

Perth And Kinross Council

6 December 2023

APPLICATION FOR PLANNING PERMISSION 21/01855/IPM

Report by Strategic Lead of Economy, Development and Planning
(Report No. 23/342)

1. PROPOSAL

- 1.1 Mixed use development comprising museum (including ancillary shop and café), hotel and holiday lodge accommodation (including ancillary shop and café functions), complementary retail and associated access, parking, public realm, open space and landscaping works (in principle) (LDP site RT1).

LOCATION: Caledonian House & Land at West Kinfauns, Kinfauns Holdings, West Kinfauns, Perth.

2. RECOMMENDATION

- 2.1 It is recommended that the Council:

- Confirms this application, subject to the proposed amended conditions and conclusion of the Section 75 agreement.

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Summary
- Section 5: Background and Description of Proposal
- Section 6: Appraisal
- Section 7: Proposed Amended Conditions
- Section 8: Planning Obligations and Legal Agreements
- Section 9: Conclusion
- Appendices

4. SUMMARY

- 4.1 The purpose of this report is to provide an update in relation to National Planning Framework 4 (NPF4) on the above planning application related to 'West Kinfauns'. The meeting of Perth and Kinross Council on 17 August 2022 resolved that it was 'minded to grant' the application, subject to a Section 75 Legal Agreement to secure developer contributions and further obligations. As NPF4 now forms part of the development plan, and the planning consent has not been issued, the Council is now obliged to reassess the application having regard to NPF4.
- 4.2 The negotiation and drafting of the Section 75 has been complex for various reasons, such as the varied uses and potential delivery options within the development as well as the land ownership interests of the involved parties. However, the process is now drawing to a conclusion.
- 4.3 Accordingly, this report updates the Council on the relevant aspects of NPF4 which relate to the application and again concludes with a recommendation that planning permission in principle should still be granted, again subject to a Section 75 Agreement being entered in to, to secure developer contributions and further obligations. The conditions previously recommended have also been slightly amended, reflective of the change in the Development Plan and following further consultation and clarifications from the applicant.

5. BACKGROUND AND DESCRIPTION OF PROPOSAL

- 5.1 As stated, at the 17 August 2022 Perth and Kinross Council resolved to approve the application in line with the recommendation set out in the Report (Appendix 1). However, as there was a requirement for a section 75 agreement to secure developer contributions and further planning obligations, the decision could not be issued until that process had concluded.
- 5.2 In addition, there have been discussions between the developer and PKC Planning as to how the development can be delivered under the previously approved conditions. As different aspects of the development may be brought forward by different parties at different times, it was agreed that some of the previously agreed conditions should be amended to reflect possible phasing scenarios. The proposed new conditions are set out below with all of the previous conditions contained within Appendix 1. Two new conditions are required, and two others have been substantially altered. Condition 36 will be incorporated into conditions 1 and 2.

6. APPRAISAL

6.1 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 now comprises the National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2019 (LDP2). The relevant policies of NPF4 are as follows:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management
- Policy 26: Business and Industry
- Policy 28: Retail
- Policy 30: Tourism

Policy 1 Tackling the Climate and Nature Crises

6.2 This policy aligns with LDP2 Policies 38: Natural Environment and 41: Biodiversity and seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The Sustainability Statement which supports the application, states that all buildings within the proposed development will be designed to utilise enhanced fabric and energy efficiency measures, with the use of low carbon renewable energy where appropriate. How energy demand is minimised and the associated impact on carbon emissions will be assessed during the detailed design stages via Matters Specified in Conditions (MSC) / detailed applications. Recommended conditions 10, 11, 12, 13 and 14 control compliance with Policy 1 of NPF4.

Policy 2 Climate Mitigation and Adaption

6.3 This policy aligns with LDP2 Policy 1: Placemaking. The proposed development is located within the Kinfauns settlement boundary and the site offers a mix of characteristics that make it attractive as a location for a tourism focused development. This includes: the proximity to Perth City Centre and the strategic transport network; the opportunity to reroute bus services via the site, which is identified in LDP2; proposals to include a transport hub; as well as nearby national cycle routes which could be enhanced by new facilities through the site and along the River Tay. An important aspect of the proposals is seen as the

retention and improvement of the existing Core Path (WCAR/119) and, in turn, the integration of the existing and new path network within the site. Conditions 10, 11, 12, 13 and 14 of the proposal will ensure compliance with Policy 2 of NPF4.

Policy 3 Biodiversity

- 6.4 This policy aligns with LDP2 Policy 41: Biodiversity. In this regard the ecological value of the application site has been assessed in terms of the principle considerations through the submission of an Ecological Impact Assessment and a Biodiversity and Inadscape Strategy. At AMSC stage a Landscape and Environmental Management Plan will be required to ensure the creation of new habitats and enhancement to existing habitats within the site. Future Landscape Frameworks will provide additional opportunities to strengthen the existing green network and provide additional biodiversity value. Conditions 10, 11, 12, 13 and 14 of the proposal will ensure compliance with Policy 3 of NPF4.

Policy 7 Historic Assets and Places

- 6.5 This policy aligns with LDP2 Policy 26: Scheduled Monuments and Archaeology. The site has been assessed as having moderate potential for the recovery of archaeological information. It is recommended that a programme of archaeological work is implemented in accordance with a written scheme of archaeological investigation. Condition 21 will ensure compliance with Policy 7 of NPF4.

Policy 13: Sustainable Transport

- 6.6 In terms of the proposals, this reflects LDP2 Policies 4: Perth City Transport And Active Travel, and 60: Transport Standards And Accessibility Requirements. The submitted indicative layout has been designed for the safety and convenience of all potential users. Areas of parking are reduced to a proportionate level with shared use between functions, reflective of peak/reduced demands. All in order to encourage and facilitate the use of more sustainable modes of travel. It is also proposed to provide electric charging points and secure cycle parking facilities. The submitted Transport Statement demonstrates that the development will not result in an unacceptable cumulative impact on the local transport network. Conditions 23, 28, 30, 32, 33, 34 and 35 will ensure compliance with Policy 13 of NPF4.

Policy 14: Design, Quality and Place

- 6.7 NPF Policy 14 aligns with LDP2 Policies 1: Placemaking; 55: Nuisance from Artificial Light and Light Pollution; 56: Noise Pollution, and 57: Air Quality. The detailed design, controlled via conditions to be assessed at MSC stage will ensure that policy principles are adhered to including through:
- Provision of cycle parking, vehicle parking and footways to ensure that the location of the development will be maximised through opportunities for visitors to use sustainable and active modes of travel. Furthermore, the proposals will be designed with regard to accessibility ensuring that the site reflects the needs of all users;
 - Maximising the sustainability potential of the site, with buildings designed to minimise carbon emissions;
 - The creation of high quality public open space and a landscape strategy which is reflective of the local landscape character and provides for biodiversity gain;
 - Ensuring active frontages to increase safety and security for site users with increased natural surveillance; and
 - Considered detailed building design and massing proposals, which ensure that there is a strong focus on placemaking and amenity.
- 6.8 Conditions 1, 2, 3, 4, 5, 8, 10, 12 and 21 will ensure compliance with Policy 14 of NPF4.

Policy 18: Infrastructure First

- 6.9 This Policy aligns with LDP2 Policy 5: Infrastructure, and sees the provision of a park and choose facility integrated into the proposals. The delivery of the park and choose is one of the items included within the S.75. In addition, the development will deliver electric vehicle chargers and upgrades to core paths/rights of way within the site Conditions. Conditions 1, 20, 22, 25, 31 and 33 will ensure compliance with Policy 18 of NPF4.

Policy 22: Flood Risk and Water Management

- 6.10 NPF4 Policy 22 aligns with LDP2 Policies 52: New Development and Flooding, and 53: Water Environment and Drainage. No material flood risk sources have been identified via the investigations undertaken and thus no specific flood risk mitigation measures are required. A Drainage Impact Assessment supporting the application sets out: the surface and foul water drainage strategies; proposed Sustainable Drainage System (SuDS) features and hydraulic calculations; network sizing and treatment measure calculations; and assesses the increase in surface water runoff attributed to the development and proposes a surface water management strategy to manage this. A bespoke Drainage Maintenance and

Management Plan will be developed and incorporated into a Site Operating Plan to ensure continued effectiveness and design performance of the proposed drainage system. This will be subject to detailed consideration during the AMSC stage as required by conditions 1, 6 and 7.

Policy 26: Business and Industry

- 6.11 This Policy reflects LDP2 Policy 7: Employment and Mixed Use Areas. Within the Settlement Summary for Kinfauns, the existing office building and its immediate surrounds are allocated as 'Employment Safeguarding (General)' land. The proposed development introduces part of the museum building and the public square within this allocation. These elements are compatible with that allocation and the existing office use and only represent a small part of the employment allocation. However it should be noted that the hotel and lodges are located outside of this employment allocation and instead within an area allocated as 'Open Space'. Given the existing office building and associated use is being retained the existing employment use will remain in situ and there will be no loss of employment, indeed the proposals will generate additional employment opportunities. The proposed uses will not prejudice the existing employment allocation and will be compatible with the existing function and character of the area. As such there is not considered to be any unacceptable conflict with Policy 26 of NPF4.

Policy 28: Retail

- 6.12 Policy 28 of NPF4 relates to LDP2 Policy 13: Retail And Commercial Leisure Proposals. Policy 28 in itself applies a town centre first approach to encourage, promote and facilitate retail investment to the most sustainable locations. In this case the retail element proposed is to meet a localised need from the uses proposed, rather than a significant catchment draw in itself. The small convenience store is focused for the visitors to the holiday accommodation, particularly the lodges, and the settlement of Kinfauns, and otherwise includes a shop and café alongside/associated to the museum. The retail units will be small, at approximately 200sqm each, so as not to compete with the retail offering in Perth City Centre. Furthermore, the retail floorspace is to be located within the museum building and holiday accommodation and will therefore be directly associated with those uses. As such it is not considered that there is any significant conflict with Policy 28 of NPF4.

Policy 30: Tourism

- 6.13 This policy aligns with LDP2 Policy 9: Caravan Sites, Chalets And Timeshare Developments. In respect of NPF4 the proposed provision of holiday lodges, hotel and museum development will make a positive contribution to the local economy. The scale and design of the proposed developments will be submitted for consideration as part of detailed AMSC applications, as required by conditions 1, 2, 3, 4 and 5. The proposals will provide tourist facilities and

accommodation to contribute to the local economy, whilst having regard to the surrounding area in terms of nature and scale.

- 6.14 The implications of the relevant policy considerations resulting from the adoption of NPF4 have been considered and it is concluded that there should be no change in recommendation to approve the application, subject to the amended conditions and conclusion of the Section 75 Agreement. The proposal remains to be considered as a departure from the development plan. The specific conflicts which raise the greatest concerns are in respect of policies pertaining to placemaking, the provision and scale of retail within the development proposed and the loss of open space. Recommended conditions will afford some mitigation by retaining control over the scale, form and layout of the development and in particular the scale of retail provision adopted, whilst also securing landscaping. When such conditions are considered alongside the economic benefits of this development, including; job creation, investment in Perth, and an increase in tourism to the area, it is considered there is sufficient justification to permit the development, contrary to the provisions of the adopted development plan and approval of the application is recommended.

7. PROPOSED AMENDED CONDITIONS

- 7.1 The following are proposed as amended conditions, either reflecting further discussions with the applicant or as a consequence of the incorporation of NPF4 as part of the development plan:
- 7.2 *In recognition of the intention to develop the site in phases, the last phase of the development to which this planning permission in principle relates must be begun not later than the expiration of 10 years beginning with the date on which this permission is granted. (This is a new condition to facilitate the phased development of the site and will supersede Condition 36).*

Reason - To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 7.3 *Prior to the submission of the first application for the Approval of Matters Specified by Condition 3, a phasing plan detailing (i) the location of each proposed development parcel within the site, (ii) the type of development proposed within each development parcel, and (iii) the proposed sequence in which each proposed development parcel is to be constructed shall be submitted for the written approval of the Council, as Planning Authority. Each application for Approval of Matters Specified by Condition 3 shall comply with the approved details unless otherwise agreed in writing by the Council, as Planning Authority. (This is a new condition to facilitate the phased development of the site and will supersede Condition 36).*

Reason – In order to secure a satisfactory phasing plan for the development.

- 7.4 *Development shall not commence on any part of the site until the following specified matters have been subject to approval for that part of the site: the siting, design and external appearance of all built aspects of the development, all hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision. (This is an amended condition and will supersede Condition 1).*

Reason – This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 7.5 *The design, location and external finishes of the holiday chalets hereby approved shall be specified in the details submitted and agreed in association to Condition 3 above. Notwithstanding the details shown on the drawings hereby approved, no permission is granted for the submitted layout or number of units. The following design parameters shall be complied with in submissions related to Condition 3: a) All holiday chalets shall be a minimum of 25 metres from any external boundary to the site, b) All holiday chalets shall be a minimum of 8 metres from each other unless the visual amenity and appearance of the site can be demonstrably provided to a high standard. (This is an amended condition and will supersede Condition 3).*

Reason – To protect the amenity of the location and to ensure sufficient open space within the development.

8. PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 8.1 Following the 'minded to grant' determination at the meeting of Perth and Kinross Council on 17 August 2022, a Section 75 Legal Agreement has been in preparation, and is now nearing completion. The purpose of this agreement remains the securing of the developer contributions and other obligations as contained in the previous report. The Section 75 will need to be completed and registered before the decision notice can be issued.

9. CONCLUSION

- 9.1 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, there are material considerations that result in a recommendation to depart from the NPF4 and the approved Perth & Kinross Local Development Plan 2 (2019).

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Approved

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APPENDICES

- **Appendix 1 – Planning and Development Report to Perth and Kinross Council, 17 August 2022**

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	n/a
Corporate Plan	n/a
Resource Implications	
Financial	n/a
Workforce	n/a
Asset Management (land, property, IST)	n/a
Assessments	
Equality Impact Assessment	n/a
Strategic Environmental Assessment	n/a
Sustainability (community, economic, environmental)	n/a
Legal and Governance	n/a
Risk	n/a
Consultation	
Internal	n/a
External	n/a
Communication	
Communications Plan	n/a

1. Strategic Implications

Community Plan/Single Outcome Agreement

1.1 This report supports all of the priorities within the Community Plan 2022-27.

- (i) *Reducing Poverty (including child poverty, fuel poverty and food poverty)*
- (ii) *Mental and physical wellbeing*
- (iii) *Digital participation*
- (iv) *Skills, learning and development*
- (v) *Employability*

Corporate Plan

1.2 This report supports the objectives within the draft new Corporate Plan:-

- (i) *Children and young people grow up safe, respected, well-educated, and confident in their ability to realise their full potential;*
- (ii) *People and businesses are increasingly able to prosper in a local economy which support low carbon ambitions and offers opportunities for all;*
- (iii) *People can achieve their best physical and mental health and have access to quality care and support when they need it;*

- (iv) *Communities are resilient and physically, digital and socially connected;*
- (v) *Perth and Kinross is a safe and vibrant place, mitigating the impact of climate and environmental change for this and future generations.*

2. Resource Implications

Financial

2.1 N/A.

Workforce

2.2 N/A.

Asset Management (land, property, IT)

2.3 N/A.

3. Assessments

3.1 N/A.

Equality Impact Assessment

3.2 N/A.

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

An EIA (Environmental Impact Assessment) Scoping Opinion was issued by the Council on 20 May 2021, which confirmed the details required to be included in the Environmental Impact Assessment Report for the development set out in the subject application. The assessment of the content of the EIA Report is contained in the relevant sections of Appendix 1.

Sustainability

3.4 The assessment of the proposals sustainability credentials are contained in the relevant sections of Appendix 1.

Legal and Governance

3.5 N/A.

Risk

3.6 N/A.

4. Consultation

Internal

4.1 Included within the relevant section of Appendix 1.

External

4.2 Included within the relevant section of Appendix 1.

5. Communication

1.1 N/A.

2. BACKGROUND PAPERS

2.1 N/A.