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Council Building  
2 High Street  
Perth  
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07/02/2022

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 16 February 2022 at 10:00.**

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

**THOMAS GLEN**  
Chief Executive

***Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.***

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

**Members:**

Councillor Roz McCall (Convener)  
Councillor Bob Brawn (Vice-Convener)  
Councillor Michael Barnacle  
Councillor Rhona Brock  
Councillor Tom Gray  
Councillor David Illingworth  
Councillor Ian James  
Councillor Tom McEwan  
Councillor Crawford Reid  
Councillor Lewis Simpson  
Councillor Richard Watters  
Councillor Mike Williamson  
Councillor Willie Wilson



**Planning and Development Management Committee**

**Wednesday, 16 February 2022**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTES**
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
  - 5(1) MAJOR APPLICATION**
    - 5(1)(i) 21/01795/IPM - S42 APPLICATION TO DELETE CONDITION 3 5 - 24**  
**(BROXDEN TRAFFIC ASSESSMENT) OF PERMISSION**  
**19/02033/IPM, LAND SOUTH OF TARGET HOUSE,**  
**RUTHVENFIELD ROAD, INVERLAMOND INDUSTRIAL**  
**ESTATE, PERTH**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/31)
  - 5(2) LOCAL APPLICATIONS**
    - 5(2)(i) 21/00700/FLL - PART CHANGE OF USE FROM 25 - 50**  
**AGRICULTURAL BUILDING TO FORM STABLES, SITING OF**  
**A TEMPORARY CARAVAN, 2 CAMPING PODS/HOLIDAY**  
**ACCOMMODATION UNITS AND FORMATION OF**  
**EQUESTRIAN CENTRE COMPRISING OUTDOOR RIDING**  
**ARENA, BOUNDARY TREATMENTS AND ASSOCIATED**  
**WORKS (IN PART RETROSPECT), LAND NORTH EAST OF**  
**GARDEN COTTAGES, DUNKELD**

Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/32)

**5(2)(ii) 21/02027/FLL - ERECTION OF 2 DWELLINGHOUSES AND GARAGES (REVISED DESIGN), LAND SOUTH WEST OF 16 CURATE WYND, KINROSS 51 - 66**

Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/33)

**6 PROPOSAL OF APPLICATION NOTICE (PAN)**

**6(i) 21/00019/PAN - INSTALLATION OF 32MW SOLAR FARM AND 16MW BATTERY STORAGE FACILITIES AND ASSOCIATED INFRASTRUCTURE AT KEITHICK FARMS LTD, KEITHICK, BLAIRGOWRIE 67 - 76**

Pre-Application Report by Head of Planning and Development  
(copy herewith 21/34)

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Perth and Kinross Council  
Planning & Development Management Committee – 16 February 2022  
Report of Handling by Head of Planning & Development (Report No. 21/31)

<b>PROPOSAL:</b>	S42 application to delete Condition 3 (Broxden traffic assessment) of permission 19/02033/IPM
<b>LOCATION:</b>	Land south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth

Ref. No: [21/01795/IPM](#)

Ward No: P11 - Perth City North

### 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 site comprises approximately 15 hectares (ha) of agricultural land, bordered primarily by Inveralmond Industrial Estate to the north (across Ruthvenfield Road) and to the east. The B993 Bertha Park link road defines the western boundary and links with a roundabout to the north-east and from which access is available to Ruthvenfield Road (east and west), north to Bertha Park and an eastern leg which will, in time, serve the Almond Valley development and provide a link eventually south to the A85. This recently completed road infrastructure also forms part of the first phase of the Cross Tay Link Road (CTLR) project – the A9/85 junction. The A9(T) itself and associated access/exit slips lie a short distance to the south. Also, to the north-west, across Ruthvenfield Road, is the Double Dykes Gypsy/Traveller facility.
- 2 The application site itself forms just under 65%, and thus the majority, of the Local Development Plan 2 (LDP2) allocation known as ‘E38’ (23.6ha), which is identified for employment uses. This application relates to a condition applied to Planning Permission in Principle (PPP) approved in January 2021 (19/02033/IPM). That permission allows a mix of Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses and related access, landscaping, drainage and other infrastructure. One of the related planning conditions (Condition 3) requires the applicant to assess the traffic impact of the proposal on the safe operation of the A9 Broxden Roundabout and ascertain if any mitigation measures are required. The wording of Condition 3 is:

*“As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an assessment of the potential impact that the development would have on the safe and efficient operation of the A9 Broxden Roundabout shall be submitted to, and agreed in writing by, the Planning Authority, in consultation with Transport Scotland.*”

*Where the conclusions of the assessment identify that the potential impact of the development is considered significant by Transport Scotland, the applicant shall be required to agree, before the commencement of development, appropriate mitigation for the A9 Broxden Roundabout to address this impact.*

*Reason -To ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.”*

- 3 The applicant is now seeking permission to remove Condition 3, as it is considered that its requirements have now been addressed by the submission of supplementary information and the agreement of Transport Scotland that confirms that the impact of the development on peak traffic flows at the roundabout would be negligible. Although this additional information could be submitted with any AMSC or detailed planning application, the applicant wishes to remove the burden placed by this condition prior to any detailed submissions, creating clarity and certainty on the issue.

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

- 4 The development approved under 19/02033/IPM is of a type listed within Schedule 2 of the EIA Regulations and has previously been subject of EIA screening (18/01958/SCRN). Through this screening opinion the Planning Authority adopted an opinion that the proposal was EIA development, and an EIA Report was duly submitted as part of the approved PPP (19/02033/IPM). As this current S42 application relates to a specific matter that has no significant bearing on the outcome of matters assessed within the EIA Report, it is considered that an addendum to the EIA Report is not required in this instance.

### **PRE-APPLICATION CONSULTATION**

- 5 Although the application relates to a Major development, as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, Pre-Application Consultation (PAC) is not required for S42 applications.

### **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework 2014**

- 7 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. This is a statutory document and material consideration in any planning application. It 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**

- 8 The Scottish Planning Policy (SPP) 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: 24 – 35
  - Placemaking: 36 – 57
  - Promoting Sustainable Transport and Active Travel: 269 – 291.

## **Planning Advice Notes**

- 10 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 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 83 Masterplanning

## **Designing Streets 2010**

- 11 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

## **Creating Places 2013**

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

## **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

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

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

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

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application;

- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice for Investment

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

- 17 The Local Development Plan 2 (2019) (LDP2) 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 2019 PPP (19/02033/IPM) assessed the development against a broader range of policies. As there has been no material change in the planning issues or considerations covered by the remainder of the conditions there is no requirement in relation to this application to revisit each of the policies previously considered. As this proposed modification relates specifically to the provision of public transport infrastructure, the principal relevant policies in this instance are, in summary;

- Policy 7: Employment and Mixed Use Areas
- Policy 60: Transport Standards and Accessibility Requirements

### **LDP2 Allocation**

### **E38 Ruthvenfield Road 23.6ha Employment uses (core)**

- 19 Site-Specific Developer Requirements

- A Masterplan setting out the phasing and the comprehensive development of the whole of this site is required at the time of any planning application.
- Perth Area contribution to road infrastructure (A9/A85 junction improvements required at commencement of development) (phasing details to be agreed).



## **OTHER POLICIES**

- 20 Tay Cities Region Economic Strategy 2019-2039.
- 21 Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020.

## **RELEVANT SITE HISTORY**

- 22 [17/00551/SCRN](#) EIA Screening for development of site for business, industrial and storage use and associated works. Decision Issued May 2017 – EIA Required.
- 23 17/00004/PAN Proposal of Application Notice (PoAN) Commercial development (classes 1, 3, 4, 5, 6 and car showroom), landscaping, vehicular access and associated works. Approved May 2017.
- 24 [18/00006/PAN](#) Proposal of Application Notice (PoAN) Erection of industrial units (classes 4, 5 and 6), formation of SUDS, landscaping and associated works. Approved July 2018.
- 25 [18/01958/SCRN](#) EIA Screening for employment development (Class 4, 6 and 6) and associated works. Decision issued November 2018 – EIA Required.
- 26 [19/02033/IPM](#) Employment use development (class 4, 5 and 6) and associated works (allocated site E38) (in principle). Approved January 2021.
- 27 [21/01518/IPM](#) S42 application to delete Condition 7 (Public Transport Infrastructure) of permission 19/02033/IPM. Refused December 2021
- 28 [21/01519/IPM](#) S42 application to delete Condition 2 (Developer Contributions) of permission 19/02033/IPM. Refused December 2021

## **CONSULTATIONS**

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

### **External**

#### **Transport Scotland**

- 30 No objection to the removal of Condition 3. Advise that the additional information presented demonstrates that the development will not have a significant impact on the A9 Broxden Roundabout.

### **Internal**

#### **Transport Planning**

- 30 No objection.

## REPRESENTATIONS

31 No representations have been received.

## ADDITIONAL STATEMENTS

32	Screening Opinion	No addendum to EIA required.
	Environmental Impact Assessment (EIA): Environmental Report	Previously submitted with 2019 PPP application. Relevant documents transferred to current file.
	Appropriate Assessment	HRA Not Required AA Not Required
	Design and Access Statement	Supporting Statement provided
	Report on Impact or Potential Impact	None required

## APPRAISAL

- 33 Section 42(1) of the Town and Country Planning (Scotland) Act 1997 relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- 34 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;
  - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 35 The determining issues in this case are whether; the proposal complies with Development Plan policy, or if there are any other material considerations which justify a departure from that policy. Currently, the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and LDP2. The relevant policy considerations are outlined above and are considered below. In terms of other material considerations, this involves national policy and guidance; the Council's other approved policies, supplementary guidance, statutory consultees; and additional statements submitted.

### Principle

- 36 The site is within the settlement boundary of Perth and is identified in TAYplan under Policy 3 as part of the West/Northwest Strategic Development Area (SDA), which is to provide over 50ha of employment land. It is also allocated in LDP2, via site E38, for employment uses and intended to support the growth and expansion of the existing Inveralmond Industrial Estate.

- 37 The principle of the development has further been established under the PPP approval (19/02033/IPM) for a mix of Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses and related access, landscaping, drainage and other infrastructure. This permission was subject to a number of conditions, including Condition 3 requiring further assessment of the traffic impact of the proposals on the safe operation of the A9 Broxden Roundabout and if any mitigation measures were required.
- 38 This additional information has been submitted and assessed, with Transport Scotland confirming that impacts are negligible and thus no mitigations are required. As a result, the removal of Condition 3 is requested, on the basis that the requirements of the condition have been met. As discussed in greater detail below, the removal of Condition 3 is considered acceptable.

### **Condition 3 – Impact on A9 Broxden Roundabout**

- 39 During the assessment of the 19/02033/IPM, Transport Scotland (TS) raised concerns regarding the potential impact of the additional traffic generated by the proposed development on the safe operation of the A9 Broxden Roundabout. As such, TS requested that a condition be applied (Condition 3) so that further assessment of this potential impact could be undertaken at the detailed application stage and any mitigation measures identified.
- 40 Following the approval of the 19/02033/IPM the applicant has undertaken further discussions with TS on this issue and it has been concluded that the additional information provided demonstrates that the development will not result in a significant impact on the A9 Broxden Roundabout. As such, it has been agreed with TS that the requirements of Condition 3 have been met and there is no requirement for any mitigation measures in respect to the roundabout.
- 41 It is therefore considered that Condition 3 can be deleted from the PPP.

### **Design and Layout**

- 42 As the application relates to a PPP, no detailed plans in relation to the design or layout have been approved at this stage. Nevertheless, the proposed modification to remove Condition 3 will not have any impact on the general layout as represented within the indicative masterplan.

### **Landscape and Visual Impact**

- 43 Landscape and visual amenity was considered as part of the assessment of 19/02033/IPM. The proposed modification to remove Condition 3 will have no impact on the landscape or visual amenity as no physical changes are being proposed.

### **Residential Amenity**

- 44 Residential amenity was considered as part of the assessment of the 2019 PPP. The modification to delete Condition 3 will have no impact on the residential amenity of the area as no physical changes are being proposed.

## **Natural Heritage and Biodiversity**

- 45 All matters regarding Natural Heritage and Biodiversity were fully considered as part of the EIA Report submitted with the previous PPP. The proposed deletion of Condition 3 will not result in change in the conclusions and recommendations set out in the previously approved Habitat Survey.

## **Cultural Heritage**

- 46 A Cultural Heritage Assessment, including archaeology, was submitted as part of the previous EIA Report. The proposed deletion of Condition 3 will have no impact on the conclusions and recommendations of that assessment.

## **Flood Risk and Drainage**

- 47 A Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) were submitted as part of the previously approved EIA Report. The proposed deletion of Condition 3 will have no impact on the conclusions and recommendations of the FRA or DIA.

## **Developer Contributions**

- 48 The modification to delete Condition 3 will have no impact on the developer contributions requirements, specifically in relation to transport infrastructure, that are secured under Condition 2 of the 19/02033/IPM.

## **Economic Impact**

- 49 The PPP will result in the development of 15ha of allocated employment land which will support economic development objectives. Furthermore, it is estimated that the proposed site, once fully operational, could generate up to 443 jobs. There would also be employment generated throughout the construction phases.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 50 None required at the PPP application stage, with Condition 2 securing transport infrastructure contributions.

## **DIRECTION BY SCOTTISH MINISTERS**

- 51 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**

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the

relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

- 53 Accordingly, the proposal is recommended for approval subject to the following direction and conditions.

## **A RECOMMENDATION**

### **Approve**

### **Direction**

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (19/02033/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 14 years.

Reason – This is a modification of a planning permission in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

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

1. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
  - (i) a detailed updated phasing and delivery plan for the whole site;
  - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
  - (iii) the siting, design, height and external materials of all buildings or structures;
  - (iv) the details of all access, car parking, public transport facilities, footpaths/cycleways, the road layout, design and specification (including the disposal of surface water) and related structures throughout the development;
  - (v) details of any screen walls/fencing including any retaining walls to be provided;
  - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;
  - (vii) details of any landscaping, structure planting and screening associated with the development;
  - (viii) full details of the proposed means of disposal of foul and surface water from the development;

- (ix) noise impact assessment
- (x) lighting details;
- (xi) bin storage, collection location, recycling facilities provision and access;
- (xii) biodiversity action plan
- (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
- (xiv) archaeological working scheme of investigation;
- (xv) finished floor levels;
- (xvi) vehicular access and egress road levels.

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

2. Subject to the exemption referred to immediately hereafter, the development shall accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with regards to Transport Infrastructure. Notwithstanding these requirements, the Planning Authority will allow the first 10,000 sqm of Class 4, 5, or 6 of Gross Internal Area (as defined in the Developer Contributions and Affordable Housing Supplementary Guidance 2016), approved as part of a future Approval of Matters Specified in Conditions application(s), to be exempt from these Developer Contributions.

Reason - To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with the Development Plan policy and Supplementary Guidance relating to this application, but with appropriate mitigation to reflect economic conditions.

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), 1 all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason - In the interests of road safety.

4. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1(xiii), has been submitted to and agreed in writing by the Council as Planning Authority. The GTP will have particular regard to provision for walking; cycling; public transport access to and within the site; electric vehicle (EV) charging points and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The GTP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - In the interests of sustainable transport.

5. Prior to the commencement of the development hereby approved, the developer 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 (CTMS) 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 developer'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 road safety.

6. Prior to the development hereby approved being completed or brought into use, new public transport infrastructure, suitable to serve buses in both directions on Ruthvenfield Road as well as two-way bus movements internally within the site, are to be provided and available for use to a design and specification to the satisfaction of Perth & Kinross Council as Planning Authority.

Reason - In the interests of public transport provision.

7. As part of any application for the Approval of Matters Specified by Condition (AMSC), a scheme for a new shared path of an appropriate standard along an agreed section of Ruthvenfield Road shall be submitted for the written approval of the Council as Planning Authority. The approved scheme shall thereafter be fully installed prior to any part of the development being brought into use.

Reason - In the interests of road and pedestrian safety.

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works outwith these times or at any time on Sundays or bank holidays.

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

9. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an updated Construction Environment Management Plan (CEMP) including a detailed Dust Management Plan for the construction stage, detailing prevention control and mitigation measures for dust, shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

10. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed noise impact assessment must be prepared by a suitable qualified consultant and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

11. All external lighting included within Approval of Matters Specified by Condition (AMSC) applications sought under Condition 1 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 - To ensure a satisfactory standard of local environmental quality.

12. 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 safeguard archaeology in the area.

13. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for the site shall be submitted for the approval 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.

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

14. As part of any application for the Approval of Matters Specified by Condition (AMSC), a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

15. The conclusions and recommended action points within the supporting Biodiversity Survey by ECOS Countryside Services LLP (December 2019) hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

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 - To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

17. As part of any application for the Approval of Matters Specified by Condition (AMSC), detailed sustainable urban drainage system (SUDS) shall be submitted for approval 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 - In the interests of flood risk.

## **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 required.

## **D INFORMATIVES**

1. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at [de-velopmentmanagement@pkc.gov.uk](mailto:de-velopmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your per-mission will be able to be dealt with before your permission lapses.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to con-struct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
6. 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.
7. 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.

8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
9. 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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: 19/02033/IPM Report of Handling  
Contact Officer: David Niven  
Date: 3 February 2022

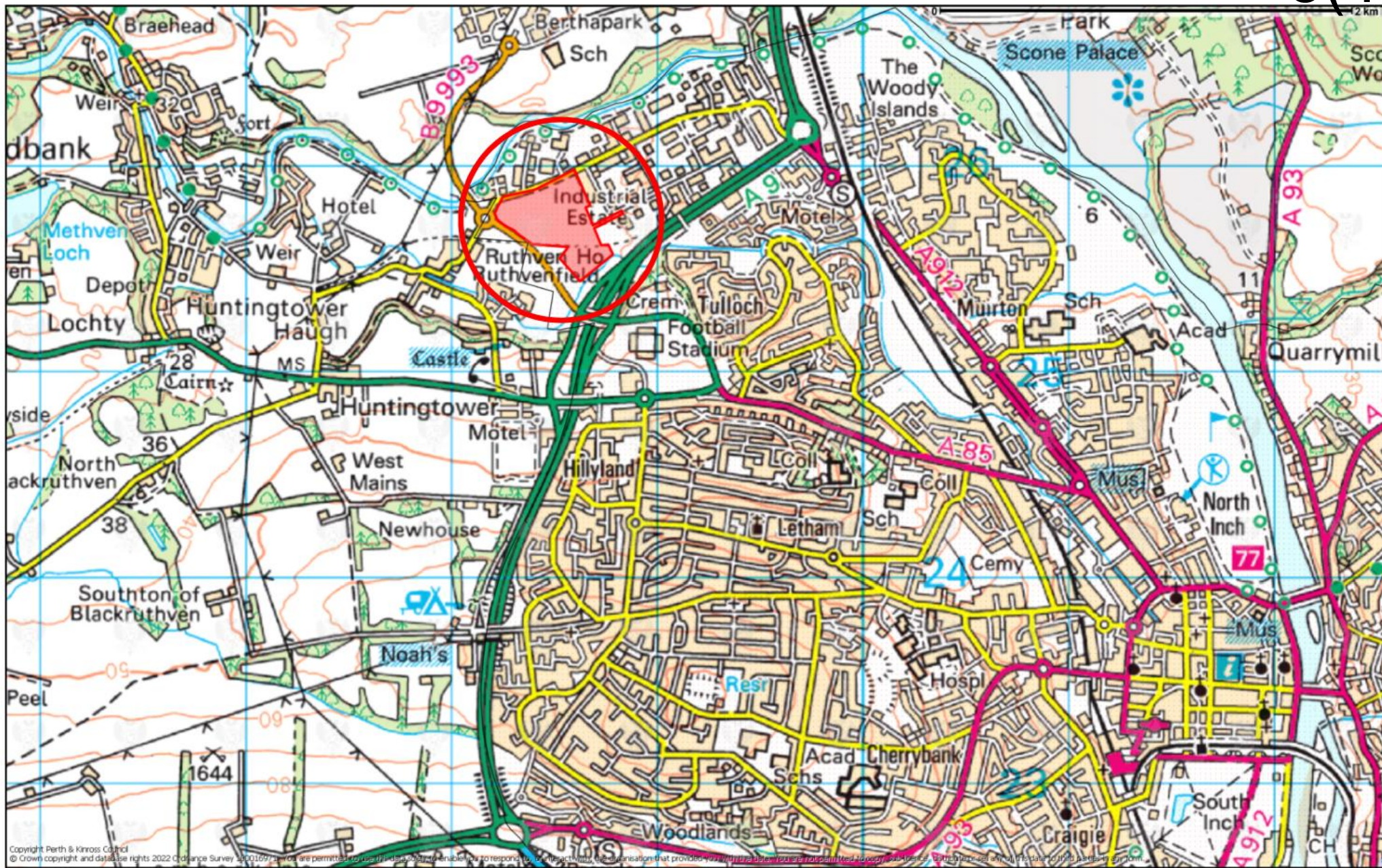
**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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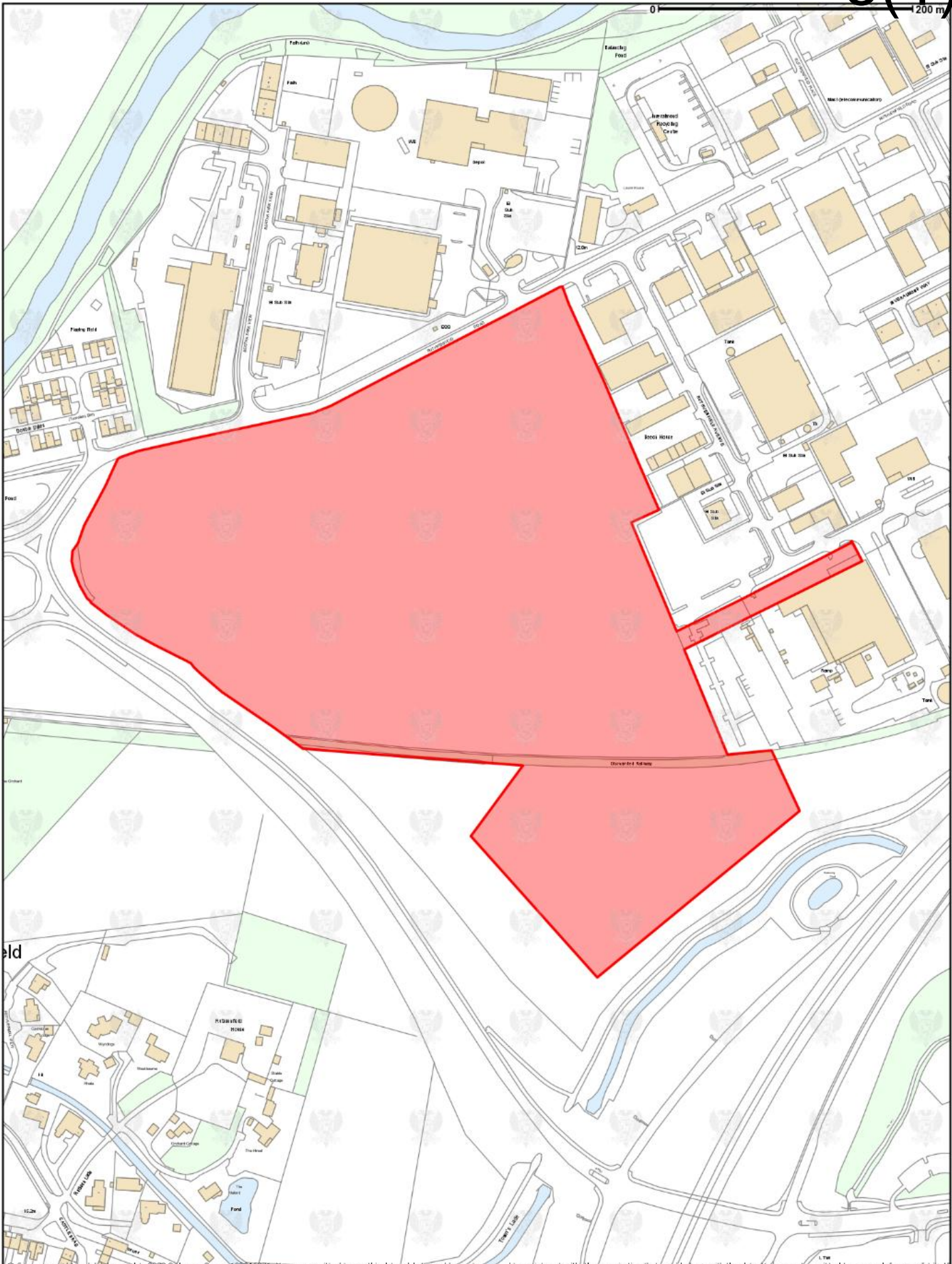


21/01795/IPM

S42 application to delete condition 3 (Broxden traffic assessment) of permission 19/02033/IPM, land south of Target House, Ruthvenfield Road, Inveralmind Industrial Estate, Perth







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**21/01795/IPM**

S42 application to delete condition 3 (Broxden traffic assessment) of permission 19/02033/IPM, land south of Target House, Ruthvenfield Road, Invermond Industrial Estate, Perth







Perth and Kinross Council  
Planning & Development Management Committee – 16 February 2022  
Report of Handling by Head of Planning & Development (Report No. 21/32)

<b>PROPOSAL:</b>	Part change of use from agricultural building to form stables, siting of a temporary caravan, 2 camping pods/holiday accommodation units and formation of equestrian centre comprising outdoor riding arena, boundary treatments and associated works (in part retrospect)
<b>LOCATION:</b>	Land NE of Garden Cottages, Dunkeld

Ref. No: [21/00700/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 The application site is a large triangular area of land within the former Dungarhill Estate, to the east of Dunkeld. The site extends to 9.3 hectares and comprises approximately 3.2 hectares of native woodland on the south, east and west sides of the site. The land slopes downwards from north to south and has been split by fencing to form numerous fields/paddocks for horses. To the north of the site is a large Dutch Barn style agricultural building which is 7.8m x 32m in footprint. It is clad in blue metal profiled sheeting and the south elevation is partially open. The Dutch Barn is located on a hardstanding area which is positioned adjacent to a rural access track which runs along the north boundary of the site in an east/west direction which provides access onto the public road to the south west and access to other properties within the former Dungarhill Estate to the east and north. The hardstanding area is used for vehicle parking and general equestrian based use. The application seeks retrospective permission for the installation of six stables within the Dutch Barn. To the west of the hardstanding is a 40m x 40m outdoor arena for which retrospective permission is also sought. This is made up of carpet fibre and surrounded by a wooden post and rail fence. The land upon which the arena is sited has been engineered to have a flat surface.
- 2 A static caravan has also been sited on an elevated part of the site, approximately 60 metres to the south east of the Dutch Barn. This is served by an access track extending from the hardstanding area. However, the current siting is not considered to be acceptable and the applicant is now applying for an alternative site closer to the Dutch Barn. Due to the exposed nature of the caravan and its unacceptable siting the plans show the caravan being relocated to the south east of the Dutch Barn adjacent to the existing hardstanding area. The site of the existing caravan and the access track to it is to be removed and made good/re-seeded. The caravan is occupied by the applicant and planning permission for

this is sought for a temporary period with a future application for a dwellinghouse associated with the business proposed to follow at a later date.

- 3 To the immediate north of where the static caravan is proposed to be relocated is a former horsebox which has been sited adjacent to the access track and is proposed to be utilised as a “camping pod” and available as holiday accommodation. To the east of the Dutch Barn is a small lean to building identified as “The Bothy” in the submission which is also to be utilised a “camping pod” and used as holiday accommodation.
- 4 The site is served by a private access which extends to the west and links with the A984 public road between Caputh and Dunkeld at Newtyle. The private access was recently upgraded with a new surface and passing places. The access track is approximately 2km in length from the A984 public road to the site and also serves a number of residential properties both along its length and further up the hill beyond the application site
- 5 The land was purchased by the applicant in April 2020 and it was previously part of the larger Dungarhill Estate which was subdivided and sold into separate lots. The submission indicates that the development will provide a different offering to a “normal” equine facility in that the applicant encourages natural horsemanship where a horse is kept in the most natural way possible, outside, barefoot and ridden without the use of spurs, whips and bits in the mouth. The site offers up to eight liveries and the outdoor arena will be available to hire for individuals, groups or equine teachers. Professionals such as equine podiatrists, dentists and body workers will run courses on the site. Four “outdoor corrals” to the immediate south of the Dutch Barn have been created for horses attending day courses.
- 6 The submission also indicated that overnight “saddle tramping” will be offered from September to April each year where the applicant will guide horses and owners into the hills to allow to wild camping remote from the application site. The two holiday accommodation units are proposed to allow stays overnight before a course or before a saddle tramping trip.
- 7 The submission also indicates that the site is “off grid”. Electricity is provided through a series of solar panels which charge batteries and provide power for the static caravan and holiday accommodation units. These also provide power for lighting of the barn, arena and stables area. The fields have access to a stream which runs through the site and the static caravan is served by a borehole. Water to the holiday accommodation units is provided by a water butt which is filled by the applicant.
- 8 The proposal also includes a CCTV system and security lighting in the barn and yard.

## **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 2014**

- 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. This is a statutory document and material consideration in any planning application. It 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 (SSP)**

- 11 The Scottish Planning Policy (SPP) 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:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Supporting Business and Employment: paragraphs 32 – 108
  - Managing Flood Risk and Drainage: paragraphs 254-268

## **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 60: Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 79 Water and Drainage
  - PAN 1/2011: Planning and Noise
  - PAN 2/2011: Planning and Archaeology

## **Creating Places 2013**

- 14 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and

contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

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

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

#### **DEVELOPMENT PLAN**

- 16 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

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

- 17 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 18 *“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.”*
- 19 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 1: Locational Priorities
  - Policy 2: Shaping Better Quality Places
  - Policy 3: A First Choice For Investment
  - Policy 4: Homes
  - Policy 9: Managing TAYplans Assets

#### **Perth and Kinross Local Development Plan 2 (2019)**

- 20 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 8: Rural Business and Diversification

- Policy 15: Public Access
- Policy 19: Housing in the Countryside
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 22 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Supplementary Guidance 2020**

- 23 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

## **SITE HISTORY**

- 24 **20/01099/FLL** Full Planning Permission application submitted on 13 August 2020 for Erection of a dwellinghouse, change of use from agricultural buildings to form a holiday accommodation unit and stables, formation of equestrian business comprising outdoor riding arena(s), tracks and associated works (in part retrospect) – Application Returned on 17 March 2021 as insufficient plans received to allow validation of application.

## **CONSULTATIONS**

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

## **External**

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

26 The development does not raise any significant archaeological issues.

### **Scottish Water**

27 No objection.

## **Internal**

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

28 No objection as development is considered to be compatible with countryside location subject to conditions relating to waste management, control of lighting and noise from any plant or machinery.

### **Transport Planning**

29 The upgraded access track is considered to be sufficient to accommodate the level of traffic associated with the development. There is an appropriate connection onto the A984 public road and there is adequate parking and turning facilities on the site for the development.

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

30 The proposal is not considered to impact on existing private water supplies subject to conditions.

### **Structures And Flooding**

31 No objection. The site is not at risk from flooding.

## **REPRESENTATIONS**

32 A total of 97 letters of representation have been received in respect of the current application over two advertisement and neighbour notification periods which catered for the submission of additional information. 34 of the representations have objected to the application and 63 have supported the application.

33 The issues raised in the letters of objection may be summarised as follows:

- Contrary to Development Plan
- Traffic generation
- Unsustainable travel patterns and impact on road safety, Lack of passing places & car parking
- Impact on shared maintenance of private track
- Impact on residential amenity
- Noise

- Odours
- Lack of infrastructure
- Visual Impact and Layout
- Impact on landscape character
- Unauthorised nature of development
- Run off and water contamination
- Lack of toilet facilities for visitors
- Incorrect neighbour notification
- Lack of justification for accommodation/static caravan
- Impact on private water supplies
- Lack of drainage proposals
- Animal welfare
- Lack of robust business plan and justification
- Out of character with area
- Over intensive development
- Waste disposal
- Failure to meet climate change objectives
- Impact on health and safety
- Full extent of development not included in original submission
- Impact on River Tay SAC

34 The issues raised in the letters of support may be summarised as follows:

- Employment provision
- Enhances character of area
- Results in environmental improvements
- Supports economic development
- Supports demand
- Educational
- No other similar facilities nearby
- Need for development
- Exploits market
- Accords with Development Plan
- Offgrid/environmentally friendly/low carbon
- Supported by Scottish Government policy
- Access has been upgraded with passing places installed
- For equestrian education rather than commercial equestrian centre
- Unique development
- Supports off road riding
- Supports rural community
- Limited traffic increase
- No impact on residential amenity
- Well screened and limited visual impact
- Improved bio diversity

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

## ADDITIONAL STATEMENTS

36	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Supporting Statement

## APPRAISAL

- 37 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 2019. 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 Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

### Principle

#### Equestrian Use and Holiday Accommodation

- 38 Policy 1 of the Tayplan advocates the developing of land within the principal settlements rather than developing land outside of them. It does however acknowledge the need to sustain rural economies while protecting the countryside where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.
- 39 The implementation of this principle has been translated into the LDP2 with Policy 6 - Settlement Boundaries stipulating that for settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.
- 40 Although the proposal is not located within the settlement boundary and therefore fails to comply with Policy 1 of Tayplan and Policy 6 of LDP2, there are exceptions that can be made to this presumption against development outwith a settlement boundary through Policy 8: Rural Business Diversification
- 41 This policy is supportive of new rural businesses and whilst 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 or are related to an existing site-specific resource or opportunity. As such, in this instance, an application requires to adequately demonstrate that



this particular site presents a site-specific resource or opportunity for the creation of an equestrian business.

42 In addition to the above, the policy also requires that all the following criteria are met:

- a) *The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.*
- b) *The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.*
- c) *The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.*
- d) *The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.*
- e) *The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.*
- f) *Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.*
- g) *The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.*

43 It is acknowledged that an equestrian business will normally be located in a rural area and this type of use cannot be suitably located within a settlement given the need for outdoor grazing, fields and access to the countryside for riding and hacking.

44 There is an existing building on the site which has been historically used for agricultural purposes, management and maintenance associated with the Dungarthill Estate. This is considered to be a "site specific resource" as required by Policy 8. Given that the estate has now been sold off in lots, there is no longer a need for this building and therefore this alternative use for equestrian purposes is sought. The Supporting Statement indicates that the proposed business is a unique offering and provides alternatives to regular livery by encouraging natural horsemanship where a horse is kept in the most natural way possible. As previously stated, the site offers up to eight liveries and the outdoor arena will be available for hire with the opportunity for professionals in the equine business to run courses.

45 The submission also indicated that overnight "saddle tramping" will be offered from September to April each year where the applicant will guide horses and owners into the hills to allow to wild camping remote from the application site. The two holiday accommodation units are proposed to allow stays overnight before a course or before a saddle tramping trip. The provision of visitor accommodation meets the requirements of criteria (a). The site also employs the applicant as the business owner and two part time posts to local residents also meeting criteria (a).

- 46 The proposal also involves the re-use of the existing Dutch Barn on the site meeting the criteria outlined in (a) above. The proposal does not result in the suburbanisation of the area and the proposed development is associated with a rural use which are common in countryside locations. The caravan and holiday accommodation units are small scale ancillary elements in terms of their physical appearance and can be accommodated on site without significant detriment to the visual amenity and rural character of the area. The proposal is not considered to create unsustainable travel patterns which is referenced in more detail below in paragraph 83. The proposal is therefore considered to meet the criteria outlined in (b) above. In terms of criteria (c) there are residential buildings close to the site given that the former estate has been split into lots and sold off. Assessment of this issue is outlined in paragraphs 60-64 below and concludes that the use of the land for equestrian purposes is not considered to be of detriment to residential amenity and can be adequately controlled through the use of conditions relating to odour and waste management, lighting and noise from plant and machinery. The proposal is therefore considered to meet criteria (c). The proposal can be successfully accommodated within the landscape of the area as identified in paragraphs 56-59 below and therefore meets criteria (d).
- 47 Criteria (e) requires a development to meet a specific need by virtue of its quality or location in relation to existing business or tourism facilities. The supporting information and letters of support for the application sufficiently demonstrates that there is a market for the intended use.
- 48 Criteria (f) requires development to be of a high quality design. The area is rural in character and is characterised by the large scale agricultural Dutch Barn building. As mentioned, the other structures on site are relatively small in scale and whilst they are not of any significant quality in terms of design, they are seen in the context of the Dutch Barn and small historic agricultural grouping. The scale of the structures on site and their relationship to the landscape is acceptable as outlined within paragraph 56-59 below. The proposal is therefore considered to meet the criteria outlined in criteria (f).
- 49 Criteria (g) requires the local road network to be capable of accommodating the development. This is considered in more detail in paragraphs 70-83 below. Based upon the assessment below the local road network is considered to be capable of accommodating the traffic associated with this development.
- 50 As such the proposal is considered to accord with the criteria contained within policy 8 of LDP2.

#### Caravan

- 51 The submission includes information to support the provision of permanent residential accommodation on the site. There was initially some discussion regarding a proposal for a new build dwellinghouse on the site but the applicant has chosen to seek permission for the business first, whilst also seeking permission for the siting of a caravan for a temporary period to allow the business to become established. In the future, permission will then be sought for a permanent dwelling. Whilst the proposal is not for a permanent dwellinghouse it is considered prudent in this instance to assess the provision of a static caravan

which is to be occupied by the applicant year round, under the Housing in the Countryside Policy.

52 Through Policy 19 - Housing in the Countryside and the associated Supplementary Guidance (SG) it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within one of the six identified categories below will be supported.

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the SG
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

53 Category 3 is applicable which allows for the development of housing where there is an identified need and relates to economic activity. The SG states that housing must be essential to the continued operation of a farm/estate for animal welfare reasons. In this case, the submission indicates that there is a requirement to be located onsite to care for the horses and provide security and evidence of recent security incidents have been provided. This justification is considered to be sufficient given the nature of the business operation on site, however given the temporary nature of the caravan, a condition is recommended to ensure it is sited for a temporary period only and that the caravan is removed and the site returned to its original condition upon expiry of the permission (Condition 6).

### **Design, Layout and Visual Amenity**

54 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance. The site has a rural character and it is clear, given the position of the Dutch Barn, hardstanding and associated small ancillary buildings that this part of the former estate has been in agricultural use for some time. There are a series of small-scale buildings located adjacent to the Dutch Barn and they are visible in context with the barn. It is common for small scale ancillary buildings to be located adjacent to larger scale agricultural style buildings in countryside locations. The outdoor arena is built into the rising hillside and does involve some underbuilding. However, the trees surrounding the site mean that the arena will not be significantly visible from longer views and the impact on more localised views is considered to be moderate and therefore acceptable. Whilst the site does not have the same visual appearance as the more managed and well kept new housing developments on the former estate, the overall use of the site has not moved away significantly from the historic agricultural use of this land. The development is considered to be a logical small scale redevelopment and re-use of an existing agricultural barn and associated fields with limited impact on the visual amenity of the area. Furthermore, the caravan which is referenced above is proposed to be relocated to a more suitable location as the existing location on the brow of a hill, is considered

to have a significant impact on the visual amenity of the area. The caravan is to be relocated adjacent to one of the holiday accommodation units close to the Dutch Barn. This will ensure it is viewed in association with the Dutch Barn as part of a small grouping. The relocated caravan, for a temporary period, is acceptable.

- 55 As such, the proposal is considered to be of an appropriate scale and design and is considered to be conducive to the rural character and visual amenity of the area as required by Policies 1A, 1B and the criteria outlined within Policy 8 of LDP2

### **Landscape**

- 56 Policy 39: Landscape requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things, not erode local distinctiveness. 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.
- 57 The criteria contained within this policy seek to safeguard the tranquil qualities of an area's landscape and safeguard local distinctiveness and the visual and scenic qualities of the landscape. Policy 39 also mentions the requirement to consider the Tayside Landscape Character Assessment prepared by Scottish Natural Heritage.
- 58 The Tayside Landscape Character Assessment (TLCA) identifies this area as part of the Highland Foothills and states that development in this landscape character type is fairly limited, comprising mainly of scattered farmsteads and a few small hamlets.
- 59 The localised landscape is relatively undulating and is characterised by small groupings of buildings, together with pockets of woodland as part of the former Dungarthill Estate. The majority of these small groupings are now in residential use. The proposed development retains the landscape character of the area by focusing the built development towards the north end of the site adjacent to the existing Dutch Barn. It is not uncommon for there to be outbuildings located adjacent to larger farm buildings in countryside locations and that is what is proposed here. The presence of extensive woodland around the site means that the development will not be seen from any extensive views. The site is more visible from the rising land to the north but given the development is grouped together at the northern end of the site, it is considered to relate successfully to the established landscape character of the area. The new buildings respect site topography, particularly as the caravan is now to be relocated, and will not have any adverse impact on surrounding local landmarks, views or skylines. The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

### **Residential Amenity – Noise and Odour Management**

- 60 Policies 7A and 56 of LDP2 relate to residential amenity and noise pollution and seek to ensure that residential amenity is maintained and that there is a presumption against the siting of development proposals which will generate high

levels of noise in the locality of existing noise sensitive uses. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. Cognisance of the surrounding land uses has to be taken into account. The land is surrounded by agricultural land, but there are dwellinghouses located in the area.

- 61 The proposed development is not considered to result in any issues relating to overshadowing or overlooking given the layout of the site and its proximity to neighbouring dwellings. The closest residential property to the site is located to the east, approximately 150 metres from the Dutch Barn.
- 62 There is potential for odour complaints unless waste is managed appropriately. Unless manure is stored and removed correctly from site and good husbandry and procedures for storage are in place, the equestrian centre has the potential to affect residential amenity. The applicant has indicated that manure is currently taken from the site and used by a local farmer as fertiliser. To ensure proper management, a condition is recommended that a waste and odour management plan is submitted for approval. This includes procedures for cleaning of the equestrian centre, the storage and removal of waste from the site and proposed mitigation for the prevention of odours and infestation from flies and rodents (Condition 2).
- 63 The events which are proposed to be hosted on occasion at the site may have some impact on residential amenity with increased traffic and activity at the site but given the numbers involved, these are not considered to be significant and would be in keeping with the location. Environmental Health have been consulted on the application and offered no objection.
- 64 Overall, the proposal is considered to be acceptable in terms of the residential amenity of neighbouring properties and that of the future occupiers of the dwelling and therefore in accordance with the placemaking policies 1A and 1B and Policy 17 of LDP2.

### **Trees and Landscaping**

- 65 Policy 40B of LDP2 relates to trees and woodland and states that a tree survey should accompany any proposal where there are existing trees on the site. Furthermore, the placemaking policies of LDP2 (Policies 1A and B) require that development must contribute positively to the surrounding natural and built environment.
- 66 Policy 40B notes the Council will follow the Scottish Government Policy on Control of Woodland Removal (PCWR) which states that there is a presumption in favour of protecting woodland resources.
- 67 Policies 1A and B of the LDP2 seek (amongst other things) to ensure that all new sites have a suitable landscape framework which is capable of absorbing the development proposed. It is considered that the site has a suitable landscape framework in the form of the existing hedging, trees and landscape bunds.
- 68 The application site is contained by woodland and the proposal does not involve any felling or impact on the existing woodland resource.

- 69 Overall, the proposal in terms of landscaping and impact on trees is considered to be acceptable. Appropriate existing mature landscaped boundaries exist around the site which help to provide the site with some landscape containment. The proposal is therefore considered to comply with policies 39 and 40 of LDP2 regarding landscaping and trees.

### **Roads and Access**

- 70 Policy 60B of LDP2 requires a full assessment of the impact of the development to pedestrian and traffic safety to be undertaken. It also requires the development site to be adequately served by sustainable means of transport. Access to the site is via a privately maintained access track connecting to the A984 Old Military Road to the east of Newtyle Cottage as shown on the red line boundary of the application.
- 71 Recent works have been undertaken to upgrade sections of the private access. The access to the site provides access to the development, existing properties and a number of other currently under construction dwellinghouses and other approved developments which are yet to commence construction. Materials for these developments will be delivered along the access track.
- 72 The track provides a number of locations to allow two vehicles to safely pass each other. The track is considered capable of accommodating the traffic associated with the development which is referenced in more detail within the traffic section below.
- 73 The upkeep of the private access is a private civil matter between the parties who have a right of access to the track. Nevertheless, the current condition of the track is considered to be capable of accommodating the additional traffic associated with this development.

### Traffic

- 74 The submission provides an estimation of the likely traffic levels associated with the site. As noted above, there are a total of eight liveries available on site with four horses already on site and enquiries from persons who want full livery who wish to care for their horse themselves. Those on full livery are unlikely to visit their horse every day and the others are likely to visit once or twice a day. This equates to approximately 15 car visits per week.
- 75 There are also proposed to be annual courses and the submission provides a summary of the traffic generation for these courses:
- 2 x barefoot trimming course; max 8 people each course, no horseboxes, 6 cars.
  - 2 x positive reinforcement training course; max 20 people each course, 2 horse boxes, 12 cars.
- 76 There are also proposed to be events throughout the year and a summary of the traffic associated with these is also included in the submission:
- 3 x horse riding taster sessions, 6 horses max per session, 4 horse boxes.

- 1 x charity fundraising ride, 20 horses max, 14 horse boxes
- 12 saddle tramping trips, 3 horses max per session, 2 horse boxes

- 77 Whilst there are likely to be occasions where the amount of traffic on site is greater than normal, the upgraded track is considered to be capable of accommodating the traffic referenced above. Transport Planning have visited the site and consider the access arrangements onto the public road, surfacing of the access, the provision of passing places and parking and turning facilities on the site to be acceptable and capable of accommodating the horse boxes and car traffic which is referenced above.
- 78 Therefore, normal day to day traffic associated with the liveries is not considered to be significant and will generally be related to the applicant and the livery use of the Dutch barn. The access onto the public road and the recently upgraded access track is capable of accommodating this traffic.
- 79 On the social media page for the site, it is noted that the applicant has hosted a larger event and for this event which is referenced in letters of representation, where the applicant made use of a field for the parking of horse lorries and trailers. The supporting statement advises that the applicant intends to limit the larger events to one or two events per year.
- 80 The site itself has a large yard for visitors, which will provide sufficient space for vehicles travelling to the site.
- 81 It is noted that there is a second access to the site, which connects to the A984 public road network via Pond Cottage to the south east of the site. As this route is outwith the red line application site, no assessment has been made on its suitability to access the site. For the avoidance of doubt, only the route within the red line boundary has been assessed. The applicant has indicated that all adverts and signage for the site will emphasise the need to utilise the access which is included within the red line boundary only.
- 82 As such, the proposal is considered to accord with Policy 60B of LDP2 and the requirements of the National Roads Development Guide.

### **Sustainability/Travel Patterns**

- 83 Policy 8 criteria (b) states that a development should not encourage unsustainable travel patterns. Equestrian based uses are, by their very nature, located in countryside locations and generally can be an unsustainable form of development in terms of governmental policy as they are totally reliant on the car and are likely to be required in rural locations that are some distance from other communities and their attendant services. However, to enforce this policy rigidly would deny a use altogether that public policy has endorsed as having a continuing role to play in the development of recreational and tourism based uses, and therefore lack of sustainability is not often a determining issue. However, the nearer a site is to a settlement and facilities, the shorter car journeys are likely to be which is better in terms of overcoming any objections on sustainability grounds. In this instance, the site is within relatively close proximity to Dunkeld, Caputh and Murthly where day to day users may travel from. Whilst there may be users from further afield when events are held, these are on a less frequent basis. The proximity of the site to

nearby settlements will reduce the distance travelled by car to the site to a certain degree. The proposal is therefore considered to be appropriate in terms of sustainability in travel.

### **Flooding**

- 84 SEPA's indicative flood maps do not identify the site as being at risk to flooding and there are no known issues or concerns in respect to flooding at the site.

### **Drainage**

- 85 Policy 53B relates to foul drainage and states that developments within or close to settlements should connect to the public sewer unless there are specific costing reasons as to why a public sewer connection is not possible. In this instance the caravan currently utilises a cassette toilet which is common within static caravans. The waste is emptied locally at any caravan site or campsite.
- 86 The proposed holiday accommodation units will utilise composting toilets and the applicant has indicated that compost would require to be removed from the site on average every 12-18 months but it is noted that this may be more frequent depending on the extent of use. Nevertheless, it does not require frequent emptying or disposal. Neither of these are considered to result in any potential contamination of groundwater or drinking water.
- 87 Whilst there is no septic tank on site at this time the applicant has indicated that the intention is to install one at a later date should planning permission be granted.

### Drainage for Events

- 88 During any events it is the intention that any visitors utilise facilities within their own horsebox or that a "portaloo" type facility is rented and provided.

### **Private Water Supply**

- 89 The caravan is connected to an existing bore hole which is located to the north east of the site which provides a water supply. The holiday accommodation units will have a water system whereby drinking water is taken from a water butt under the sink with a pump powered by a battery. There is also grey water systems to provide drinking water for the horses. Letters of representation state that the borehole supply is only legally allowed to serve a domestic use. The legality of the use of the private water supply is a private civil matter between the parties involved and is not material to the determination of this application. Following discussions with the Council's Private Water Supply Team, the use of a cassette toilet within the caravan and the composting toilets within the holiday accommodation is not considered to impact on the existing private water supply. For the avoidance of any doubt, a condition is recommended to ensure that existing private water supplies are identified and protective measures put in place for these supplies if required by the Council's Private Water Team (Condition 8). Informative notes are also recommended to ensure the applicant is aware of the legislation associated with the protection of private water supplies.



## **Light Pollution**

- 90 Policy 55 of LDP2 states that consent will not be granted for proposals where lighting would result in obtrusive or intrusive effects. The submission includes details of solar security lighting at the yard mounted on the Dutch Barn and remote controlled solar lighting in the arena for use during winter evenings. The type of lighting proposed is considered to be acceptable and will help to limit light pollution as much as possible whilst ensuring the safety of patrons during night time hours. The proposed lighting will also be seen in the context of the existing lighting at other building groupings within the former estate. The proposal is therefore not considered to generate any significant light pollution.
- 91 It is noted that ambient night levels in the area are low but that the overall landscape is characterised by small groups of built development where lighting is apparent. The tree cover around the site will serve to provide some screening to light associated with the development from longer views. Control of light spill from the site can be addressed through a suitably worded condition (Condition 3). This will ensure the Planning Authority maintains control over light spill and brightness. Given the position of the site relative to residential properties light pollution is not considered to be significant. The proposal therefore complies with Policy 55 of the LDP2.

## **Bio Diversity**

- 92 Policy 41 of LDP2 relates to biodiversity and seeks to protect and enhance all wildlife and wildlife habitats whether or not formally designated.
- 93 The development is not considered to have any impact on local bio diversity interests.

## **River Tay Special Area of Conservation**

- 94 The River Tay Special Area of Conservation (SAC) is located approximately 600 metres to the south east of the site. There is a watercourse to the east of the site within the woodland which eventually connects into the SAC.
- 95 There are watercourses located close to the site which flow into the River Tay SAC located to the south of the application site at approximately 165m from the nearest point of the site. The watercourses do not form part of the River Tay Special Area of Conservation (SAC). Concerns have been expressed in letters of representation regarding the impact which the proposal may have on the ecological interests of the SAC. The concerns indicate the potential for surface water to drain above ground or through underground aquifers downhill towards the SAC. Given the distance between the application site and the River Tay SAC, the proposal is not considered to impact on the qualifying interests of the SAC and the proposal therefore complies with Policy 38A of LDP2. Whilst no formal consultation was undertaken given the distance between the site and the SAC, the opinion of NatureScot has also been obtained and they have advised that they are satisfied with the proposed arrangements and conclude that there will be no likely significant effect on the protected interests of the SAC.

## **Agricultural land**

- 96 The north area of the site has been identified as Class 4.2 agricultural land which is capable of producing a narrow range of crops and the southern half is identified as Class 5.2 agricultural land meaning this part of the site is capable of use as improved grassland. Policies 50 and 51 of the LDP2 seek to ensure that developments on good quality soils are restricted to avoid the loss of these quality soils for crop production. Policy 51 defines good quality soils as Classes 1, 2, 3.1 and 3.2. As the soil on site sits below these classes the site is therefore not considered to have substantial agricultural value in terms of soil classification. Further, it is clear that the site is relatively undulating which would limit its viability for significant crop production. It is therefore considered that the proposed site is appropriate and would not impact significantly on the use of land for crop production and therefore complies with policies 50 and 51 of LDP2.

## **Cultural Heritage**

- 97 There are no listed buildings in the vicinity. The site is not within a conservation area. The development will not have any adverse impact on cultural heritage assets.

## **Developer Contributions**

- 98 The proposed site is located out with any area where financial contributions towards roads infrastructure and it would not be reasonable to require an education contribution for the temporary accommodation. As such, the Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance. However, it should be highlighted that any future proposals for a permanent house will be subject to assessment against the Developer Contributions and Affordable Housing Supplementary Guidance 2020, with particular regard to education infrastructure.

## **Camping**

- 99 Some letters of representation raise concerns regarding the applicant offering camping on site on their social media sites. The applicant has clarified that it is not the intention for any part of the site to be formalised as a camp site and that any camping will only be offered on an occasional basis and on no more than 28 days in any one calendar year. Provided the camping does not take place any more than 28 days per year this would not require formal planning permission and the applicant has been made aware of this.

## **Embedding Low & Zero Carbon Generating Technologies**

- 100 Policy 32 'Embedding Low & Zero Carbon Generating Technologies in New Development' of the recently adopted LDP2 states that all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. It further specifies that a statement must be submitted demonstrating compliance with this requirement.

- 102 Given the nature of the development, it is considered that this policy is not applicable to those elements of the proposals. Furthermore, given the residential accommodation is only a temporary measure, there is no need for compliance with Policy 32. The applicant, has, however, indicated that the entire site is off grid and electricity for lighting is supplied by solar panels which will help to limit the carbon footprint of the site.
- 103 The policy above will be applicable to any future application for a permanent dwelling within the site.

### **Economic Impact**

- 104 The objective of Scottish Government Economic Strategy (2015) is to build a more dynamic and faster growing economy that will increase prosperity, help tackle Scotland's health and social challenges and establish a fairer and more equal society. Sustainability is vital to help protect the environment and ensure that future generations can enjoy a better quality of life.
- 105 It is considered that it is undoubtable that there will be some economic benefit associated with the operation of the site but the economic benefit has to be seen in the context of the spatial strategy and general policies of the Local Development Plan.
- 106 When looking at Economic Development Policy 8 Rural Business and Diversification the submitted supporting information statement is considered sufficient to demonstrate that the proposal is an appropriate rural business development in accordance with policy 8 of LDP2 as is referenced elsewhere in this report.

### **Neighbour Notification**

- 107 The neighbour notification and advertisement undertaken for the application has been carried out in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 108 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, a set of improved drawings, relocation of the temporary caravan, clarity on the use of holiday accommodation units and an amended supporting statement. The variations to the application were re-advertised and neighbours re-notified.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 109 Not applicable.

### **DIRECTION BY SCOTTISH MINISTERS**

- 110 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**

- 111 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 112 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

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

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

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

2. Within 3 months of the date of this decision notice a Waste Management Plan (WMP) for the equestrian centre shall be submitted to and approved in writing by the Planning Authority. The Plan shall include: the frequency that manure will be removed from the site; how waste will be handled and managed; provisions for storage including locations and the provisions for removing waste from the site so as to ensure that odour and infestation is minimised. The WMP, as approved in writing shall therefore be implemented and adhered to, to the satisfaction of the Council as Planning Authority.

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

3. 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.

4. 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.

5. The temporary caravan hereby approved shall be relocated in accordance with approved plans 18 and 19 within 3 months of the date of this decision notice. The existing caravan site and access track shall be reinstated to grazing land to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and to respect the landscape character of the area.

6. The caravan is approved for a temporary period only until 28 February 2025. Upon expiry of this temporary period the caravan shall be removed from the site and the site returned to its original condition all to the satisfaction of the Council as Planning Authority.

Reason - In view of the temporary nature of the caravan and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

7. The holiday accommodation units hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - To prevent permanent residential use of the site in view of its location within a rural area and in accordance with the Planning Authority's policy of restricting sporadic development in the countryside.

8. Within 3 months of the date of this permission, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In order to prevent impact on existing private water supplies.

## **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. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

2. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
3. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site layout, a set of improved drawings, relocation of the temporary caravan, clarity on the use of holiday accommodation units and an amended supporting statement.

Background Papers: 98 letters of representation  
Contact Officer: John Williamson  
Date: 3 February 2022

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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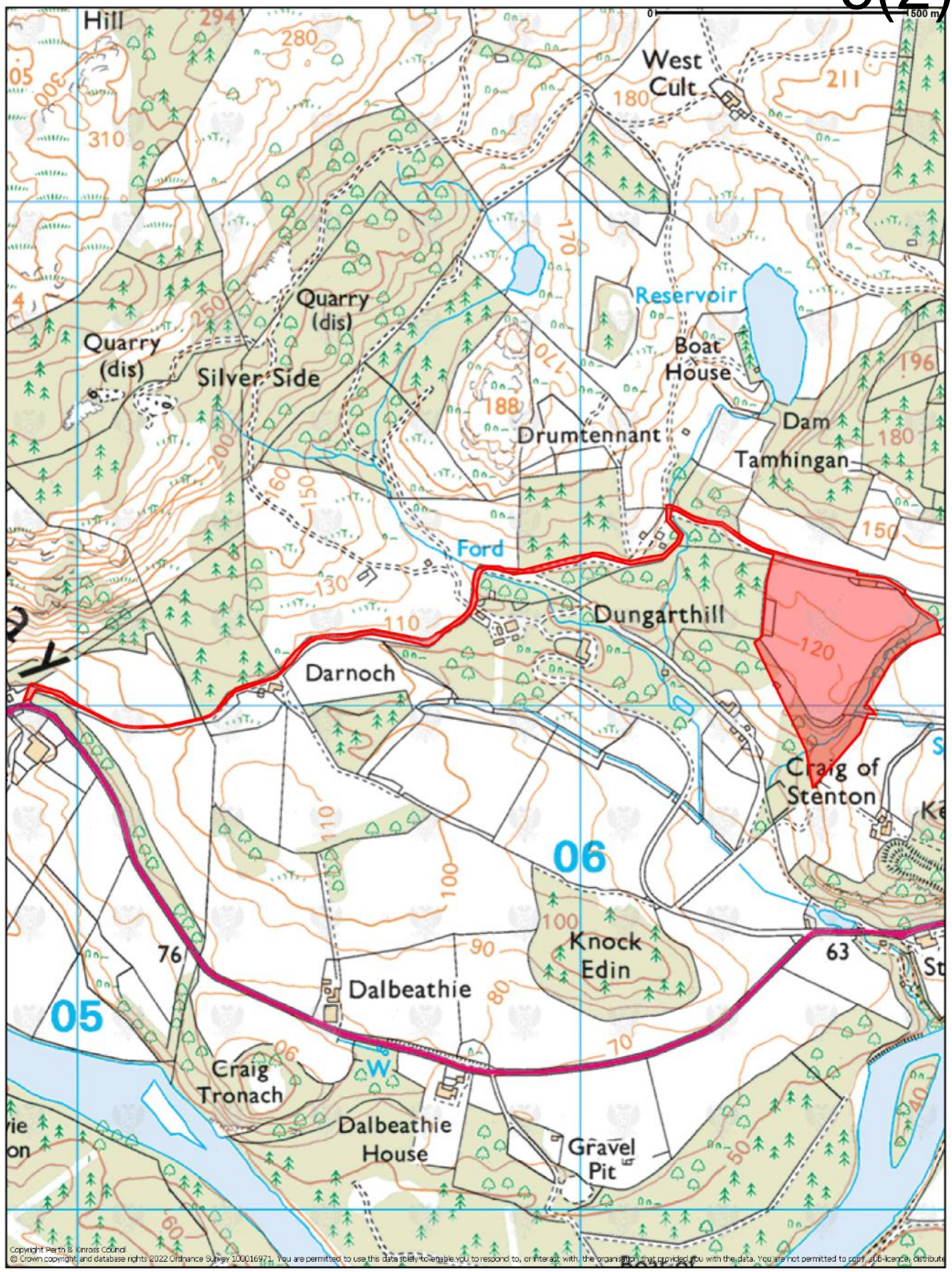
21/00700/FLL

Part change of use from agricultural building to form stables, siting of a temporary caravan, 2 camping pods/holiday accommodation units and formation of equestrian centre comprising outdoor riding arena, boundary treatments and associated works (in part retrospect) land NE of Garden Cottages, Dungaithill, Dunkeld









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**21/00700/FLL**

Part change of use from agricultural building to form stables, siting of a temporary caravan, 2 camping pods/holiday accommodation units and formation of equestrian centre comprising outdoor riding arena, boundary treatments and associated works (in part retrospect) land NE of Garden Cottages, Dungarthill, Dunkeld





Perth and Kinross Council  
Planning & Development Management Committee – 16 February 2022  
Report of Handling by Head of Planning & Development (Report No. 21/33)

<b>PROPOSAL:</b>	Erection of 2 dwellinghouses and garages (revised design)
<b>LOCATION:</b>	Land SW of 16 Curate Wynd, Kinross

Ref. No: 21/02027/FLL  
Ward No: P8- Kinross-shire

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site area is 0.14 hectares and previously comprised a vacant piece of land within the settlement boundary of Kinross. There are residential properties and garden ground to the north, east, south and west of the site. The proposed dwellinghouses are out with but adjacent to the Kinross Conservation Area. Curate Wynd has bollards which restrict vehicular access to the site from the south. Vehicular access to the site would be from Bowton Road to the north.
- 2 This application seeks permission for the revised design of 2 dwellinghouses and garages that were previously approved under permission 21/01234/AML. The main changes are the incorporation of rooflight windows into the roof slope to enable the formation of habitable accommodation within the roof space. No changes to the overall roof heights from that approved under the previous permission are proposed. Additionally, the garage on Plot 2 is to be lengthened by 1 metre.
- 3 If the earlier permission 21/01234/AML was constructed and occupied, the dwellinghouses would benefit from permitted development rights which would enable the installation of the rooflight windows and the formation of the habitable accommodation within the roof space. This fall-back position has considerable weight in the determination of this application.

### Pre-Application Consultation

- 4 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

## 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 2014**

- 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. This is a statutory document and material consideration in any planning application. It 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 (SSP)**

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

### **Planning Advice Notes**

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

### **Designing Streets 2010**

- 10 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating 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 2019.

### **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:

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

### **Perth and Kinross Local Development Plan 2 (2019)**

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 15 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 17: Residential Areas
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 16 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades,

as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Supplementary Guidance 2020**

- 17 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

### **SITE HISTORY**

- 18 **99/00696/OUT** was Refused On 2 September 1999 for Erection of 2 houses (in outline)
- 19 **05/00926/OUT** was Approved On 15 September 2005 for Erection of 2 no detached houses with integral garages with access and parking (in outline)
- 20 **18/01807/IPL** was Approved On 13 February 2019 for Residential development (in principle)
- 21 **21/00667/AML** was Refused On 8 June 2021 for Erection of 2 dwellinghouses and garages (approval of matters specified in conditions of 18/01807/IPL)
- 22 **21/01234/AML** was Approved On 23 September 2021 for Erection of 2 dwellinghouses and garages (approval of matters specified in conditions of 18/01807/IPL)

### **CONSULTATIONS**

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

#### **External**

##### **Scottish Water**

- 24 No objection.

#### **Internal**

##### **Structures And Flooding**

- 25 No objection received.

##### **Transport Planning**

- 26 No objection.

##### **Development Contributions Officer**

- 27 No objection. Payment for the contribution requirement was received on 17 September 2021 as part of 21/01234/AML. The current application is for a revised design and no further contribution is required.

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

28 No objection subject to conditional control.

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

29 No objection.

### **REPRESENTATIONS**

30 A total of 12 letters of representation have been received in respect of the current application. The main issues raised within the representations are:

- Adverse effect on visual amenity
- Out of character with the area
- Excessive height
- Overdevelopment
- Impact on setting of Conservation Area
- Loss of privacy/ overlooking
- Loss of sunlight/ daylight
- Loss of trees
- Noise and light pollution
- Road safety concerns and inappropriate parking provision
- Flooding concerns
- Impact on open space

31 noted however this will be a short-term change to the status quo, and it is not consider that conditional control is required in this case.

34 Mud has been deposited onto the road from construction activity – Vehicle operators and contractors who deposit mud on the road are potentially liable for a range of offences. A range of powers are available to the Police and the Roads Authority to resolve this issue.

### **ADDITIONAL STATEMENTS**

35	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Remediation Statement and Supporting Statement Submitted

### **APPRAISAL**

36 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations

indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

- 37 In this instance, Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### **Principle**

- 38 It should be noted that the principle of development on this site has already been approved under permission 18/01807/IPL with detailed matters approved under the associated matters specified by condition permission 21/01234/AML.
- 39 The proposed amendments in this application to enable the incorporate rooflight windows to allow accommodation within the roof space are minor in nature and do not conflict with the principle of the approved development. Additionally, the garage on Plot 2 is to be lengthened by 1 metre.
- 40 It is worth noting that the planning permission in principle 18/01807/IPL allowed accommodation within the roofscape: Condition 2 is reproduced below:

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.*

### **Design and Layout**

- 41 The design and layout assessment associated with permission 21/01234/AML confirmed the following:-

*Improvements have been made to the earlier scheme for the site. The massing of the building has been broken up by incorporating setbacks into the front elevation with a contemporary approach to detailing and design applied holistically to the bungalows. The site plan now illustrates the relationship with neighbouring dwellings and the footprints are considered to be acceptable when taking cognisance of properties to the west.*

- 42 While representations highlight concerns with the design and layout, the assessment of the previous application confirmed the proposal was considered to comply with the placemaking policies and the proposal was not considered to have an adverse impact on the adjacent conservation area. The incorporation of rooflight windows without increasing the overall roof height does not alter this assessment. The lengthening of the garage by a further 1 metre is also not considered to alter this assessment as it is a minor expansion to the footprint.



## **Landscape**

- 43 A tree survey has been submitted with the application detailing planting to be removed and retained. The site plan also details existing/proposed hedging/planting and boundary treatment to be retained along with details of new species to be planted, plant sizes and proposed numbers as well as areas of hardstanding.
- 44 With conditional control applied (Condition 2) the proposal complies with Policies 40A and 40B Forestry, Woodland and Trees, as well as the placemaking policies.
- 45 The site is not an area of zoned open space, therefore there is no conflict with Policy 14 Open Space Retention and Provision.

## **Residential Amenity**

- 46 The formation of residential developments has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy and amenity for all the parties to the development those who would live in the new dwellings and those that live in adjoining dwellings.
- 47 Taking account of intervening window to window distances on the ground floor of the new dwellinghouses, as well as the angles between windows and installation of boundary screening, there is not considered to be any significant loss of privacy to neighbouring dwellings.
- 48 While representations consider the installation of the rooflight windows to cause privacy issues, their positioning, orientation and distance to neighbouring dwellings are not considered to result in a significant loss of amenity which would warrant the refusal of the application.
- 49 The site plan shows the context of the site layout in relation to neighbouring residential buildings. The development's relationship to neighbouring buildings and garden ground is acceptable. Some overshadowing will occur to the garden ground of properties on Curate Wynd, however, this overshadowing is not considered to necessitate refusal of the application.
- 50 The provision of housing within the urban environment is not considered to result in a level of light pollution that would justify refusal of the application.
- 51 With regards to noise, Environmental Health previously advised that conditional control should be applied with regards to the proposed air source heat pumps. This has been reapplied (Condition 5).
- 52 The Contaminated Land Officer has also been consulted on the application. Their response confirms that their Service has received, and reviewed reports, prepared by MM-EC Geoenvironmental Ltd: Ground Investigation Report dated June 2021 and a Remediation Statement dated October 2021 submitted in relation to previous planning permissions for this site. Due to further works being necessary and verification of the works required they recommend that conditional control is

reapplied to ensure that any ground contamination is dealt with accordingly (Condition 6).

### **Roads and Access**

- 53 The concerns regarding the loss of parking are noted. The loss of carparking was previously assessed as part of the earlier in-principle application and Transport Planning raised no objection due to the close proximity of two car parks (School Wynd and Curate Wynd). They still offer no objection to this application.
- 54 The site layout illustrates a means of access to the site, vehicle parking and on-site turning facilities. It is considered that the proposal complies with Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals. Conditional control will be applied to ensure parking and turning are secured prior to the occupation of the development (Conditions 3 and 4).

### **Drainage and Flooding**

- 55 The site layout illustrates a foul connection to the mains sewerage system. The layout also illustrates the positioning of soakaways within the plots to comply with Policy 53B: Foul Drainage and Policy 53C: Surface Water Drainage.

### **Developer Contributions**

- 56 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. This proposal is within the catchment of Kinross Primary School and the contribution requirement was received on 17 September 2021 as part of 21/01234/AML. The relevant contributions have therefore been secured in line with Policy 5: Infrastructure Contributions.

### **Economic Impact**

- 57 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 58 This application was not varied prior to determination.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 59 Not required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 60 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**

- 61 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). If the previous permission 21/01234/AML was constructed and occupied, it would benefit from permitted development rights which would enable the installation of the rooflight windows and the formation of the habitable accommodation within the roof space. This fall-back position has considerable weight in the determination of this application.
- 62 Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. In light of the above, the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **Approve the application**

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

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

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

2. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter 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.

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

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

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

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

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

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

6. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - 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.

## **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. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. 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). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they 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.
8. 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.
9. 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.
10. 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.
11. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

Background Papers: 12 letters of representation  
Contact Officer: John Russell  
Date: 3 February 2022

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

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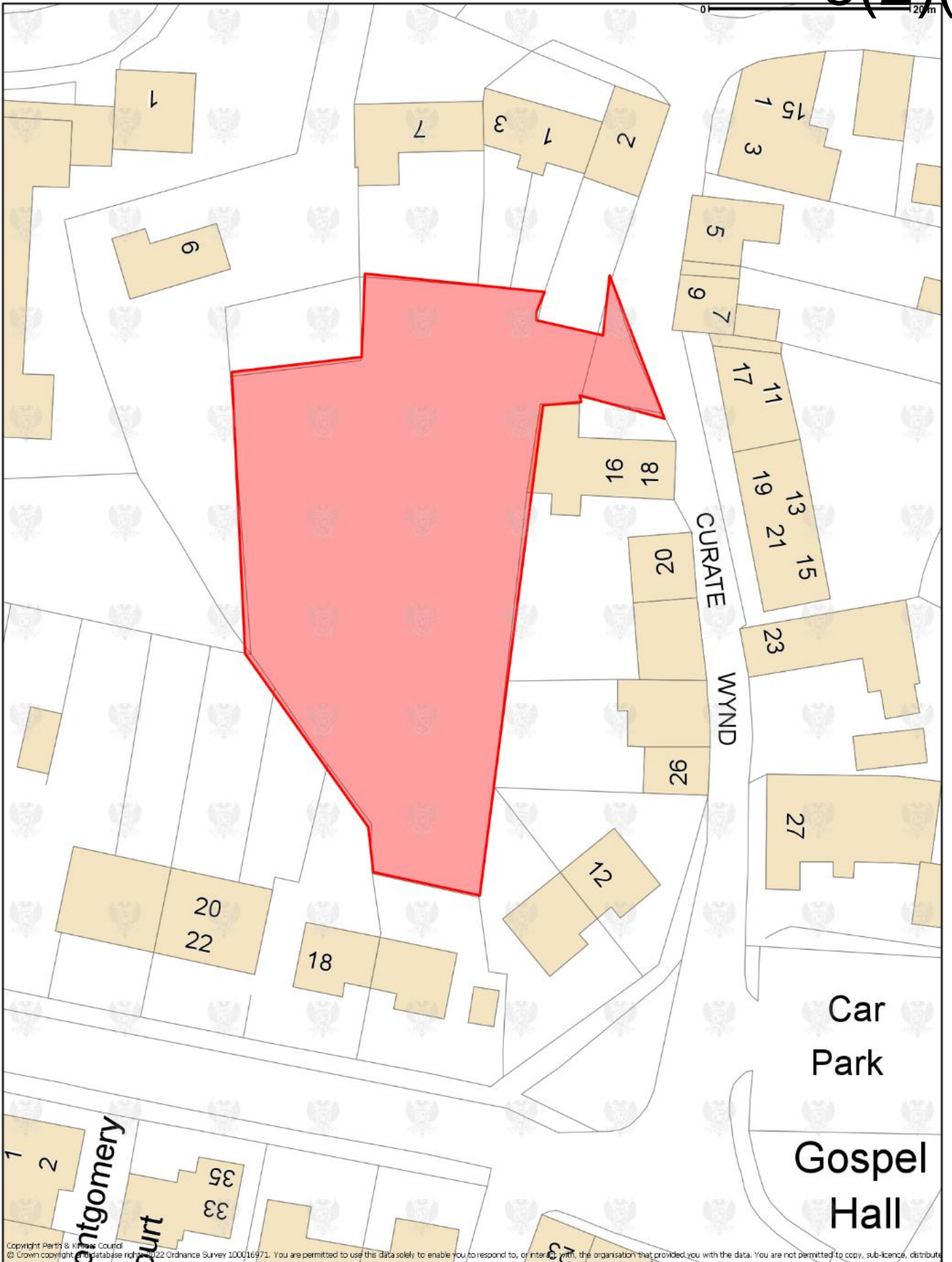


21/02027/FLL  
 Erection of 2 dwellinghouses and garages (revised design) land SW of 16 Curate Wynd, Curate Wynd, Kinross









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Scale 1:500

21/02027/FLL

Erection of 2 dwellinghouses and garages (revised design) land SW of 16 Curate Wynd, Curate Wynd, Kinross





Perth and Kinross Council  
Planning & Development Management Committee –16 February 2022  
Pre-Application Report by Head of Planning and Development (Report No. 21/34)

Installation of a 32MW solar farm and 16MW battery energy storage facilities and associated infrastructure at Keithick Farms Ltd, Keithick, Blairgowrie

Ref. No: [21/00019/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 Installation of a 32 Megawatt (MW) solar farm and 16MW battery energy storage facilities and associated infrastructure at Keithick Farms Ltd, Keithick, Blairgowrie.

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 applicant has submitted a Proposal of Application Notice (PoAN) on 6 December 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Keithick Farms Ltd, Keithick, Blairgowrie pertaining to the installation of a 32MW solar farm and 16MW battery energy storage facility and associated infrastructure. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish the major development comprising 32MW solar farm and a 16MW battery energy storage facility for the production, storage and export of electricity to provide local energy and a balancing and back up supply facility to the National Grid. The development will be encompassed within existing field boundaries which will contain photovoltaic (PV) panels, mountings, and areas for container units with associated infrastructure components, such as transformers, inverters, DC and AC converters, switchgear and controllers, as well as requisite substations which will be housed within units as determined within the site layouts. The exact range of uses scale and design of the development will be arrived at during pre-application discussions.
- 3 A separate screening request, under the Town and Country Planning (Environmental Impact Assessment (Scotland) Regulations 2017, has been sought for a similar ground mounted photovoltaic solar farm development of up to 49.9 MW with associated infrastructure, on land around the Coupar Angus substation, approximately 600m south of Coupar Angus, and being approximately 1.km to the east of this proposed development.

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

- 4 The landowner has already obtained a screening opinion from the Planning Authority covering part of this area of ground, the subject of this PoAN application, (21/01970/SCRN), for the installation of a 16MW solar farm and 16MW battery energy storage farm, with associated infrastructure. The Planning Authority determined at that time and taking account of the characteristics of the potential impact of the development, in terms of extent, scale, magnitude, complexity, probability, duration, frequency and reversibility, it was likely that the development would not have a significant effect on the environment and therefore an EIA would not be required for that proposal. A revised screening request has now been made to the Planning Authority (22/00111/SCRN) for this development.

## **PRE-APPLICATION PROCESS**

- 5 The PoAN confirmed that two public online events were to be held via Zoom on 15 December 2021 between 5 and 8pm and on 26 January 2022 between 5 and 7pm. The Ward Councillors and local MSPs, Coupar Angus Town Team, Blairgowrie and Rattray Community Council, Kettins Community Council, Meigle and Ardler Community Council, Forward Coupar Angus Group and Mr David Stirling of Keithick House, Coupar Angus, have all been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 6 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**

- 7 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 (SPP)**

- 8 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
  - Valuing the Historic Environment: paragraphs 135 – 151

- Delivering Heat and Electricity: Paragraphs 152 -174
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268

9 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- Large Photovoltaic Arrays: Planning Advice (2011)
- Energy Storage: Planning Advice (2011)

## **LOCAL POLICY AND GUIDANCE**

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

10 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

*“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”*

11 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 3 – A First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing Tayplan’s Assets

### **Perth and Kinross Local Development Plan 2019**

12 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

13 The LDP2 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.”*

- 14 Under the LDP2, the following policies are of particular importance in the assessment of this application:

Policy 1: Placemaking  
Policy 2: Design Statements  
Policy 8: Rural Business and Diversification  
Policy 14: Open space Retention and Provision  
Policy 15: Public Access  
Policy 26B: Scheduled Monuments and Archaeology: Archaeology  
Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy  
Policy 35: Electricity Transmission Infrastructure  
Policy 37: Management of Inert and Construction Waste  
Policy 38B: Environment and Conservation: National Designations  
Policy 38C: Environment and Conservation: Local Designations  
Policy 39: Landscape  
Policy 40: Forestry, Woodland and Trees  
Policy 41: Biodiversity  
Policy 42: Green Infrastructure  
Policy 47: River Tay Catchment Area  
Policy 50: Prime Agricultural Land  
Policy 51: Soils  
Policy 52: New Development and Flooding  
Policy 53: Water Environment and Drainage  
Policy 55: Nuisance from Artificial Light and Light Pollution  
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **OTHER POLICIES**

- 15 The following supplementary guidance and documents may be of particular importance in the assessment of this application:

- Developer Contributions Supplementary Guidance April 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2021
- Perth and Kinross Green and Blue Infrastructure (2020)
- Renewables and Low Carbon Energy (draft)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)
- Perth's Transport Futures Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016
- Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC

### **PLANNING SITE HISTORY**

**07/00946/FUL** Full Planning Permission was Approved on 17 May 2007 for Erection of a steel framed agricultural cattle court

**12/01942/SCRN** On 7 November 2012 for Proposed anaerobic digestion development. An opinion was issued on 7 November 2012.

**12/02003/SCRN** On 5 December 2012 for Installation of an Anaerobic Digestion plant. An opinion was issued on 5 December 2012

**12/02205/FLL** Full Planning Permission was Approved On 21 March 2013 for Construction of an anaerobic digester plant

**19/01852/FLL** Full Planning Permission was Approved On 24 February 2020 for Installation of ground source heat pump system and siting of 2 container units

**21/01924/SCRN** application was Withdrawn On 25 November 2021 for Proposed Solar farm and battery energy storage facility and associated works

**21/01970/SCRN** On 25 November 2021 for Installation of a 16MW solar and 16MW battery energy storage farm up to with associated infrastructure. An opinion was issued on 25 November 2021.

**21/00016/PAN** On 6 December 2021 for Installation of a 32MW solar farm and 16MW battery energy storage facilities and associated infrastructure. Further consultation and extra events were requested. A decision was issued on 6 December 2021.

## **CONSULTATIONS**

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

17 **External**

- Scottish Water
- Perth and Kinross Heritage Trust
- Coupar Angus Town Team
- Community councils

18 **Internal**

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

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

19 The key considerations against which the eventual application will be assessed include:

- a. Visual Impact (including noise, lighting, glint and glare)
- b. Scale, Design and Layout
- d. Natural Heritage and Ecology

- e. Landscape and Biodiversity
- f. Water Resources and Soils
- h. Transport Implications and Road Safety
- i. Impacts on Core Paths and tourist routes such as the A822
- k. Archaeology and Cultural Heritage, including the Coupar Angus Conservation Area

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

20 The following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment
- Noise and Light Assessment
- Construction Traffic Management Plan

### **CONCLUSION AND RECOMMENDATION**

21 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None  
 Contact Officer: Jamie Torrance  
 Date: 3 February 2022

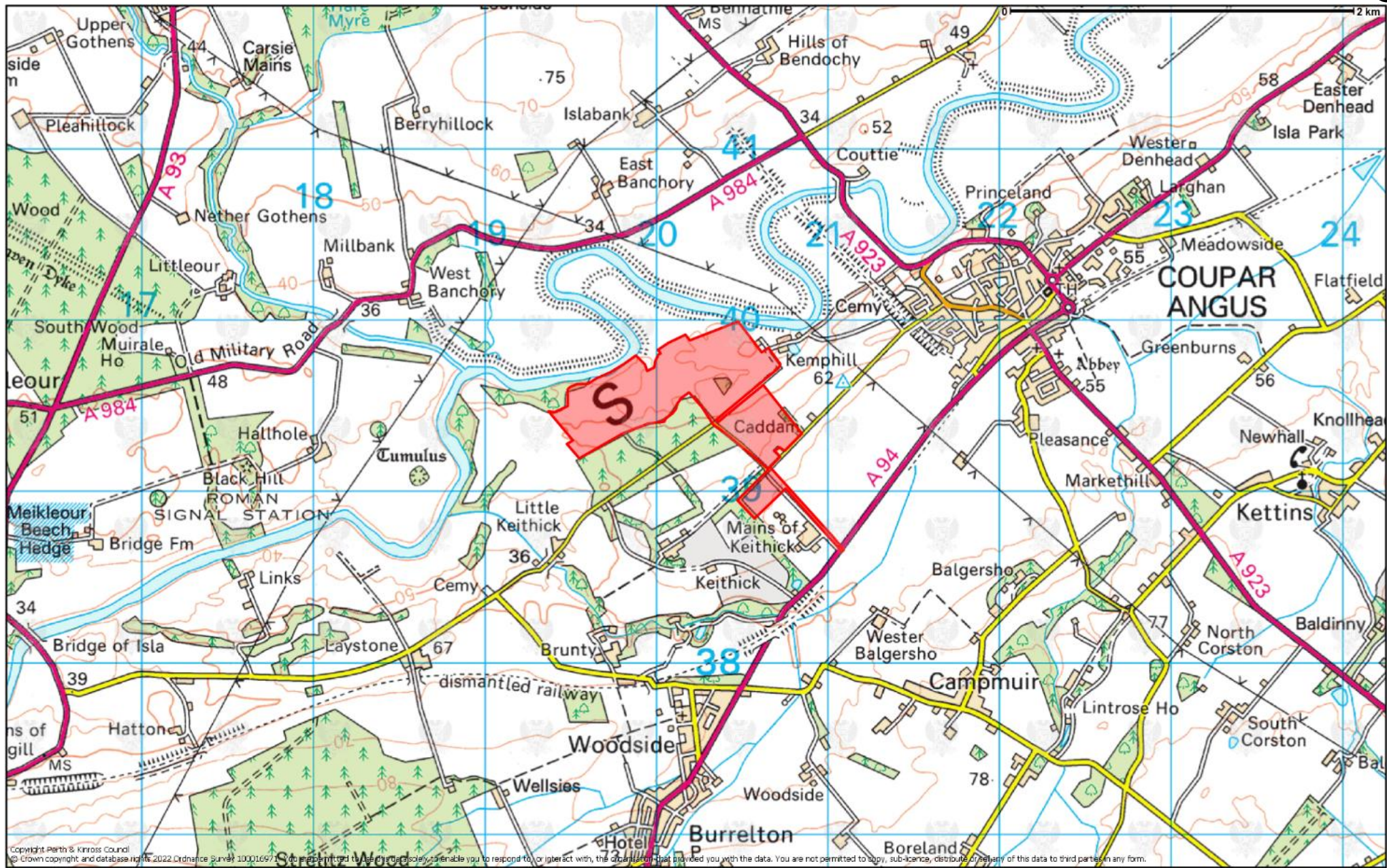
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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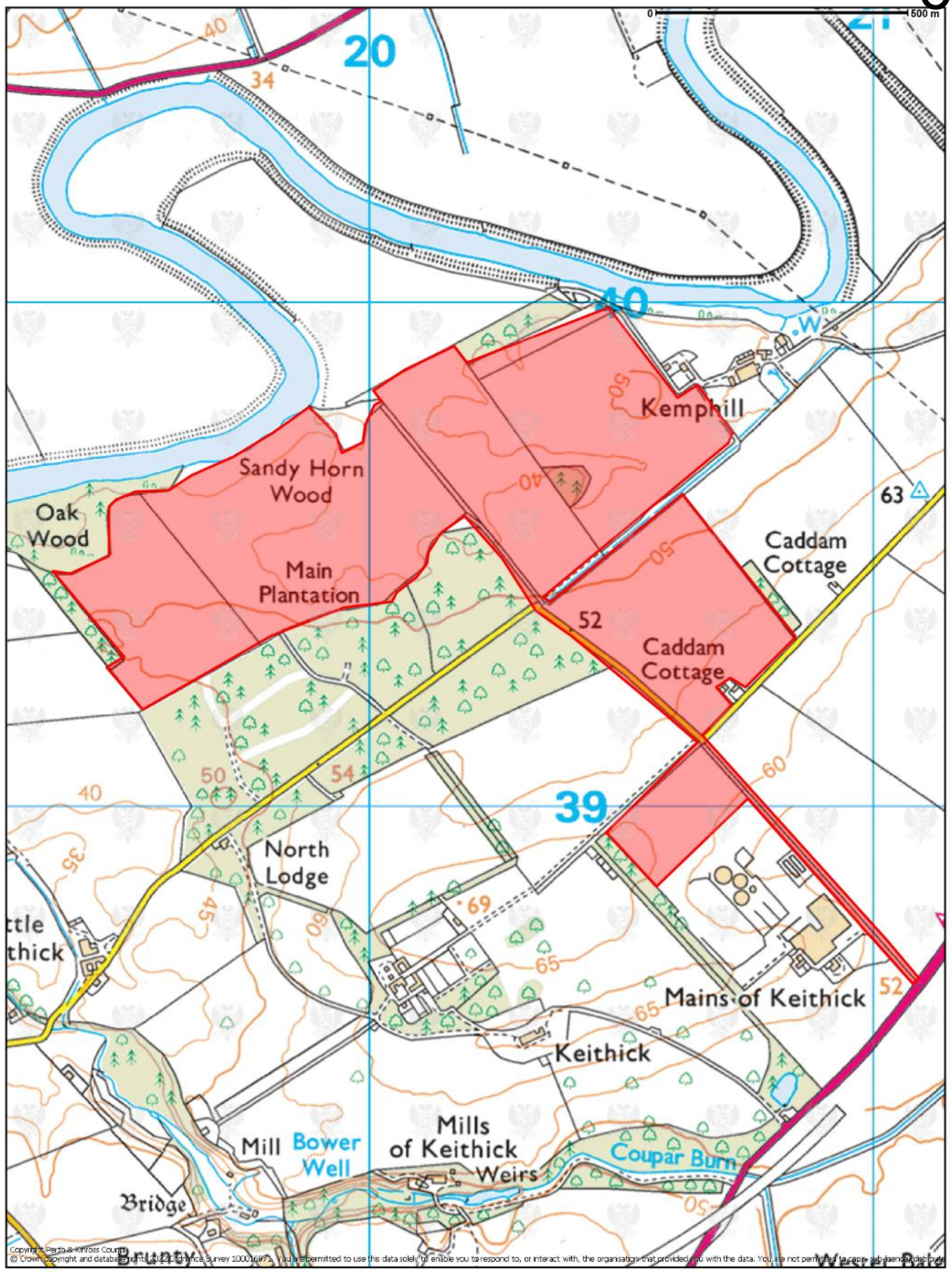


21/00019/PAN

Installation of a 32MW solar farm and 16MW battery energy storage facilities and associated infrastructure at Keithick Farms Ltd, Keithick, Blairgowrie







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**21/00019/PAN**

Installation of a 32MW solar farm and 16MW battery energy storage facilities and associated infrastructure at Keithick Farms Ltd, Keithick, Blairgowrie



