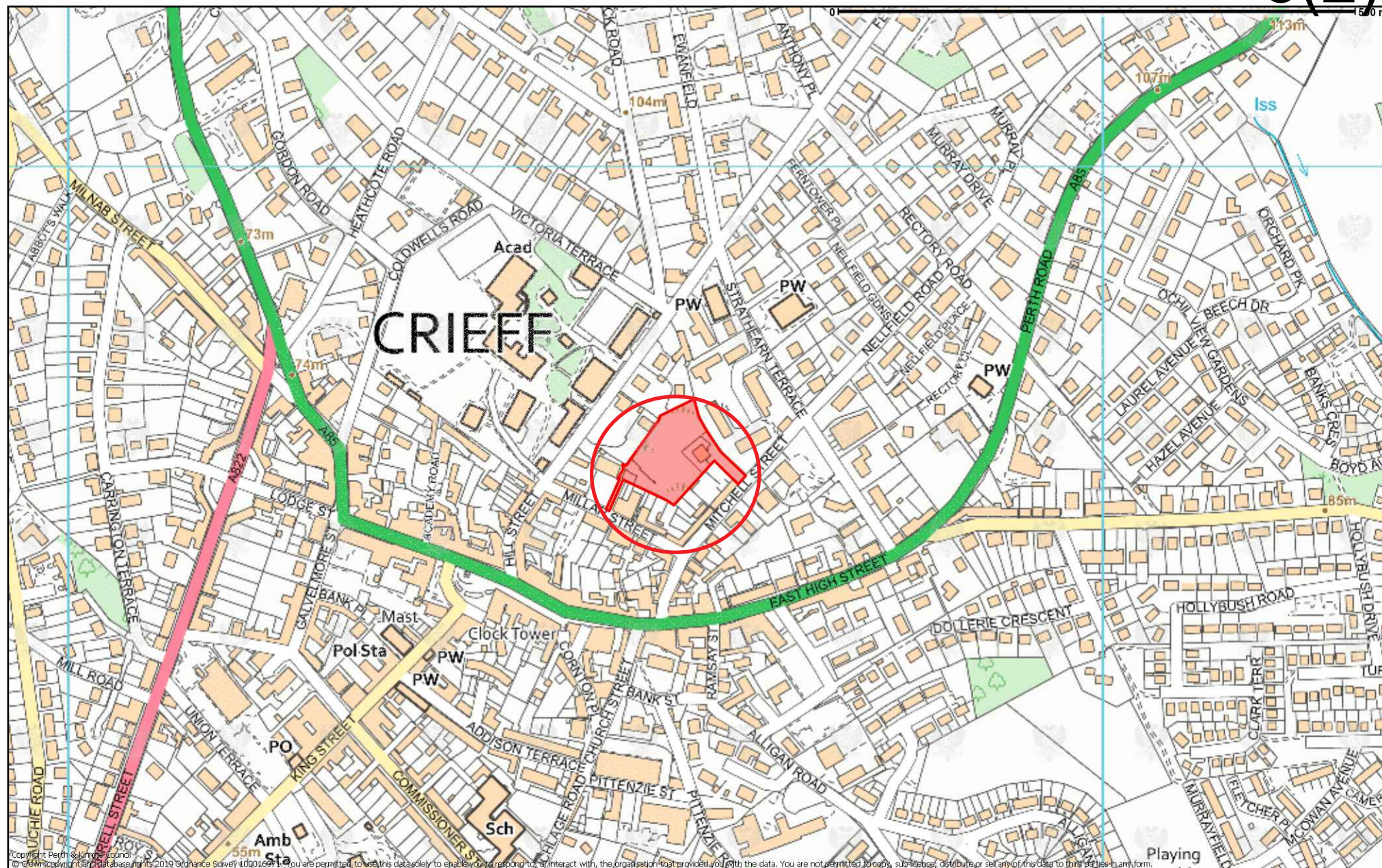
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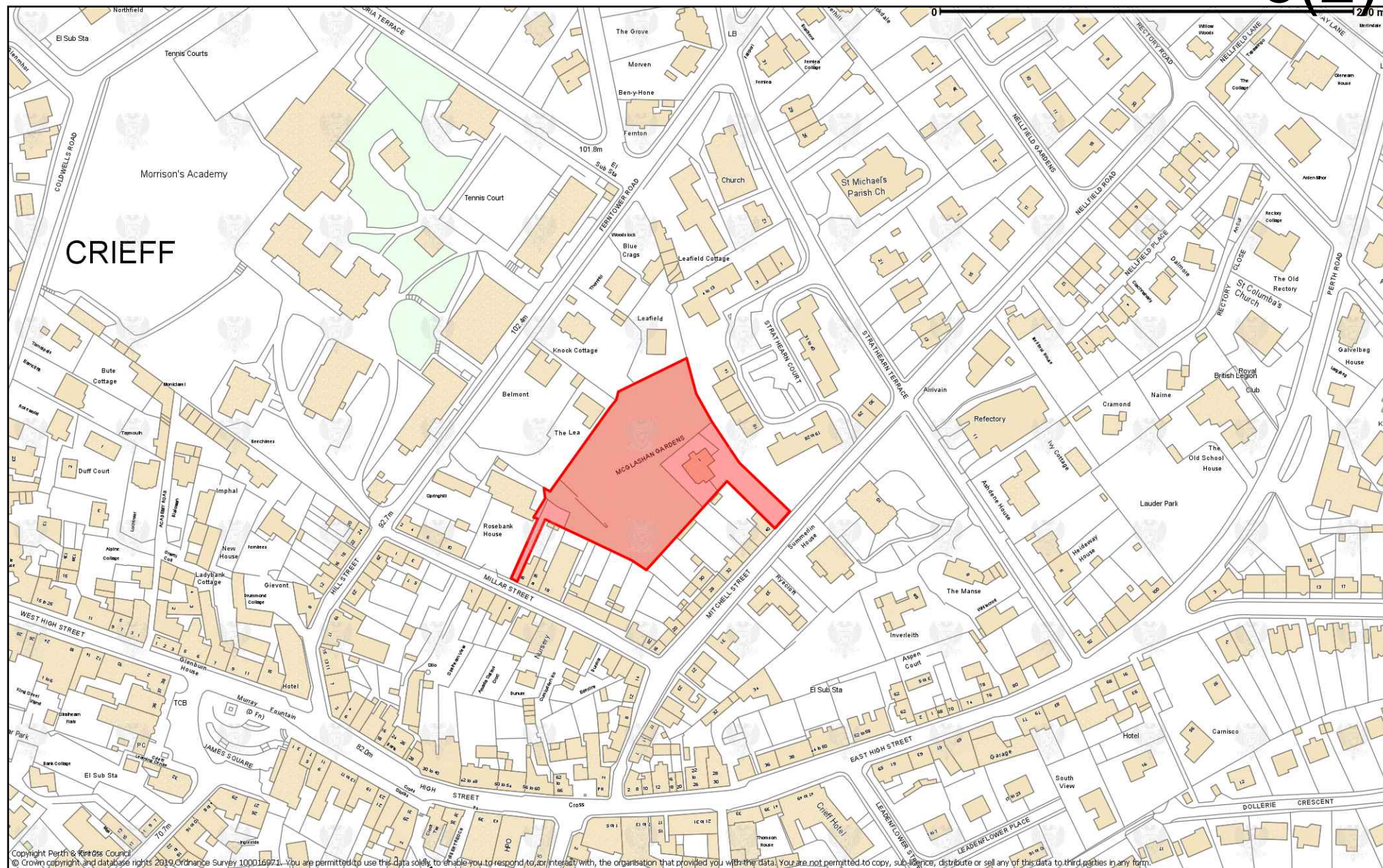
18/02009/FLL

Erection of 4 dwellinghouses, 10 flats, bin and cycle storage, fencing and gates, formation of steps, parking area, landscaping and associated works on land at disused Bowling Green & 42 Mitchell Street, Crieff









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Scale 1:2500



18/02009/FLL

Erection of 4 dwellings, 10 flats, bin and cycle storage, fencing and gates, formation of steps, parking area, landscaping and associated works on land at disused Bowling Green & 42 Mitchell Street, Crieff







Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/73)

**PROPOSAL:** Change of use from agricultural land to form extension to car park

**LOCATION:** Meikleour Arms Hotel and Restaurant, Meikleour, Perth, PH2 6EB

Ref. No: [18/02168/FLL](#)  
 Ward No: P5 - Strathtay

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 This application is for the change of use from agricultural land to form an extension to an existing car park at the Meikleour Arms Hotel and Restaurant in Meikleour.
- 2 The Meikleour Arms is category B listed building and is located within the Meikleour Conservation Area. It was recently extended to accommodate a new kitchen and restaurant with associated store, toilets and a boiler room, applications 15/00067/FLL and 15/00068/LBC refer.
- 3 The applicant has submitted a supporting statement. This confirms the works undertaken as part of the 2015 permission has seen an increase in customers to the hotel and restaurant. The applicant is looking to ensure these customers are accommodated within their car park instead of elsewhere in the village. They are also looking to improve traffic safety as customers utilising the parking area in front of Meikleour Arms on occasion have to reverse onto the A984.
- 4 The car parking extension will be surfaced with stone chips to match the existing and incorporate a central island in the car park with planting. A cypress tree and a bush are proposed to be removed with all other boundary planting retained and supplemented.

**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 75 Planning for Transport

## **Creating Places 2013**

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

## **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

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

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

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

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

- 16 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**

- 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 principal relevant policies are, in summary;

### **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 PM4 - Settlement Boundaries**

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

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

- 22 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 HE1A - Scheduled Monuments**

- 23 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**

- 24 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**

- 25 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 ER5 - Prime Agricultural Land**

- 26 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**

- 27 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.

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

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

## **SITE HISTORY**

- 31 [03/00287/PPLB](#) Installation of kitchen extractor flue and formation of internal doorway at Decision Issued 7 May 2003 Application Permitted under delegated powers.
- 32 [03/00714/FUL](#) Erection of LPG tank with two-sided screen Decision Issued 6 June 2003 Application Permitted under delegated powers.
- 33 [13/02000/FLL](#) Demolition of outbuildings, alterations and extension to the hotel and erection of a biomass boiler house and store Decision Issued 2 December 2013 Application Refused under delegated powers.
- 34 [13/02003/LBC](#) Demolition of outbuildings, alterations and extension to the hotel and erection of a boiler house and store Decision Issued 2 December 2013 Application Refused under delegated powers.
- 35 [14/00488/FLL](#) Demolition of outbuildings, alterations and extension to the hotel and erection of a biomass boiler house and store Decision Issued 15 May 2014 Application Refused under delegated powers.

- 36 [14/00489/LBC](#) Demolition of outbuildings, alterations and extension to the hotel and erection of a biomass boiler house and store Decision Issued 15 May 2014 Application Refused under delegated powers and appeal dismissed by DPEA, LBA/340/2014
- 37 [15/00067/FLL](#) Alteration and extension, demolition of outbuildings at hotel Decision Issued 05 March 2015 Application Permitted under delegated powers.
- 38 [15/00068/LBC](#) Alterations and extension, demolition of outbuildings at hotel Decision Issued 23 April 2015 Application Permitted under delegated powers.

## **CONSULTATIONS**

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

### **External**

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

- 40 No objection subject to an archaeological evaluation being undertaken to assess the presence/absence, character and significance of archaeological deposits on the site.

### **Internal**

#### **Transport Planning**

- 41 No objection.

## **REPRESENTATIONS**

- 42 The following points were raised in the six representation received:
- Impact on village boundary.
  - Impact on Conservation Area.
  - No consent for existing car park.
  - No need for additional spaces it is excessive/car park is not full.
  - Existing car parks should be resurfaced and incorporate lines to ensure proper management.
  - Amendments should be made to the car park at the front of the hotel.
  - Granting the consent could lead to an alternative use in the future.
  - Anti-social behaviour/noise from patrons leaving the car park.
- 43 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

44

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

## APPRAISAL

- 45 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 policies are outlined in the policy section above and are considered in more detail below.
- 46 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent Listed Buildings.
- 47 In addition, section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 48 The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan, whether there are any factors that would justify a potential departure from the Development Plan, whether the setting of listed buildings is preserved and how the development relates to the character or appearance of a Conservation Area.

## Principle

- 49 The planning considerations involved with extensions to existing rural pub car parks vary depending on the context of the site and its relationship with the landscape.
- 50 Such developments may be viewed as desirable in order to rid surrounding streets of parking, thus reducing amenity problems and traffic hazards. While on the other hand the concentration of activity and vehicle movements that a car park would imply may well be seen as undesirable with an adverse impact on the character of the rural area.

- 51 For reasons set out under the headings below the development is considered to comply with the over-riding thrust of the development plan and the proposal should be supported.

### **Land Use**

- 52 Letters of representation question whether the existing car park to be extended has a lawful consent. There is consent for the car park under application 15/00067/FLL when planning permission was granted for alteration and extension of the Hotel and the demolition of outbuildings.
- 53 Further land use concerns have also been raised as the site constitutes agricultural land and it falls out with the settlement boundary of Meikleour.
- 54 TAYPlan Policy 9 and LDP Policy ER5 recognise the importance of prime agricultural land. In this case the site has a land capability of 3.1. This constitutes prime agricultural land with a capability of growing a moderate range of crops.
- 55 Development is directed away from prime agricultural land under policy ER5 however there is an allowance for small scale development directly linked to a rural business providing it is compatible with all other aspects of the policy framework of the plan and there are no other non-prime land sites available. In this case Meikleour is surrounded by prime agricultural land. I do not consider that there is any alternative non-prime agricultural land that could be used. I also note that the use of the car park is inextricably interlinked with the rural hotel and restaurant business and the car parks proximity to the existing rural business is of importance.
- 56 While the site is outwith the settlement boundary of the village, the extension to the existing car park will not be detrimental to the setting of the Meikleour and this would be further reduced if an appropriate landscaping scheme is secured to enhance the boundary definition (Condition 4).
- 57 Taking the above into account, I do not consider that the proposed car park extension conflicts with TAYPlan Policy 9 or LDP Policy ER5, while the conflict with LDP Policy PM4 would not justify refusal of the application. I note concerns are also raised regarding potential alternative uses in the future however any change of use or alternative development would be subject of a further application and assessment against the Local Development Plan at that time.

### **Roads and Access**

- 58 Policy TA1B of the LDP is concerned with providing safe access and appropriate car parking.
- 59 The applicant's supporting statement confirms that the car park extension is required to cater for an increased demand since the redevelopment of the Hotel and to improve road safety. There are currently three car parking areas associated with the Meikleour Arms Hotel and Restaurant.



- 60 The first is a gravelled car park to the north of the hotel. A second area consisting of a bound surface is located to the south east at the pub entrance, while a third car park surfaced in gravel, which is subject to this extension application, is accessed from Carsie Road to the south east.
- 61 In relation to the road geometry of the A984, the first and second car parks have restricted visibility splays and mirrors have been erected on the opposite side of the road to assist access and egress. The park area in front of the Meikleour Arms is constrained; I consider it would be particularly difficult to manoeuvre a car in a way that would allow safe access and egress to and from this area in a forward gear when other cars are parked in this location. It is therefore understandable that the applicant is looking to direct patrons away from this area as vehicles would inevitably end up reversing onto the A984 with restricted visibility.
- 62 The proposed car park to be extended is the third car park area. This has the best visibility splays at the junction/access with Carsie Road and the A984. The layout also has the ability to easily accommodate access and egress in a forward gear. I consider the extension of this car park in combination with the restricted use of the second car park area has the ability to significantly improve road traffic safety. To ensure this benefit occurs a strategy is required to ensure the second car park area is discontinued and patrons are directed away from parking in this area (Condition 3).
- 63 Representations have questioned the need for the parking extension and have highlighted that improvements to the existing car parking management could be made in the form of resurfacing and delineated lines setting out car parking spaces. While the application of this form of urban parking management could increase the efficiency of the existing car parks, in my view it would have a detrimental impact on the rural character of Meikleour. The proposed extension to the gravel parking area with planting is a better design solution, especially when taking account of the proximity to the listed building and the sites location within a Conservation Area.
- 64 The application form highlights that the overall car parking spaces to be created for the Meikleour Arms will be some 45 spaces in total. From my review of the parking areas as well as the extension and the discontinuance of the second car park area I consider the extent of car parking will likely be more than the 45 spaces quoted. The National Roads Development Guide sets out parking standards for use classes, taking account of the number of rooms and the floor space associated with the pub and restaurant this equates to some 71 car parking spaces in this instance.
- 65 While there are no delineated car parking spaces shown on the plan I am of the view that the provision of the additional parking and associated turning area is appropriate and will be more in line with the standards required by the National Roads Development Guide. It will also provide some flexibility in terms of the vehicles that can utilise the parking area. Transport Planning have also been consulted on the application and they offer no objection to the application on road safety grounds or the parking provision. Overall the proposal is considered to comply with Policy TA1B.

## **Conservation Considerations**

### **Setting of Listed Building**

- 66 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent Listed Buildings. The proposed car park extension is not considered to affect the setting of the listed building due to the distance between the car park as well as the intervening landscape planting that will be retained as part of this application.
- 67 The requirement to discontinue the car parking area to the front of the pub entrance will mean that vehicles will not obscure this elevation of the listed building and this will have a positive impact on the setting of the listed building. The setting could be further improved depending on the strategy deployed by the applicant under condition (Condition 3).
- 68 As such it is considered that the proposed development will not conflict with the setting criterion within Policy HE2 of the LDP or Policy 9 Tayplan.

### **Impact on Conservation Area**

- 69 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is also pertinent which requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 70 The proposed car park extension is not considered to have a detrimental impact on the Conservation Area if landscaping is deployed to the existing open boundary. As such there is no conflict with the criterion within Policy HE3B of the LDP with the implementation of a suitable landscape scheme (Condition 4).

## **Archaeology**

- 71 Due to the proximity of Scheduled Ancient Monuments Policy HE1A is engaged.
- 72 The closest scheduled monument to the development site is located 265m east that comprises of two enclosures of prehistoric date, visible as a series of cropmarks on oblique aerial photographs (MPK3265, SM7027). This nationally protected monument and its close location to the Cleaven Dyke (SM1602) has been interpreted as a possible mortuary enclosure also of Neolithic date.
- 73 With the incorporation of landscaping on the west boundary the proposal is not considered to have an adverse impact on the setting of the scheduled Ancient Monument. As such there is no conflict with Policy HE1A of the LDP or Policy 9 of Tayplan.
- 74 Consultation has also been undertaken with Perth and Kinross Heritage Trust (PKHT) as there are two further enclosures from aerial photography adjacent

to MPK3265 which appears to be two oval enclosures measuring about 50m from ENE to WSW by 40m internally (MPK6060). PKHT confirm there is little archaeological evaluation work undertaken in or around the village therefore the level of survival of archaeology is unknown. As such PKHT advise that an archaeological evaluation should be undertaken on the new car park foot print to determine any survival of archaeological remains. Subject to an appropriate condition being imposed on the permission, the application is considered to comply with Policy HE1B and Policy 9 of Tayplan (Condition 2).

### **Landscape**

- 75 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.
- 76 With the incorporation of a suitable landscape scheme as required by condition 4 the proposal is not considered to conflict with the landscape aims of Policy ER6.

### **Residential Amenity**

- 77 I acknowledged the concerns of residents regarding the potential behavior of patrons particularly in terms of rowdiness or loud noise. However the proposed extension to the car park will not necessarily result in an increase in noise or rowdiness. If issues do arise I consider this can be addressed satisfactorily through the use of powers under the Environmental Protection Act 1990.
- 78 The concerns about the potential use of the car park for anti-social behavior are noted. However these issues are not a planning matter and would be best addressed through the use of police powers should concerns arise in future.

### **Developer Contributions**

- 79 The developer contributions policy is not applicable to this proposal.

### **Economic Impact**

- 80 The proposal is not considered to have a significant economic impact however the provision of improved car parking and access arrangements at the site will assist the continued successful operation of the existing hotel and restaurant.

### **LEGAL AGREEMENTS**

- 81 None

### **DIRECTION BY SCOTTISH MINISTERS**

- 82 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**

- 83 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.
- 84 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. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

3. Prior to the commencement of development hereby approved a strategy to restrict car parking directly in front of the Meikleour Arms Hotel and Restaurant (to the south east) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter the strategy as subsequently approved shall be implemented and maintained before the car park extension is brought into use.

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

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (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.

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 and to ensure the satisfactory implementation of the proposed planting scheme.

## **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. The applicant is advised that to enable the negative suspensive condition to be fulfilled (the car park strategy directly in front of the Meikleour Arms Hotel and Restaurant to the south east) may, depending on the strategy to be deployed, constitute operational development and these works themselves may require the submission of a planning application.

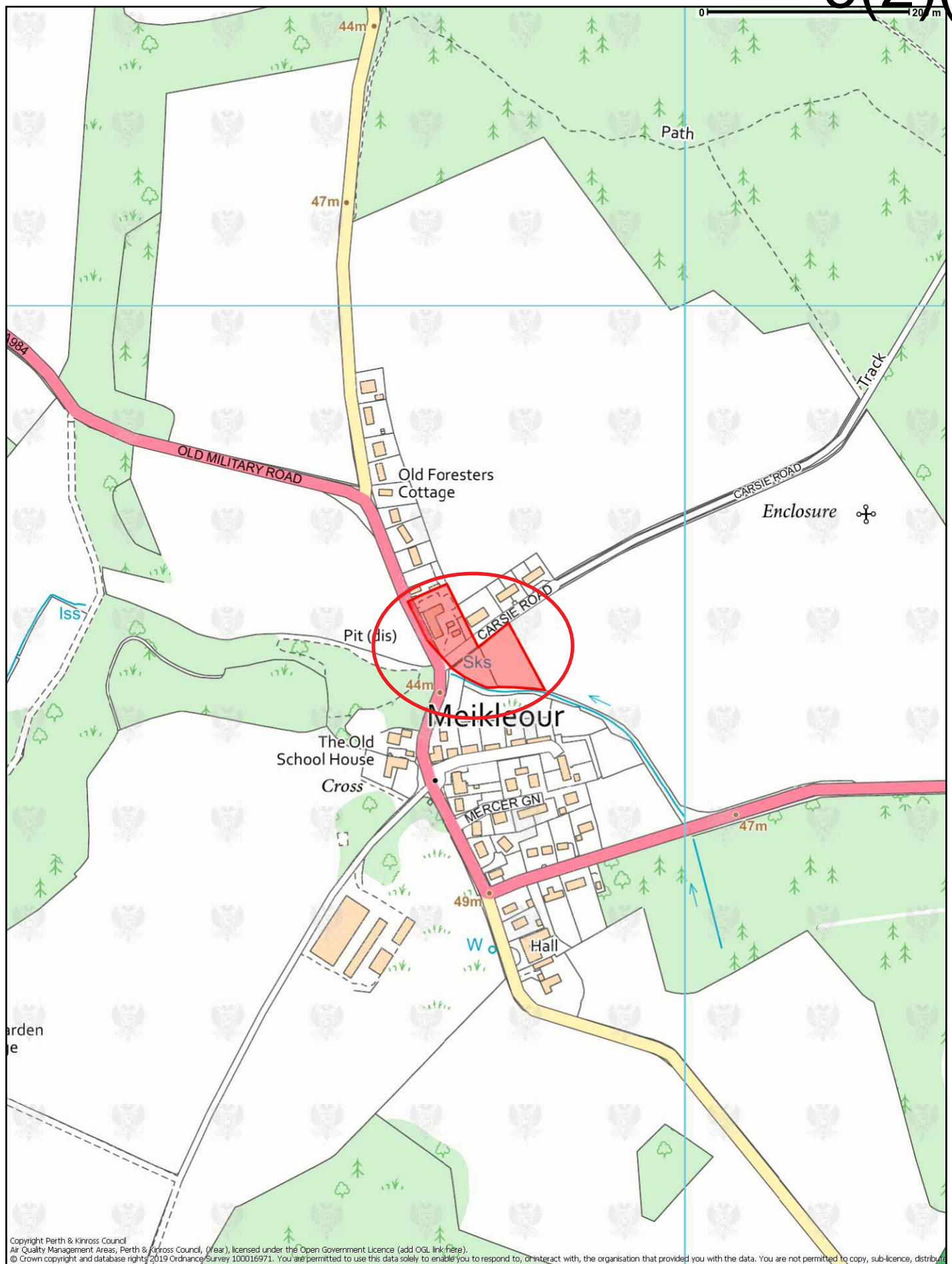
Background Papers: 6 letters of representation  
Contact Officer: John Russell 01738 475346  
Date: 28 February 2019

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

|                                                                                                                                                                                                                                                             |
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Scale 1:5000

18/02168/FLL

Change of use from agricultural land to form extension to car park, Meikleour Arms Hotel & Restaurant, Meikleour, Perth









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Scale 1:1250

18/02168/FLL

Change of use from agricultural land to form extension to car park, Meikleour Arms Hotel & Restaurant, Meikleour, Perth





Perth and Kinross Council  
Planning & Development Management Committee – 13 March 2019  
Report of Handling by Interim Development Quality Manager (Report No. 19/74)

|                  |                                                                                                                                                                                                |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PROPOSAL:</b> | Formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works |
| <b>LOCATION:</b> | South East of Coupar Angus Substation, Pleasance Road, Coupar Angus                                                                                                                            |

Ref. No: [18/00016/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 the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works at land South East of Coupar Angus Substation, Pleasance Road Coupar Angus. 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 (PAN) on 18 December 2018. The purpose of this report is to inform the Planning & Development Management Committee of a potential forthcoming planning application in respect of this major development. This Report identifies main issues and supporting information that that may be required to support any planning application and offers the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PAN seeks to formally establish a major development comprising the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works for battery storage up to 49.9 MW capacities. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions or the submission of a formal application.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 3 Due to the scale and nature 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 is required to be submitted by the applicant.

## **PRE-APPLICATION PROCESS**

- 4 The Proposal of Application Notice (reference 18/00016/PAN) confirmed that a public exhibition was held at Coupar Angus Council Chambers on the 31<sup>st</sup> January 2019. Coupar Angus, & Bendochy Community Council have been notified. It was recommended that, based on the volume of attendance and interest in the proposed project, a further follow up event is held locally, which also benefits from full accessibility. 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
  - Promoting Rural Development: paragraphs 74 – 91
  - Supporting Business and Employment: paragraphs 92 – 108
  - Delivering Heat and Electricity: paragraphs 152 – 173
  - Valuing the Natural Environment : paragraphs 193 – 218
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- Climate Change Plan: Third Report on proposals and policies 2018-2032
- The future of energy in Scotland: Scottish Energy Strategy (December 2017)

## **LOCAL POLICY AND GUIDANCE**

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

- 9 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:
- 10 *“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”*
- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:-

#### **Policy 7: Energy, Waste and Resources**

- 12 Development proposals should ensure that all areas of search, sites and routes for energy, waste and resource management infrastructure have been justified.

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

- 13 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.
- 14 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.”*
- 15 Under the LDP, the following policies are of particular importance in the assessment of this application:-
- PM1A – Placemaking
  - PM1B – Placemaking
  - PM3 – Infrastructure Contributions
  - PM4 – Settlement Boundaries
  - ED3 – Rural Business and Diversification
  - TA1 – Transport Standards and Accessibility Requirements

- CF1 – Open Space Retention and Provision
- CF2 – Public Access
- NE3 – Biodiversity
- ER1 – Renewable and Low Carbon Energy Generation
- ER5 – Prime Agricultural Land
- ER6 – Managing Future Landscape Change
- EP1 – Climate Change, Carbon Reduction and Sustainable Construction
- EP2 – New Development and Flooding
- EP3 – Water Environment and Drainage
- EP8 – Noise Pollution

## **OTHER POLICIES**

- 16 The following supplementary guidance and documents are of particular importance in the assessment of this application:-

- Developer Contributions Supplementary Guidance April 2016
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

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

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

## **PLANNING SITE HISTORY**

- 20 There has been a pre-application enquiry on the site and a planning application was submitted and subsequently returned in 2018 (18/01672/FLL), when it was established the proposal exceeded the threshold as a major planning application, which led to the requirement for a PAN. Otherwise there is no known planning history for the proposed site in relation to considered and assessed planning applications.

## **CONSULTATIONS**

- 21 As part of the planning application process the following would be consulted:-

### **External**

- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Royal Society for Protection of Birds (RSPB)
- Scottish Water
- Health and Safety Executive
- Perth and Kinross Heritage Trust
- Coupar Angus and Bendochy Community Council

### **Internal**

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace (including Access)
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

## **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

- 22 The key considerations against which the eventual application is likely to be assessed include:-
- a. Site selection justification
  - b. Alternative site consideration
  - c. Landscape and Visual Impact
  - d. Scale, Design and Layout
  - e. Relationship to Nearby Land Uses (particularly Coupar Angus)
  - f. Natural Heritage and Ecology
  - g. Water Resources and Soils
  - h. Flooding and drainage
  - i. Noise Pollution
  - j. Transport Implications

- k. Economic and Infrastructure impact
- l. Impact on Agriculture

### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 23 Should an EIA Report not be required, the following supporting documents will need to be submitted with any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Economic Impact Assessment
  - Transport Assessment
  - Flood Risk and Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Habitat Survey
  - Sustainability Assessment
  - Noise Assessment
- 24 If an EIA Report is required, the necessary topics within the assessment will be determined through the EIA Scoping process. This would likely include at least some if not all of the above.

### **CONCLUSION AND RECOMMENDATION**

- 25 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application 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: **Callum Petrie – Ext 01738 475353**  
 Date: 28 February 2019

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

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