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Council Building
2 High Street
Perth
PH1 5PH

11/10/2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 20 October 2021 at 10:00.**

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

BARBARA RENTON
Interim 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, 20 October 2021

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.

PLEASE NOTE THAT ALTHOUGH THE PRE-AGENDA MEETING IS NOT SUBJECT TO THE TERMS OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 IT IS RECOMMENDED THAT THE CONTENTS OF REPORTS AND DISCUSSIONS AT THE MEETING CONSTITUTE INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THAT ACT, AND THEREFORE, YOU SHOULD NOT DISCLOSE TO OR DISCUSS WITH ANY MEMBER OF THE PRESS OR PUBLIC ANYTHING CONTAINED IN REPORTS OR DISCLOSED DURING DISCUSSIONS.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 22 SEPTEMBER 2021 FOR APPROVAL**
(copy to follow)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR CONSIDERATION**
 - 5(1) MAJOR APPLICATIONS**
 - 5(1)(i) 21/00746/FLM - S42 APPLICATION TO MODIFY CONDITION 7 (OPEN SPACE AND PARKLAND) OF PERMISSION 17/00886/FLM, LAND 300 METRES NORTHWEST OF LATHRO FARM, KINROSS** 5 - 22
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/187)

5(1)(ii) 21/00752/IPM - PROPOSED EMPLOYMENT/BUSINESS PARK (USE CLASSES 4, 5 AND 6) AND ASSOCIATED WORKS (LDP SITE E3) (IN PRINCIPLE), LAND 200 METRES NORTH OF THOMSON LANDSCAPES, INCHCAPE PLACE, PERTH **23 - 44**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/188)

5(2) LOCAL APPLICATIONS

5(2)(i) 20/01371/IPL - RESIDENTIAL DEVELOPMENT (IN PRINCIPLE), LAND WEST OF BERRYKNOWE, HATCHBANK, KINROSS **45 - 64**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/189)

5(2)(ii) 21/00940/FLL - CHANGE OF USE AND ALTERATIONS FROM AGRICULTURAL BUILDINGS TO FORM 8 HOLIDAY ACCOMMODATION UNITS, ERECTION OF 3 HOLIDAY ACCOMMODATION UNITS, UTILITY BUILDING, FORMATION OF ACCESS ROADS, CAR PARKING, DRAINAGE AND ASSOCIATED WORKS, WEST GORMACK FARM, KINLOCH, BLAIRGOWRIE **65 - 86**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/190)

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Perth and Kinross Council
Planning & Development Management Committee – 20 October 2021

Report of Handling by Head of Planning & Development (Report No. 21/187)

PROPOSAL: S42 application to modify condition 7 (open space and parkland) of permission 17/00886/FLM

LOCATION: Land 300 Metres northwest of Lathro Farm Kinross

Ref. No: [21/00746/FLM](#)

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 This 33 hectare site, known as Lathro Farm, sits between Kinross to the north and Milnathort to the south. It has been designated for residential purposes since Local Development Plan 2014 (LDP1).
- 2 The primary purpose of this Section 42 (S42) application seeks a revision to the requirements of Condition 7 of the extant planning permission 17/00886/FLM (which was itself an amendment to an earlier permission: 15/01512/FLM). The proposed revision seeks simply to change the ‘approved’ landscape requirements of Condition 7, to also incorporate amended landscaping bunds within the ‘Country Park’ area being formed to the west. These bunds would be up to 2.5 metres high and would use surplus soil from Phase 2 of the development, (planning application reference 19/00917/FLM).

- 3 Condition 7 currently states:

“The areas of public open space and parkland indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.”

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

- 4 Assessment for the proposed changes for this condition is set out below. The proposed replacement condition detailed in Para 55.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 A review of the Planning Authorities position has concluded that no further EIA work is required. This reflects the limited development proposed, concluding the amended scheme would not result in any significant effects. It is noted that the proposal would not result in net importation of material and that vehicle movements to otherwise transport from Phase 2 would be reduced.

Pre-Application Consultation

- 6 The proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. However, Pre-Application Consultation (PAC) is not required for S42 applications.

National Policy and Guidance

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

National Planning Framework 2014

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

- 9 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.

- 10 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
- Valuing the Natural Environment: paragraphs 193-218
- Managing Flood Risk and Drainage: paragraphs 254 - 268

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning and Building standards Advice on Flooding

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.

Development Plan

13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).

TAYPlan Strategic Development Plan 2016-2036

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

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

15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2

16 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.

The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 14B: Open Space within New Developments
- Policy 15: Public Access
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage

LDP2 Allocation

- 17 The site is not identified in LDP2 as an allocation, the site benefits from full planning permission, with an associated masterplan, and has seen Phase 1 and other works undertaken. Rather, LDP2 sees the site contained within the settlement boundary and notes that the ‘Lathro Farm’ development is carried forward and under development.

Other Policies and Guidance

- Flood Risk and Flood Risk Assessments – Developer Guidance January 2021

Site History

- 18 [14/00493/SCRN](#) An EIA Screening Opinion was issued in April 2014, advising that an EIA was required in relation to the proposed residential development and its associated significance of impact on environmental receptors.
- 19 [14/00004/PAN](#) A Proposal of Application Notice (PoAN) for residential development with associated open space, landscaping and infrastructure was accepted in May 2014.
- 20 [14/01345/SCOP](#) An EIA Scoping Opinion was issued in September 2014 relating to residential development with associated access and landscaping.
- 21 [15/01512/FLM](#) Full Planning Permission for the erection of 300 dwellinghouses, formation of open space, landscaping and associated infrastructure works. Approved in March 2017 (following conclusion of S75).
- 22 [17/00759/FLL](#) Full Planning Permission for the erection of 13 dwellinghouses and associated works. Application was withdrawn.

- 23 [17/00760/FLL](#) Full Planning Permission for 47 dwellinghouses and associated works. Application in March 2017.
- 24 [17/00886/FLM](#) An Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 sought to modify conditions 8 (children's play area), 9 (access) and 11 (boundary treatment) of planning permission 15/01512/FLM. Approved in September 2017.
- 25 [17/00893/FLL](#) Full Planning Permission for the erection of 13 dwellinghouses, formation of open space, landscaping and associated infrastructure works for plots 1-6, relocation of SUDs basin, pump station and erection of substation (revised layout and design). Approved in September 2017.
- 26 [17/01721/FLL](#) Full Planning Permission for the erection of 12 dwellinghouses and associated works. Approved in May 2018.
- 27 [18/01117/FLL](#) Full Planning Permission for the erection of 47 dwellinghouses and associated works (including change of house type to include sunrooms to selected plots). Approved in April 2019.
- 28 [18/01118/FLL](#) Full Planning Permission for the erection of 12 dwellinghouses and associated works (change of house type to include sunrooms to selected plots). Approved in April 2019.
- 29 [18/00013/PAN](#) A Proposal of Application Notice (PoAN) for residential development was accepted in November 2018.
- 30 [19/00917/FLM](#) Full Planning Permission for the erection of 169 dwellinghouses and associated works (change of house types and layout for Phase 2). The Reporter appointed by the Scottish Government's Planning and Environmental Appeals Division (DPEA) has indicated that they are minded to grant the appeal, subject to the conclusion of a legal (S75) agreement, the process of which is nearing conclusion.

CONSULTATIONS

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

External

- 32 **Scottish Environment Protection Agency:** No objection. The nature of the application falls out with SEPA's 'triage framework', with no formal comment required.
- 33 **Kinross Community Council:** No response.

Internal

- 34 **Biodiversity/Tree Officer:** No objection.

35 **Flooding:** No objection. Advise of satisfaction that the proposed earthworks are out with and will not affect the functional floodplain (plus allowance for climate change).

36 **Roads:** No objection.

37 **Community Greenspace:** No objection. Clarifying no concerns with the proposals.

Representations

38 A total of 11 representations have been received, including two from Kinross-shire Civic Trust. The issues raised are summarised below:

- Contrary to development plan policy;
- Adverse impact on flood and drainage, including groundwater;
- Out of character with area;
- Reduced aesthetic value;
- Accuracy of plans queried;
- Additional car parking unimaginative;
- Proposed landscaped amphitheatre inappropriate at this location; and
- Loss of open space and inappropriate land use.

39 These points, insofar as they are material planning considerations, are addressed in the Appraisal section below.

40 Several representations submitted also refer to issues which are not considered material to the assessment of this application, many of which have already been considered in relation to planning permissions 15/01512/FLM and 19/00917/FLM respectively. These include:

- Road safety concerns
- Traffic congestion
- Loss of trees
- Noise pollution
- Groundwater within residential element.

ADDITIONAL STATEMENTS

Screening Opinion	No further EIA required.
Environmental Impact Assessment (EIA): Environmental Report	Not Required.
Appropriate Assessment	AA Completed.
Design Statement or Design and Access Statement	Not Required.
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required – clarification all works out with flood risk areas.

APPRAISAL

- 41 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.
- 42 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.
- 43 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

- 44 The principle of the development subject of the application has been previously established, ultimately through the approval of the extant planning permission (17/00886/FLM). The principle of development is therefore well-established and is not, in any case, reviewed as part of this S42 application. It is noted that since the original planning permission approvals, there has been a change to the Development Plan, through TAYplan 2016 and LDP2 in 2019. The changes within the Development Plan are however not significant in relation to the proposed changes of this S42 application. The technical amendment of Condition 7, to allow for the material change of the approved landscaping, is not in itself considered contrary to the general terms of the development plan. Nevertheless, consideration must be given to the specific characteristics of the amendments and representation points raised, including: the design and layout, landscape and visual impact, flooding and drainage, set within the context of the application site and whether any adverse impacts are calculated.

Design and Layout

- 45 In respect of design and layout, LDP2 Policies 1 and 2 directly apply. The proposed modification to Condition 7 will change the design, layout and overall

character of the Country Park from what is currently approved. The landscaped mounding is identified to be restricted to the western section of the site, primarily outside the flood plain areas. The earthworks have been designed in a way to provide visual interest and to avoid appearing over-engineered, working with the open spaces and path networks. The planting proposals include meadow grasses with low level colourful shrubs and tree planting surrounding a natural amphitheatre. In response to representation, there is no significant net loss of open space, aside from the 8 additional car parking spaces, and the land use remains the same, albeit delivered in a different format. Community Greenspace advise that they are content with the proposed landscape layout.

- 46 Overall, the proposed amendment to landform at this end of the country park is considered to provide a positive interest and does not conflict with the existing design and layout. The provision of additional car parking on the edge of the park is noted as being of standard design; however, it is recognised this is a practical solution to achieve complementary parking for visiting park users. The proposed amendments are considered to be compliant to LDP2 policies in relation to design and layout.

Landscape and Visual Impact

- 47 LDP2 Policies 39: Landscape; 40A: Forestry, Woodland and Trees - Forest and Woodland Strategy; 40B: Forestry, Woodland and Trees - Trees, Woodland and Development; and 42: Green Infrastructure, are all relevant in considering landscape and visual amenity. The proposed modification to Condition 7 will, as mentioned, change the landscape and visual characteristics of the previously approved landscaping scheme. However, no negative or adverse impacts, in terms of landscape or visual impact will result from the proposed changes. Rather, the revisions will introduce a more defined character area from that of the wider, flood plain meadow land to the east. On this basis, the proposals are considered to take appropriate cognisance to form and function and overall remain compliant with relevant policies of LDP2.

Residential Amenity

- 48 The proposed modification to Condition 7 will have no significant new impact on the long-term residential amenity of the wider approved development. There is no right to a view in material planning grounds and therefore the associated land raising, and creation of additional parking spaces, does not constitute an adverse impact. One public comment also refers to plan accuracy and the layout of properties. In this regard 'Plan 4' represents the currently approved country park layout, but includes a more historical approved housing layout, which has changed through subsequent planning permissions. In particular, should it be approved, planning application 19/00917/FLM for Phase 2 would supersede this layout, when that permission is issued by the DPEA. In terms of residential amenity, and with consideration of the approved residential layouts, the proposals are not considered to conflict with the relevant policies of LDP2.

Roads and Access

- 49 The proposed modification to Condition 7 does not have any direct or significant impacts on the road network. In recognition of the Country Park serving the wider community, Council Officers requested that visitor car parking spaces were identified as part of any proposed modifications being sought. Accordingly, 8 additional visitor spaces have been incorporated onto the edge of the Country Park, adjacent to the Phase 2 road layout, allowing direct access to the park path network.

Drainage and Flooding

- 50 The proposed modification to Condition 7 has been reviewed and would have no direct impact on the drainage and flooding characteristics of the approved development. The physical changes proposed have been deliberately targeted in areas outwith the recognised flood plain and assessed to not add to drainage or flood risk issues. Local representation cited flood risk and ground water impacts on neighbouring residential development. On this issue, the Council's Structures and Flooding team have confirmed there would be no direct impact, either to flood risk from the land raising within the Country Park or on the existing ground water on the neighbouring site, which was fully assessed in planning application 19/00917/FLM. In terms of Drainage and Flooding, the proposals remain compliant with Policy 53 of LDP2.

Natural Heritage and Biodiversity

- 51 The proposed physical changes brought about through a modification to Condition 7 are considered to remain complimentary and have no adverse impact on the natural heritage and biodiversity considerations of the approved development. Where applicable, existing relevant ecological interest conditions are proposed to be re-applied to any new permission. In terms of ecology, the proposals do not conflict with the relevant policies of LDP2.

Developer Contributions

- 52 No change to developer contributions through amending Condition 7 of planning permission 17/00886/FLM. The terms of the S75 and associated contributions will not change.

Economic and Environmental Impact

- 53 The proposed change to Condition 7 to accommodate excess soil from Phase 2 development into the Country Park area will not directly impact on the local economy. It is however acknowledged that there will be an anticipated net saving to the applicant through a reduced exportation material offsite. In turn this will lead to less movement of heavy lorry movements to and from the site onto the public road network, which represents a notable environmental benefit.

Other Matters

54 As part of this application, it is appropriate to consider and review other material considerations and associated conditions in the extant planning permission (17/00886/FLM). The extant permission had 36 planning conditions, largely relating to the residential development of Phase 1. Beyond the specific condition subject of this application (7), it is good practice, where seeking to approve a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered, should remain. The original suite of conditions has therefore been reviewed, with live, ongoing and updated conditions re-presented in the recommendation section below.

55 As a result of this, the former Condition 7 is now recommended as Condition 6, and is proposed to read:

“The areas of public open space and parkland indicated on the approved plans, together with the associated hard and soft landscaping and planting (Plans 02 & 03), shall be undertaken and planted in accordance with the open space standards of the Planning Authority and completed within the next available planting season, unless otherwise agreed in writing with the Planning Authority. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season, with others of a size and species as previously approved.

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

56 The current Section 75 Legal Agreement accounts for future planning applications including any Section 42 application. On this basis, it does not require to be updated in respect of the proposal.

DIRECTION BY SCOTTISH MINISTERS

57 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

58 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.

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

RECOMMENDATION

Approve the planning application subject to the following conditions:

Conditions and Reasons for Recommendation

General

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

2. Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse are hereby revoked in full for all terraced dwellings, namely plot numbers: 29-32, 37-40, 55-58, 93-96, 104-107, 119-122, 138-141, of the approved Site Layout Plan.

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 individual plots.

Environmental Construction Measures

3. In accordance with the Construction Environment Management Plan (CEMP) approved under the extant permissions (application references: 17/00886/FLM, 17/00893/FLL), no development, including earth movement, shall take place or material or machinery brought on site until protective fencing and warning signs are erected on site. All protective fencing and warning signs shall be maintained during the construction period.

Reason: In the interest of natural heritage.

4. The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.

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

Public Open Space and Biodiversity

5. All landscape maintenance measures shall be carried out in accordance with the details contained in the approved landscape plans under the extant permissions (application references: 17/00886/FLM, 17/00893/FLL).

Reason: In the interest of natural heritage.

6. The areas of public open space and parkland indicated on the approved plans, together with the associated hard and soft landscaping and planting (Plans 02 & 03), shall be undertaken and planted in accordance with the open space standards of the Planning Authority and completed within the next available planting season, unless otherwise agreed in writing with the Planning Authority. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season, with others of a size and species as previously approved.

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

7. Within three months of this decision, the agreed temporary children's play area to be situated within Phase 1 shall be implemented. The play area and its facilities/equipment shall thereafter be maintained by the applicant until the permanent play area has been delivered and handed over within Phase 2 (by the 100th dwelling). Within 3 months of the temporary play area ceasing to be required, the affected land accommodating the temporary play area shall be fully returned to the agreed landscape specification subject of this application, all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a local children's play area.

8. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches, or trunks.

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

9. Any external lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

Reason: To adequately protect species habitat.

10. 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.

Flooding and Drainage

11. The developer shall ensure that during the construction of the development, all surface water is controlled, treated and discharged under the principles of Sustainable Urban Drainage (SUDs) all to the satisfaction of the Council as Flood Authority.

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

12. In association with condition 6, and for the avoidance of doubt, the minimum soffit level of all water crossing pedestrian bridges shall be those as agreed in writing by Perth and Kinross Councils Flooding Team.

Reason: To reduce the risk of flooding.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

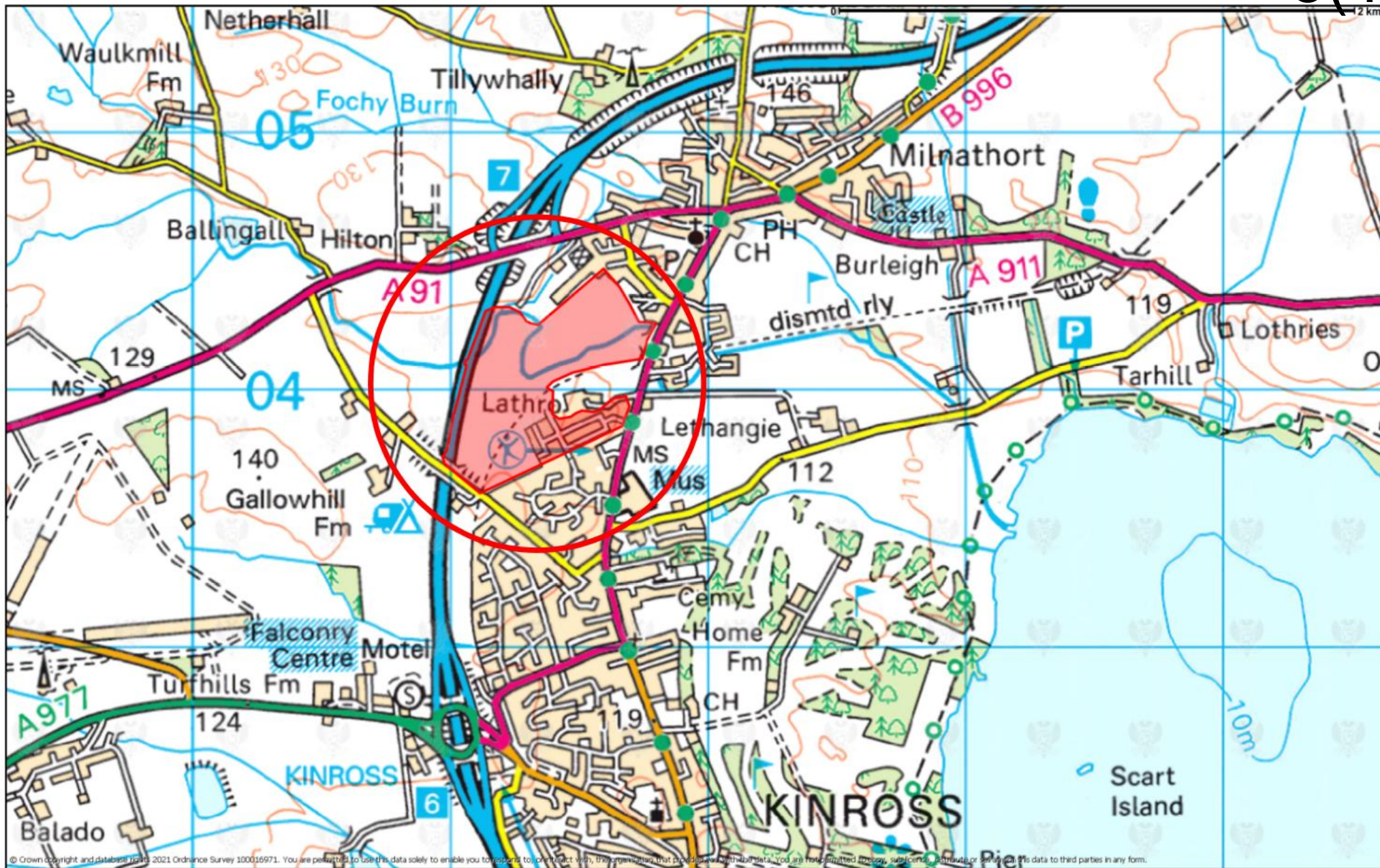
1. This planning permission will last only for three years from the date of this decision notice unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for the amending of street lighting provision to accommodate proposed changes.
6. There is a continued requirement for a Section 75 legal obligation covering the wider site, which includes Open Space provision and maintenance. A copy is available to view on the Council's [Public Access portal](#).

Background Papers: 11 letters of representation
 Contact Officer: Callum Petrie
 Date: 7 October 2021

**DAVID LITTLEJOHN
 HEAD OF PLANNING & DEVELOPMENT**

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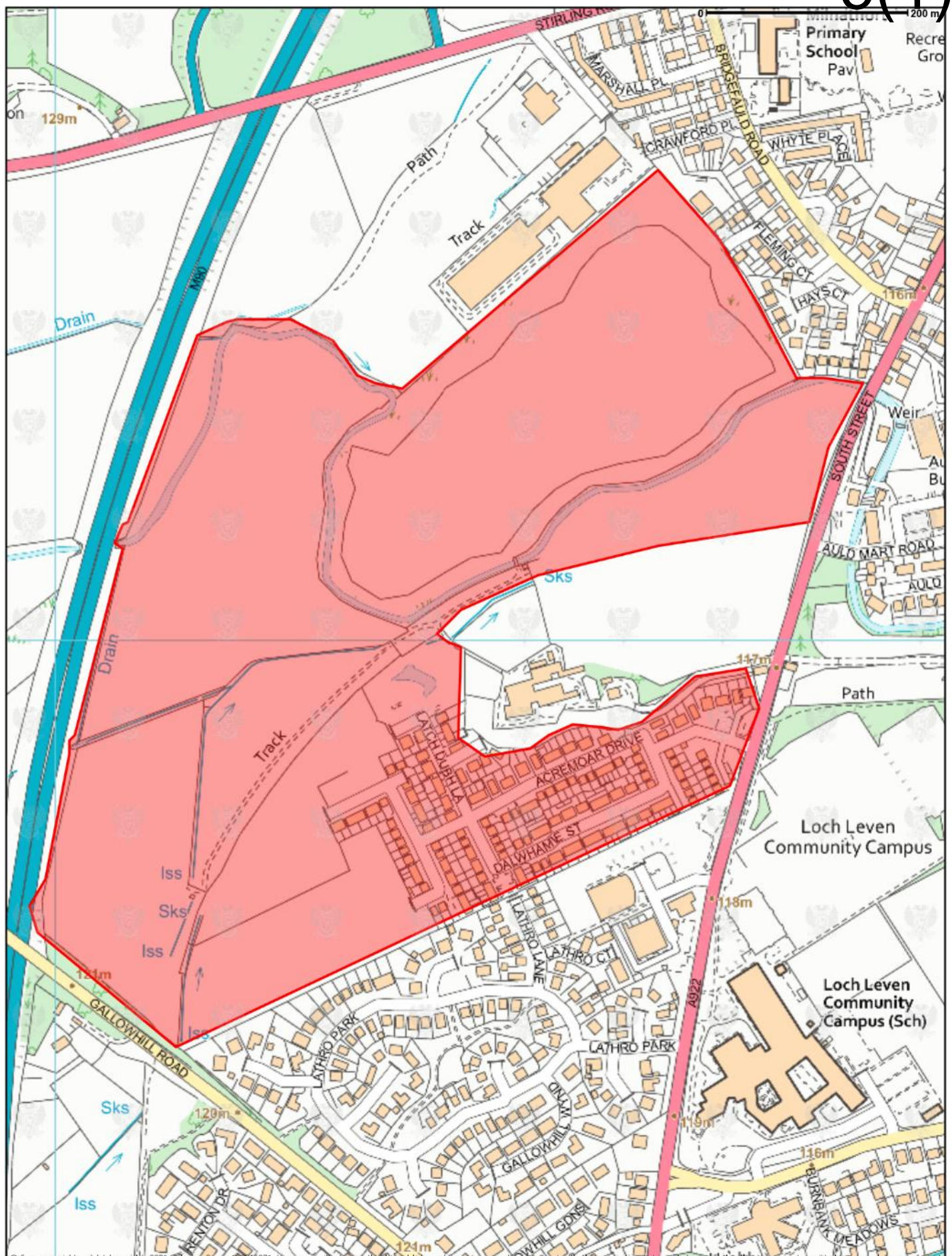
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21/00746/FLM

S42 application to modify condition 7 (open space and parkland) of permission 17/00886/FLM at land northwest of Lathro Farm Kinross





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21/00746/FLM

S42 application to modify condition 7 (open space and parkland) of permission 17/00886/FLM at land northwest of Lathro Farm Kinross



Perth and Kinross Council
Planning & Development Management Committee – 20 October 2021

Report of Handling by Head of Planning & Development (Report No. 21/188)

PROPOSAL:	Proposed employment/business park (use classes 4, 5 and 6) and associated works (LDP site E3) (in principle)
LOCATION:	Land 200 metres north of Thomson Landscapes, Inchcape Place, Perth

Ref. No: [21/00752/IPM](#)
 Ward No: P12 – Perth City Centre

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 extends to approximately 4 hectares (ha) and comprises undeveloped greenspace on the edge of an area of existing industrial/employment land. It contains young trees and scrub, with informal paths. The location is immediately north of the existing Perth “Food and Drink Park” in North Muirton Industrial Estate, with vehicle access from Bute Drive/Arran Road, via the A912 (Dunkeld Road) with access beyond to the A9(T).
- 2 To the immediate west is the Highland Mainline Railway, whilst to the north and north-east are Flood embankments associated to the River Tay. Active travel networks, including Core Paths (NMUR/02 and NMUR/104) and National Cycle Network Route (NCR77) are also in close proximity. The site includes the majority of the Local Development Plan 2 (LDP2) allocation known as ‘E3’ (18.3ha), which is identified for employment uses.
- 3 Planning Permission in Principle (PPP) is sought to develop the site for Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses, along with related access, landscaping, drainage and other infrastructure. As required by the site-specific requirements of its allocation in LDP2, a Flood Risk Assessment has been submitted, along with peripheral landscape proposals.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The proposals are of a type listed within Schedule 2 of the EIA (2017) Regulations and has been subject of EIA screening. Having considered the

proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the proposals constituted EIA development. An EIA Report (EIAR) has been prepared and supports the application, with an assessment of the report's findings and significant environmental effects provided below.

Pre-Application Consultation

- 5 The proposals are classed as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was required to undertake formal pre-application consultation with the local community, a Report on this supports the application.

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.

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 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: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291.

Planning Advice Notes

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

- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage.

Creating Places 2013

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

Designing Streets 2010

12 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

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 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice for Investment
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets
 - Policy 10: Connecting People, Places and Markets.

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.

The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 7: Employment and Mixed Used Areas
- Policy 15: Public Access
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology
- Policy 29: Gardens and Designed Landscapes
- Policy 32: Embedding Low and Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating and Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements.

LDP2 Allocation

E3 – Arran Road 18.3ha Employment uses (core)

Site-Specific Developer Requirements

- 18 A Flood Risk Assessment is required and areas protected by the Flood Protection Schemes should be subject to appropriate mitigation measures including: water resistance, and water resilience measures; and evacuation procedures.
- 19 Landscape proposals to reduce the visual impact of development on any neighbouring residential properties.

Other Policies

- 20 Developer Contributions and Affordable Housing Supplementary Guidance April 2020.

Site History

- 21 [17/00010/PAN](#) A Proposal of Application Notice (PoAN) for proposed employment/business park uses (use classes 4, 5 and 6) was accepted in November 2017.
- 22 [20/00612/SCRN](#) An EIA Screening Opinion advising that EIA was required was issued in July 2020, relating to a proposed 4ha extension of the existing Perth Food and Drink Park.
- 23 [20/00009/PAN](#) A Proposal of Application Notice (PoAN) for proposed employment/business park uses (use classes 4, 5 and 6) was accepted in November 2020.
- 24 [20/01778/SCOP](#) An EIA Scoping Opinion was issued in December 2020, following on from the above Screening Opinion, relating to a proposed 4 hectare (ha) extension to the existing Perth Food and Drink Park.
- 25 [21/00754/FLL](#) Detailed Planning Application for the formation of a road, roundabout, SUDS pond, landscaping and associated works was validated in July 2021, this is currently under consideration.

CONSULTATIONS

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

External

- 27 **Historic Environment Scotland (HES):** Advise they have no comments.
- 28 **Scottish Environment Protection Agency (SEPA):** No objection. Detailed comments are provided on: drainage, air quality, flood risk and invasive non-

native species, although all considered to not conflict with the principle of the development.

- 29 **Perth and Kinross Heritage Trust (PKHT):** No objection. Recommend a standard archaeological condition.
- 30 **North Inch and Muirton Community Council:** No objection or comments.
- 31 **Network Rail:** No objection. Confirm the proposals will have no impact on their assets.
- 32 **Scottish Water:** No objection. Advise current water and wastewater capacity is available at the Perth Water Treatment Works and Perth City Wastewater Treatment Works.
- 33 **NatureScot:** No objection. Confirm agreement with the conclusion of the Habitats Regulation Appraisal and that no Appropriate Assessment is required.
- 34 **North Muirton Community Council:** No comments.

Internal

- 35 **Structures and Flooding:** No objection. Satisfied with the supporting Flood Risk Assessment provided and content further detail can be provided on flood risk and surface water drainage at the Matters Specified in Conditions stages.
- 36 **Biodiversity/Tree Officer:** No objection. Agree with conclusions of the Habitat Regulations Assessment. Confirm that updated landscaping plans provide sufficient compensatory planting along the boundaries, to ensure acceptable net biodiversity gain is achieved.
- 37 **Planning and Housing Strategy:** No comments.
- 38 **Community Greenspace:** No objection. Advise that the Core Path: NMUR/104 must not be obstructed and planting should maintain sufficient space from public path to avoid encroachment.
- 39 **Commercial Waste Team:** No objection. Advice on minimum loading and storage area standards provided.
- 40 **Environmental Health (Contaminated Land):** No objection. Content with contamination findings, concluding no exceedance of the intended commercial land uses proposed.
- 41 **Environmental Health (Noise Odour):** No objection. Satisfied that the EIAR assessment is appropriate, recommending suspensive conditions to control the detail from construction activity, and thereafter operational noise and lighting from the development.

- 42 **Transport Planning:** No objection. Recommended a suspensive condition to ensure roads construction consent matters are fully addressed, including technical approval for street lighting.
- 43 **Development Contributions Officer:** No objection. Advise a suspensive condition to be added to ensure each Approval of Matters Specified in Conditions permission make appropriate transport infrastructure contributions.

Representations

- 44 No representations have been received.

ADDITIONAL STATEMENTS

45

Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Submitted
Appropriate Assessment	The submitted HRA concludes no Appropriate Assessment required in this situation, which has been endorsed by Nature Scot and accepted by the Planning Authority.
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood risk assessment Submitted

APPRAISAL

- 46 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.

Principle

- 47 The site is within the Perth settlement boundary and is allocated in LDP2 as part of site E3, identified for employment uses. This allocation is intended to support the growth and expansion of the existing Food and Drink Park and wider Muirton employment area. Accounting for this, the location and existing surrounding uses, the principle of the proposed development is considered acceptable. Particularly Class 4, 5 and 6 uses are compatible with existing facilities at North Muirton/Arran Road and will facilitate an identified expansion to provide land for more employment generation for the city of Perth and the wider area.

Design and Layout

- 48 The supporting high-level indicative design shows plots/development parcels off the access road, and this arrangement is considered to generally respect the character and amenity of the existing Food and Drink Park/employment area and its surroundings. The detail however will require to be fully assessed via Approval of Matters Specified in Conditions (AMSC) applications. Overall, this indicative design and layout, with an associated landscape framework is not considered to conflict with LDP2 Policy 1.

Landscape and Visual Amenity

- 49 LDP2 Policies, 39: Landscape; 40A: Forestry, Woodland and Trees - Forest and Woodland Strategy; 40B: Forestry, Woodland and Trees - Trees, Woodland and Development; and 42: Green Infrastructure, are all relevant in considering landscape and visual amenity. Peripheral and structural planting around the edges of the site, in and around the identified SUDs corridor and principal road access have been included in the application.
- 50 It is considered that the proposed development is a logical and natural extension of the existing employment area into a definable site beyond the original Perth Food and Drink Park, as such the proposals are considered to remain consistent with the terms of LDP2 Policy.

Residential Amenity

- 51 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise impacts. In this regard the site is over 400 metres from the nearest residential property, with Environmental Health raising no concerns over the potential for adverse noise and lighting impact on residential properties. Subject to the analysis of the detail proposed in AMSC applications, and construction control via timings and a Construction Environment Management Plan (CEMP) (Condition 6), the proposals are considered to comply with LDP2 Policy, with no unacceptable impact on the amenity of residential properties.

Roads and Access

- 52 LDP2 Policy 60 requires that local road networks and accessibility requirements are sufficient and capable of absorbing traffic generated by development, and that satisfactory access is provided.
- 53 Overall, the site is very well connected to the immediate and wider area; in terms of both vehicular and sustainable transport modes. Vehicular access via the A912 and Inveralmond Roundabout onto the A9(T). Pedestrian, cycling and other sustainable links exist in the immediate vicinity, which the proposed development will connect with and provide future employees with multi-modal transport choices. These connections include green corridor links along the River Tay, into the centre of Perth when travelling east or Bertha Park and Almond Valley Village to the west.

- 54 LDP2 Policy 15 concerns public access; including core paths/rights of way and seeks that development proposals do not have an adverse impact. The required continuation of access to core path was identified by PKC's Community Greenspace Team and can be suitably controlled via a suspensive condition and the associated submission of AMSC applications.
- 55 Subject to detailing through the required AMSC submissions, the proposals are considered to remain in accordance with LDP2 Policy 60 and 15.

Drainage and Flooding

- 56 LDP2 Policy 52 states a presumption against proposals on a functional flood plain or areas where there is a significant probability of flooding from any source, or where a proposal would increase the probability of flooding elsewhere. LDP2 Policy 53 further requires all new development to employ appropriate SUDS measures.
- 57 A Flood Risk Assessment (FRA) has been submitted, and forms part of the EIA Report. The FRA has been examined by SEPA and the Council's Structures and Flooding team, neither of whom object. Further detail has been requested via Condition 9 on drainage with any forthcoming detailed application for the site. In this respect the proposals are considered to proportionately satisfy LDP2 Policy 52 and 53 at this stage.

Land Quality (Contaminated Land)

- 58 The proposal has been reviewed by the Council's Land Quality Officer, with no issues identified and therefore are considered to comply with LDP2 Policy 58 – Contaminated and Unstable Land.

Energy and Low Carbon Technology

- 59 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. This can be controlled via a suspensive condition, with detailed assessment via AMSC applications (Condition 14).

Waste Collection

- 60 No high-level issues have been identified, with conditional control (Condition 15) applied that will see AMSC applications consider and set out delivery of detailed loading and access arrangements.

Conservation Considerations

- 61 In relation to relevant cultural heritage policy considerations, LDP2 Policies 26 and 29 relate to above and below ground, conservation considerations. These matters have seen HES and PKHT consulted. HES advise that there is no nationally significant impacts anticipated. However, the location is considered to have archaeological potential, being on the periphery of key cultural heritage locations. To ensure no adverse impact on qualifying interests, PKHT

recommend that a programme of archaeological work is undertaken (Condition 13). The proposals are considered to remain compliant with Policy 26 and 29 of LDP2.

Natural Heritage and Biodiversity

- 62 Natural heritage and biodiversity considerations see LDP2 Policies 38, 40 and 41 directly apply. The HRA concluded that there would be no direct impact on the qualifying interests of the TAY SAC, a position which was agreed by both NatureScot and the PKC Biodiversity Officer. Additional compensatory planting was sought and included in a 'landscaping plan' update, to ensure an enhanced landscape and biodiversity corridor on the northern boundary. Additional appropriate planting opportunities can be explored via suspensive landscaping condition (Condition 11) applied to any decision and then set out in subsequent AMSC submissions.
- 63 Considering the supporting information, associated recommended conditions and future control via AMSC applications, the proposals are considered to comply with LDP2 Policies 38, 40 and 41.

Developer Contributions

- 64 In relation to contribution requirements of LDP2, Policy 5 directly applies. The Council's Development Contributions Officer has confirmed that, in line with the Developer Contributions Supplementary Guidance, the proposed development parcels coming forward would require contributions for transport infrastructure associated to the local road network. This element is proposed to be secured via suspensive Condition 16, relative to the submission of AMSC applications, as the detail will determine the contributions required.

Economic Impact

- 65 During the construction period, jobs will be created, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, direct employment opportunities and services in the area will be created and augmented by new employment facilities at this location.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 66 None required at the PPP application stage. Condition 15 highlights that a transport infrastructure contribution may be required through assessment of the AMSC applications.

DIRECTION BY SCOTTISH MINISTERS

- 67 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

- 68 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.
- 69 Accordingly, the proposal is recommended for approval. This is subject to a direction to extend the statutory period for the submission of Approval of Matters Specified in Conditions applications from 3 years to 6 years, to reflect the extended nature of the project timeline. This will allow the primary road, boundary landscaping and drainage to be delivered, alongside marketing of the site and the detailed designs to come forward by individual developers for each plot, and the following planning conditions.

RECOMMENDATION

A Approve

Direction Conditions and Reasons for Recommendation

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 (21/00752/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years. All applications for Approval of Matters Specified in Conditions shall therefore be made not later than 6 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc. (Scotland) Act 2006. This is an application in principle which in view of the speculative nature of the proposed development in the current economic climate, this extended period remains appropriate.

General

1. Plans and particulars of the matters set out in the subsequent conditions shall be submitted for consideration and approval by the Planning Authority as specified below and the development shall be carried out in accordance with those approvals.

Reason: To ensure that the matters referred to are given full consideration and accord with the requirements of Regulations 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

2. No works in connection with the development site hereby approved shall take place unless 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 'approval of matters specified by condition') have been submitted to and approved in writing by the Planning Authority for each application for the approval of matters specified. The specified matters include:
- (i) details of any cut and fill operations required;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of any development parcel, 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 roads, footpaths, and cycleways within the identified Employment land;
 - (v) details of any screen walls/fencing and external lighting to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means; and
 - (vii) details of all landscaping, planting, and screening associated with the development parcels of the identified Employment land;
 - (viii) full details of the proposed means of disposal of foul and surface water from each development parcel/s of the identified Employment land;

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

3. In pursuance of Condition 2 (iv), each application for Approval of Matters Specified by Condition application shall ensure the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) 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. In pursuance of Condition 3, no part of the development for the Approval of Matters Specified by Condition shall be occupied and operational until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable travel modes.

5. In association with Conditions 3 and 6, each Approval of Matters Specified by Condition (AMSC) application shall ensure Core path NMUR/104 is not obstructed, either during construction or on completion.

Reason: In the interests of ensuring continued public access and encouraging sustainable means of travel.

Construction and Amenity

6. Alongside each application for Approval of Matters Specified by Condition (AMSC) and prior to commencement of the associated phase of development, a Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction shall be submitted for the written agreement of the Council as Planning Authority. The CEMP shall include A Dust Management Plan (DMP), a Noise Management Plan (NMP) which should include procedures/mitigation measures to control/reduce the impact from all activities during the construction phase that have the potential to produce noise and dust emissions and Construction Traffic Management Plan (CTMP). The DMP shall include dust monitoring, in line with IAQM guidance. The DMP and NMP and mitigations as agreed, shall be fully implemented for the duration of the construction phase.

Reason: In the interest of protecting environmental quality visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.

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

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

8. All external lighting included within each Approval of Matters Specified by Conditions (AMSC) application in pursuance of Condition 2 (v), 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 interest of protecting environmental quality and neighbouring amenity.

Drainage

9. As part of any application for Approval of Matters Specified by Condition (AMSC) application and prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason: In the interests of proper site drainage and flood risk.

Landscape and Biodiversity

10. No development shall commence until the peripheral compensatory planting as agreed has been carried out in accordance with the approved scheme and completed during the planting season immediately following the commencement of the development on that part of the site, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

11. As part of each application for Approval of Matters Specified by Condition (AMSC) sought under Condition 2 (vii), 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.

12. 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.

Heritage

13. 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 and record archaeology in the area.

Energy statement

14. In support of each application for Approval of Matters Specified by Condition (AMSC), a detailed Energy Statement identifying compliance with the Perth & Kinross Local Development Plan 2019 (LDP2) Policy 32 shall be submitted to, and approved in writing by, the Planning Authority. The statement as agreed thereafter be adhered to, implemented and operational, prior to bringing into the use of the approved phase of development

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

Waste and Recycling

15. In support of each application for the Approval of Matters Specified by Condition (AMSC), a waste management plan shall be submitted to, and approved in writing by, the Council as Planning Authority, in consultation with Perth and Kinross Council Commercial Waste Team.

Reason: To ensure that the development has appropriately addressed waste and recycling requirements with a necessary duty of care.

Developer Contributions

16. As part of each application for the Approval of Matters Specified by Condition (AMSC), the development shall be reviewed and required to accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line

with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2019 (LDP2) with regards to Transport Infrastructure.

Reason: To ensure that the development approved makes a proportionate contribution towards improvements of local transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

B JUSTIFICATION

The proposal is considered to remain in accordance with the Development Plan overall and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

None required.

D INFORMATIVES

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the Planning Authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the Planning Authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
2. As soon as practicable after the development or developments are complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. Display of notice: A notice must be displayed on or near the site while work is carried out. The Planning Authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
4. 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.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. 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 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.

7. 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 construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. 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.
9. 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.
10. Applicants are advised to refer to the Council's Community Waste Adviser memo dated 04 June 2021 in relation to guidance and requirements.
11. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with the limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

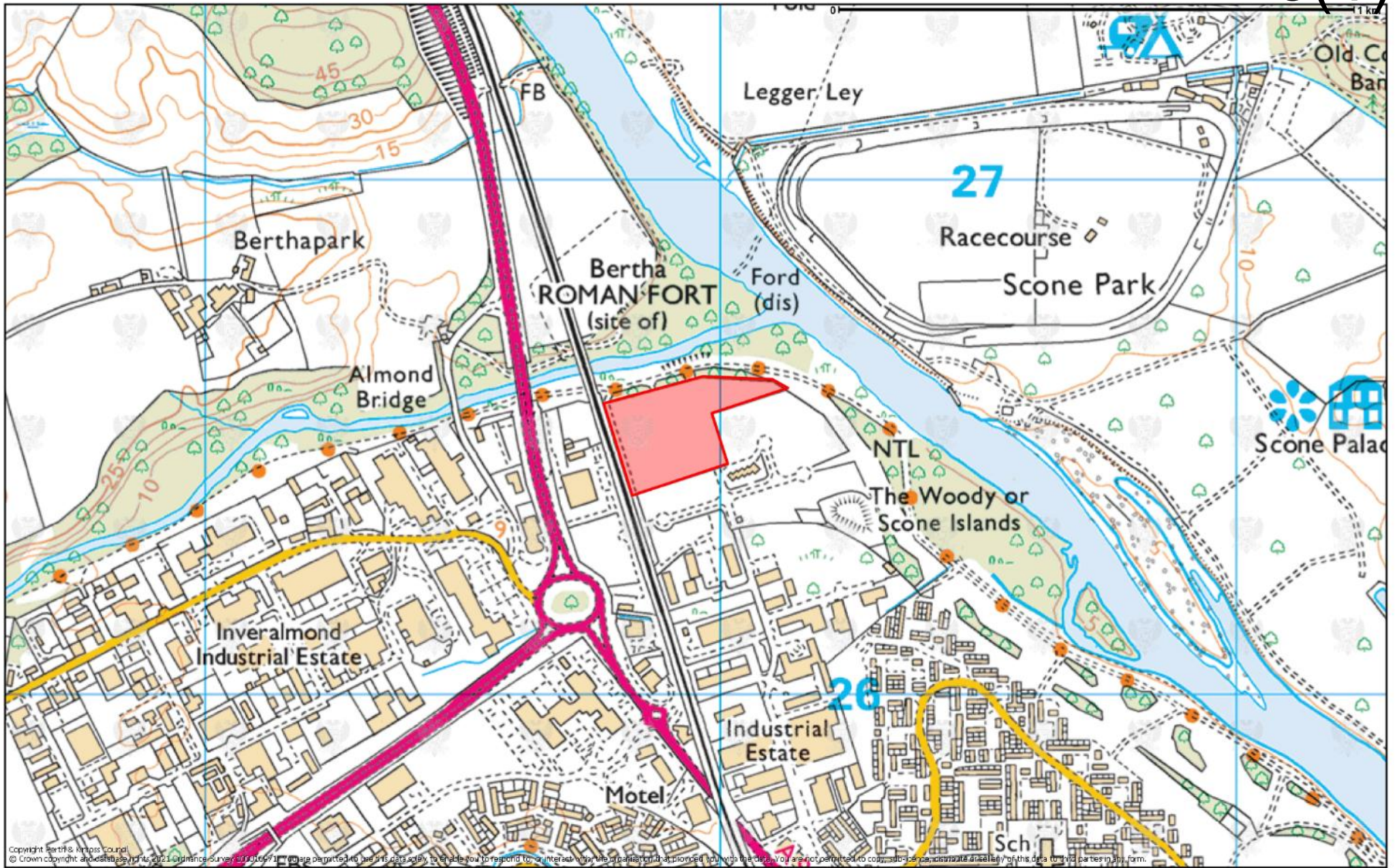
1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA report dated April 2021. The public had opportunity to participate in the decision-making process through notification of the EIA information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.

3. The EIA provides a baseline position, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal, scoping out least significant elements, consistent with scoping opinion recommendations.
4. The Planning Authority is satisfied that the EIA Report is up-to-date, complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report associated supporting environmental information, and recommendations from the consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

Background Papers: 0 letters of representation
 Contact Officer: Callum Petrie
 Date: 7 October 2021

**DAVID LITTLEJOHN
 HEAD OF PLANNING & DEVELOPMENT**

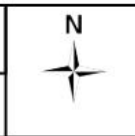
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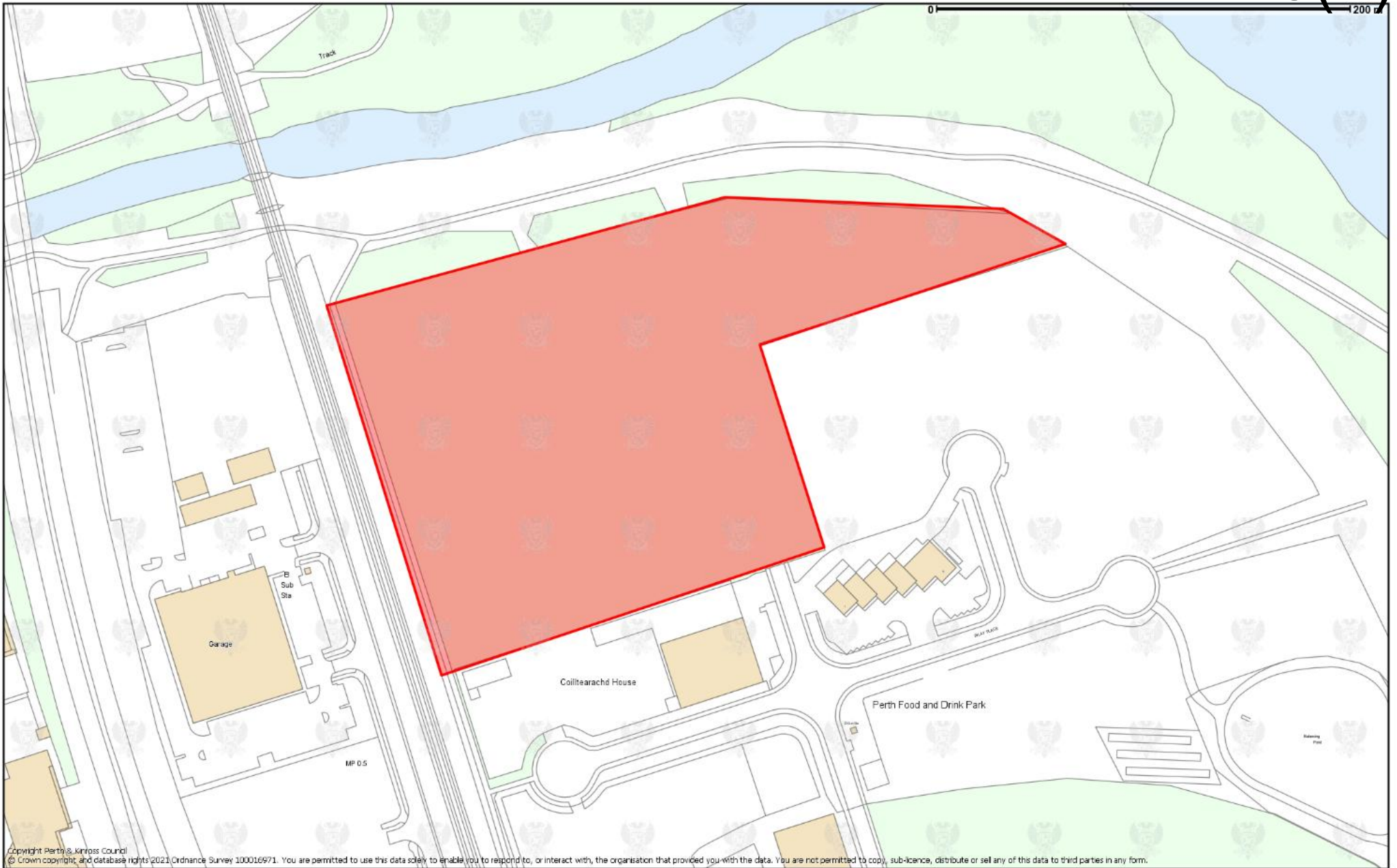
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Scale 1:10000



21/00752/IPM - Proposed employment/business park (use classes 4, 5 and 6) and associated works (LDP site E3) (in principle)
 Land 200 Metres North Of Thomson Landscapes, Inchcape Place, Perth





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Scale 1:2500



21/00752/IPM - Proposed employment/business park (use classes 4, 5 and 6) and associated works (LDP site E3) (in principle)
 Land 200 Metres North Of Thomson Landscapes, Inchcape Place, Perth



Perth and Kinross Council
Planning & Development Management Committee – 20 October 2021

Report of Handling by Head of Planning & Development (Report No. 21/189)

PROPOSAL: Residential development (in principle)

LOCATION: Land west of Berryknowe, Hatchbank, Kinross

Ref. No: [20/01371/IPL](#)

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 This application is for residential development in principle on land at Hatchbank Road, Hatchbank, Kinross.
- 2 An initial site layout was provided that illustrated a development of two dwellinghouses. This has subsequently been altered and a layout for a single dwellinghouse is detailed showing the relationship to the site's tree resource with private foul drainage/soakaway and hardstanding detailed.
- 3 Baltree Farm is to the north of the proposed plot. Berryknowe is located the east of the site next to the shared private access. Over the public road to the south is Hatchbank Cottage. There is a significant tree resource to the west and on the southern boundary which is designated as ancient woodland. The greyhound rescue centre is located 190 metres to the west of the site.
- 4 Access to the plot is to the north of the site from the existing private access to Baltree Farm. An existing shared access/junction to the public road will be utilised.

PRE APPLICATION CONSULTATION

- 5 No formal pre-application consultation undertaken.

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.

The Scottish Planning Policy 2014 (SSP)

- 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 : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57

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 61 Planning and Sustainable Urban Drainage Systems

Creating Places 2013

- 11 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

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

“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

- 15 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.
- 16 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 19: Housing in the Countryside
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 46A: Loch Leven Catchment Area
 - Policy 46B: Loch Leven Catchment Area
 - Policy 52: Flooding
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Housing in the Countryside Supplementary Guidance 2020

- 17 The objective of the policy and guidance is to strike a balance between the need to protect the landscape whilst still encouraging appropriate rural housing developments. This means guiding new houses to places which support existing communities and services and minimise the need to travel, encouraging the reuse of traditional rural buildings, and ensuring that the siting and design of all new houses will not adversely impact on the landscape or on the character of the countryside.

Placemaking Supplementary Guidance 2020

- 18 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.

Developer Contributions and Affordable Housing Supplementary Guidance 2020

- 19 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.

Loch Leven SPA and Ramsar Guidance 2016

- 20 This Guidance relates specifically to water quality of Loch Leven SPA and phosphorus entering the loch's catchment and provides advice on the types of appropriate information and safeguards to be provided in support of your planning applications and how they will be assessed against Local Development Plan Policy 46: Drainage within the Loch Leven Catchment Area.

SITE HISTORY

- 21 **19/01790/IPL** (No web link) - This application was returned to the agent 10 December 2019 for Residential development (in principle).
- 22 [20/00145/IPL](#) - This application was Refused on 31 March 2020 for a residential development (in principle).

CONSULTATIONS

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

External

Scottish Water

- 24 No objection.

Kinross Community Council

- 25 Object to the removal of trees and the impact this could have on wildlife. Road safety, noise and water supply concerns are also raised.

Internal

Transport Planning

- 26 No objection received.

Development Contributions Officer

- 27 No objection subject to conditional control.

Biodiversity/Tree Officer

- 28 No objection subject to conditional control.

Environmental Health (Noise Odour)

- 29 No objection.

REPRESENTATIONS

- 30 A total of 14 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Contrary to Development Plan.
 - Inappropriate housing density.
 - Over intensive development, Inappropriate land use, out of character with area.
 - Loss of trees, woodland will be affected, loss of ancient woodland resource.
 - Impact on biodiversity
 - Adverse effect on visual amenity.
 - Overlooking.
 - Road safety concerns, access, parking, visibility splays, no passing places, no footway provision, limited bus service, traffic congestion, there has already been accidents at this junction.
 - Concerns with drainage arrangements, access to water supply.
 - Noise pollution. Development close to stables and dog kennels (greyhound rescue centre and recently approved 20/00289/FLL), impact on their operation.
- 31 These issues are addressed in the Appraisal section of the report. The issue regarding poor broadband infrastructure connection is noted but has no significant bearing on the assessment of this application.

ADDITIONAL STATEMENTS

32

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal AA Completed
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Tree Survey, Noise Impact Assessment, Supporting Statement

APPRAISAL

- 33 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 Council's Housing in the Countryside, Placemaking, Developer Contributions and Loch Leven Supplementary Guidance.

Principle

- 34 This site lies within the landward area in the LDP2, as a result, the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated 2020 SPG on Housing in the Countryside, which is the most recent expression of Council policy towards new housing in the open countryside.
- 35 The Policy and SPG recognises 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 the six identified categories will be supported.
- (1) Building Group.
 - (2) Infill sites.
 - (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.
 - (4) Renovation or replacement of houses.
 - (5) Conversion or replacement of redundant non-domestic buildings.
 - (6) Development on rural brownfield land.

- 36 Building groups are those groups of buildings which do not have a defined settlement boundary in the LDP2. The size, layout and form of building groups vary widely across the Council area ranging from compact groups to areas which are characterised by a more dispersed building pattern.
- 37 For the purposes of this Supplementary Guidance a building group is defined as 3 or more existing buildings of a size at least equivalent to a traditional cottage and which, when viewed within their landscape setting, appear as a group. The majority of the buildings in the group should be either residential or be suitable for conversion to residential under Category 5 of this guidance.
- 38 Premises which are smaller than a traditional cottage, such as small domestic garages and outbuildings, will not count towards the requirement for at least 3 buildings.
- 39 Permission will be granted for houses within building groups providing it can be demonstrated that:
- New housing will respect the character, scale and form of the existing group, and will be integrated into the existing layout and building pattern.
 - New housing will not detract from the visual amenity of the group when viewed from the wider landscape.
 - A high standard of residential amenity will be provided for both existing and new housing.
- 40 The formation of a single dwellinghouse is considered to relate to the pattern of the building group which consists of buildings to the south and north of Hatchbank Road. The agent has now submitted information to demonstrate that the development of this plot can integrate into woodland and not detract from the visual amenity of the group when viewed from the wider landscape. The proposal is also considered to respect neighboring residential amenity.
- 41 Overall the principle of a dwellinghouse on this site complies with Policy 19 Housing in the Countryside and SPG.

Design Layout and Residential Amenity

- 42 Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. An acceptable level of amenity for the proposed dwelling is required and in this case cognisance of the surrounding land uses must be taken into account.
- 43 With regards to neighbouring residential amenity, the proposal is not considered to result in any adverse amenity issues from overlooking or overshadowing. An acceptable level of residential amenity can also be achieved subject to suitable boundary delineation. These matters can be considered further upon receipt of a detailed application when full detailed plans are submitted illustrating the design and layout of the development (Condition 1). Based on the information submitted to date, it has been demonstrated that the character and layout can respect the existing group and

comply with the applicable placemaking aims within Policies 1A and 1B. To respect the building heights to the south and north of the site conditional control should limit the height of the proposed building to one storey in height but allow accommodation in the roof space.

- 44 Surrounding land uses and their relationship to the proposed site also have to be considered. The Greyhound rescue facility is approximately 190 metres to the west of the site. Environmental Health highlighted under the previously refused application 20/00145/IPL that noise from dogs barking could have an adverse effect on residential amenity of the proposed development including the outdoor amenity.
- 45 As a result of this previous concern, in support of this application, a Noise Assessment was submitted along with a follow up e-mail from the agent with noise information from the consultant. Environmental Health have now reviewed these submissions and are of the view that the residential amenity at the proposed site would not be adversely affected by noise. Considering this, there is no conflict with Policy 56: Noise Pollution.

Landscape, Natural Heritage and Biodiversity

- 46 The forestry along Hatchbank Road is Ancient Woodland. Nature Scot confirmed under an earlier application neighbouring this site (15/02071/FLL) that the ancient woodland – is long established of plantation origin. This means woodland has been present here for certain since c1860 when it was shown on maps of the area but not shown as woodland at all in 1750 or shown as plantation on these maps. These woods were apparently planted before 1860, many of these sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient semi-natural woodland. National planning policy determines that ancient woodland sites are not suitable locations for development.
- 47 The Scottish Government's Policy on Woodland Removal signals a strong presumption in favour of protecting Scotland's woodland resources. The Scottish Forestry Strategy 2006 identifies seven key themes for Scotland's woodlands which are reiterated in the National Planning Framework. While this highlights a need to plan proactively for the expansion of woodland cover, it also confirms that existing woodland should be protected and that its removal should only be permitted where it will achieve significant and clearly defined additional public benefits.
- 48 The agent has now submitted a tree survey for the site and included a revised layout showing the position of a single dwellinghouse and associated surface water soakaway positioned north-west of dwelling, and foul treatment biodisc & wastewater soakaway to the east of the building footprint.
- 49 Within the tree survey, of the twelve trees noted, 5 x U Class trees are identified for removal, 3 x beech trees, 1 x lime tree, and 1 x silver birch. It is recognised and accepted that five trees at the site are in poor condition, and identified as category U, however, the applicant has indicated a preference for retaining trees that presently exhibit structural defects, advocating appropriate

pruning as a means of reducing any associated risk of tree or branch failure to the future users of the site. This position is acceptable providing the tree works are first approved and undertaken to BS3998:2010 Recommendations for Tree Work, by a qualified arborist.

- 50 The revised plan illustrates the root protection areas for all trees that bound the site and a Construction Exclusion Zone (CEZ) is identified. Protective fencing enclosing the identified Root Protection Areas to the south and west boundaries of the site is shown. The proposed development illustrated on the revised plan could be built without impacting the mature trees at the site, providing tree protection measures are put in place before any site construction/clearance, and subject to them complying with BS5837: 2012 Trees in Relation to Design, demolition, and construction. These matters can be secured by conditional control (Condition 3). It is also considered prudent to restrict certain permitted development rights to avoid further pressure on the tree resource (Condition 8).
- 51 The indicative layout indicates beech hedging at the east and north boundaries to the site, with additional trees, and timber screen fencing. Whilst the hedging is welcomed, the existing and proposed screen fencing, within this rural setting, is not. It would be preferential to soften these site boundaries with a post and wire fence, incorporating within it the beech hedge, as a landscape improvement. This can also be secured by condition (Condition 4).
- 52 The agent has advised that they are prepared to provide woodland management within the ancient woodland to the west of the application site. Woodland management would include provision of supplementary planting of native trees within areas where there is sufficient light, using common oak, holly, small leaved lime, hazel, field maple, and beech, planted with proprietary tree tubes, as whips and light feathered stock, and subject to weed control, and firming, and beating up, as necessary. To realise a material benefit, the planting of circa 120 trees would be anticipated, during the first available planting season and before occupation of the dwelling. A condition is required to confirm details of woodland management proposals (Condition 5).
- 53 Overall the strategy to retain trees that presently exhibit structural defects, advocating appropriate pruning as a means of reducing any associated risk of tree or branch failure to future users of the site, along with tree protection measures, the removal of permitted development rights and a woodland management scheme to secure circa 120 trees is considered to comply with Policy 40A and 40B Forestry, Woodland and Trees: Trees, Woodland and Development as well as Policy 41: Biodiversity.

Roads and Access

- 54 The access arrangements from the public road is contained within the redline boundary of the site. The proposed layout illustrates parking and turning facilities within the site that will enable cars to access and egress the site in a forward gear without impacting the woodland resource.
- 55 Transport Planning offer no objection subject to conditional control (Condition 1). This will ensure compliance with Policy 60B: Transport Standards and

Accessibility Requirements: New Development Proposals as well as the National Roads Development Guide 2014.

Drainage and Flooding

- 56 There are no flooding issues at the site from a review of the SEPA flood maps. A Sustainable Urban Drainage System is detailed on the layout to attenuate water and avoid off site flooding and the relationship with the tree root protection areas are now illustrated. Accordingly, there is no conflict with Policy 52: Flooding or Policy 53C: Water Environment and Drainage: Surface Water Drainage.
- 57 Objectors have highlighted concern that there is no public water supply at the site. However, Scottish Water Infrastructure is shown to be in close proximity to the site. The agent has confirmed an intention to connect to this infrastructure and Scottish Water offer no objection in their consultation response (any technical or legal restrictions which prevent a connection will be for the developer to overcome). The location of the proposed supply and how this relates to root protection areas can be secured by conditional control (Condition 3).
- 58 While a foul drainage strategy is suggested as part of this application this matter will be reserved and secured as part of the matters specified by conditions application to ensure that the population equivalent of the development is known as this dictates the level of phosphorus mitigation required (Condition 1 and 6). This is in line with the Loch Leven SPG and ensures compliance with Policy 46A and 46B.

Developer Contributions

- 59 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.
- 60 This proposal is within the catchment of Kinross Primary School. As this application is only "in principle" it is not possible to provide a definitive answer at this stage on the capacity of the primary school. The determination of appropriate contribution, if required, would be based on the status of the school when the full/matters specified by condition application is received (Condition 7).

Economic Impact

- 61 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

- 62 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 layout and the submission of further information on noise and trees.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 63 None required

DIRECTION BY SCOTTISH MINISTERS

- 64 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

- 65 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.
- 66 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

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

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

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

3. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 Trees in relation to design, demolition and construction. Details of any tree works to reduce any associated risk of tree or branch failure to the future users of the site shall be submitted to and approved in writing prior to the commencement of development and thereafter undertaken to BS3998:2010 Recommendations for Tree Work, by a qualified arborist.

Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the Planning Authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

4. In pursuance of condition 1 details of the proposed boundary treatments for the site (consisting of a post and wire fence with beech hedging) shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

5. Prior to the commencement of development, a woodland management plan for the woodland area in control of the applicant to the west of the site shall be submitted to and agreed in writing by the Council as Planning Authority. The woodland management plan is to include provision of supplementary planting of native trees within areas where there is sufficient light, using common oak, holly, small leaved lime, hazel, field maple, and beech, (circa 120 trees) planted with proprietary tree tubes, as whips and light feathered stock, along with a maintenance schedule to include weed control, firming, and beating up, as necessary to ensure woodland establishment. The agreed planting shall be undertaken in the first available planting season (October to March) and prior to the occupation of the dwellinghouse or earlier.

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

6. In pursuance of condition 1 and prior to the occupation of the development hereby approved, foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation shall be installed and thereafter retained.

Reason: To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring compliance with Policy 46 A & B: Loch Leven Catchment Area of the Perth and Kinross Local Development Plan 2 (2019) and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

7. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

8. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1A, 1B, 3A, 3AA, 3B, 3C, 3D, 6D, 6E, 7; of the Town and Country Planning (General Permitted Development)(Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby 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.

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. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
3. Please be aware that your Planning Permission in Principle may be Invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
4. 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. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
7. The 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.
8. 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.
9. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
10. 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 layout and the submission of further information on noise and trees.

Background Papers: 14 letters of representation
Contact Officer: John Russell
Date: 7 October 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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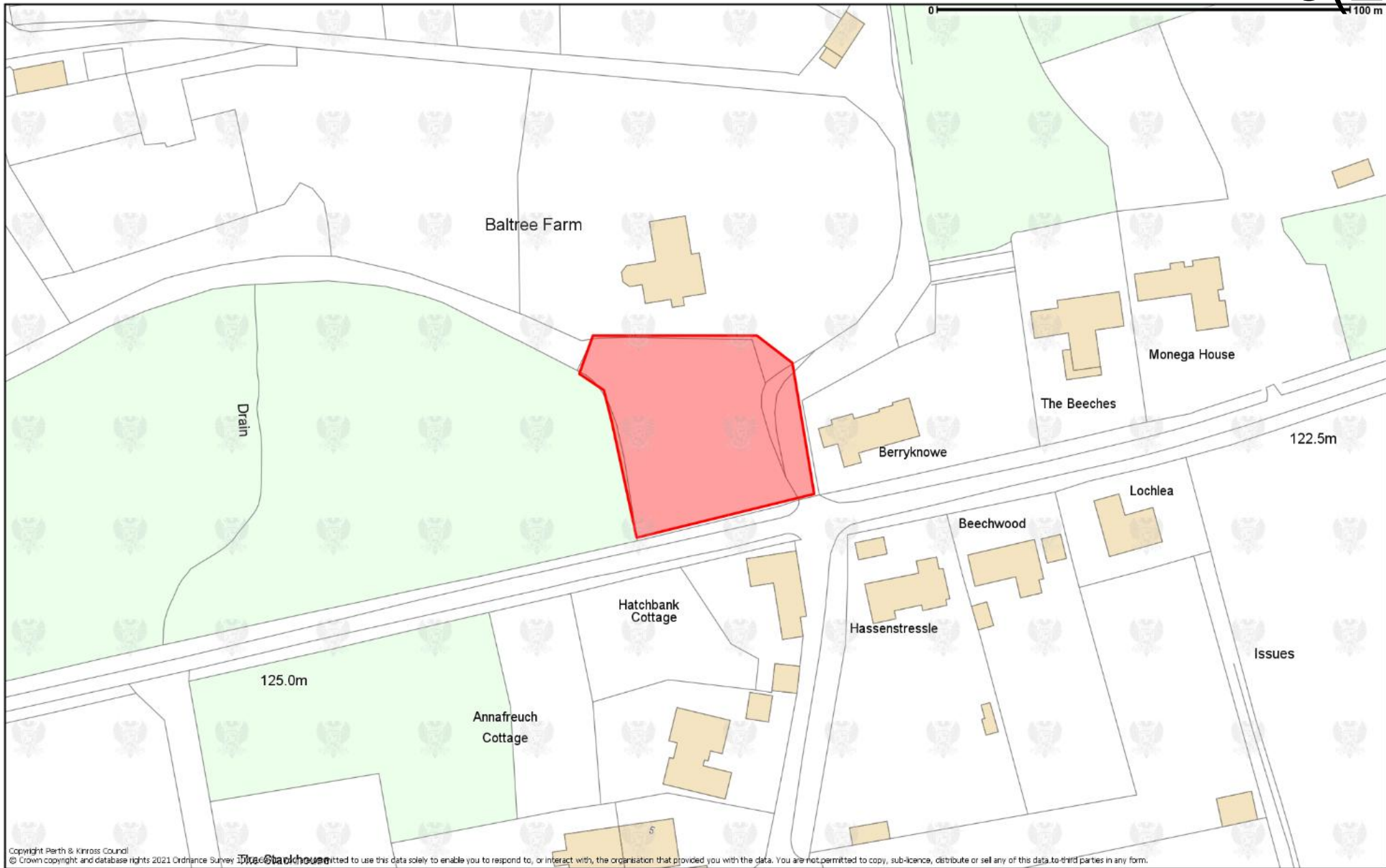
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Scale 1:10000



20/01371/IPL - Residential development (in principle)
 Land 40 Metres West Of Berryknowe, Hatchbank, Kinross





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Scale 1:1250



20/01371/IPL - Residential development (in principle)
Land 40 Metres West Of Berryknowe, Hatchbank, Kinross



Perth and Kinross Council
Planning & Development Management Committee – 20 October 2021

Report of Handling by Head of Planning & Development (Report No. 21/190)

PROPOSAL: Change of use and alterations from agricultural buildings to form 8 holiday accommodation units, erection of 3 holiday accommodation units, utility building, formation of access roads, car parking, drainage and associated works.

LOCATION: West Gormack Farm, Kinloch, Blairgowrie, PH10 6SF

Ref. No: [21/00940/FLL](#)

Ward No: P3- Blairgowrie & Glens

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 West Gormack Farm, Kinloch, Blairgowrie. The application seeks detailed planning permission for the change of use and alterations from agricultural buildings to form 8 holiday accommodation units, the erection of 3 holiday accommodation units, a utility building, the formation of access roads, car parking, drainage and associated works. The application was submitted in tandem with application 21/00944/FLL for the formation of passing places, which was approved under delegated powers in July 2021.
- 2 The application forms the resubmission of planning application 20/01579/FLL which was withdrawn in late 2020. The 2020 application included the provision of an owner's accommodation unit, which has now been omitted from the scheme. There have also been various other amendments following concerns from the Planning Authority.
- 3 According to the supporting statement, in recent years a replacement farmhouse and improvements to the existing agricultural sheds at Middleton of Glasclune have meant that the buildings at West Gormack Farm have become surplus to requirements. Middleton of Glasclune is approximately half a kilometre north of West Gormack. This current scheme is therefore to find an alternative use for the buildings at West Gormack Farm and to ensure that they remain in use.
- 4 Units 1 – 6 of the proposed development involve the conversion of the existing buildings which form a courtyard. Units 7 – 9 are new build elements but on the site of existing large agricultural buildings. Unit 10 is the conversion and

expansion of an existing bothy and finally Unit 11 is also the conversion and expansion of an existing bothy.

PRE -APPLICATION CONSULTATION

Pre-application Reference - 19/00542/PREAPP

- 5 A formal pre-application consultation was undertaken where it was identified that the principle of the development was likely to be acceptable subject to suitable justification and detailing.

NATIONAL PLANNING 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.

The Scottish Planning Policy 2014 (SSP)

- 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 : paragraphs 24 – 35
- Placemaking : paragraphs 36 – 57.

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 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.

Creating Places 2013

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

Designing Streets 2010

- 12 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

- 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 1 – Locational Priorities
 - Policy 2 – Shaping Better Quality Places
 - Policy 9 – Managing TAYplan’s Assets.

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 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 31: Other Historic Environment Assets
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 47: River Tay Catchment Area
 - Policy 52: New Development and Flooding
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 55: Nuisance from Artificial Light and Light Pollution
 - Policy 56: Noise Pollution
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Other Policies

Perth & Kinross Council Placemaking Supplementary Guidance 2020

SITE HISTORY

- 19 **07/01939/OUT** – An application for the erection of a dwellinghouse and garage (in outline) was refused on 22 October 2007 .
- 20 **20/01579/FLL** - A detailed application for a change of use and alterations from agricultural buildings to form 8 holiday accommodation units, erection of 3 holiday accommodation units, owners accommodation unit, utility building, formation of access roads, car parking, drainage and associated works was withdrawn on 18 December 2020 following concerns raised by the Planning Authority in the consideration of the application.

CONSULTATIONS

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

External

Perth & Kinross Heritage Trust (PKHT):

- 22 PKHT have no objection to the proposed development and recommend that should the application be approved, a negative suspensive condition for standing building recording should be attached to the permission to ensure a permanent record is made prior to the change of use and modification.

NatureScot

- 23 NatureScot raised no objections.

Scottish Water

- 24 Scottish Water have no objection to the proposed development as there is currently sufficient capacity in the Lintrathen Water Treatment Works to service the development. There is however no Scottish Water Waste Water Infrastructure available in the vicinity of the development.

Blairgowrie and Rattray Community Council

- 25 A late comment was received from the local community council containing a petition objecting to the proposed development. The petition contains 34 names. No reasons are given on the petition for objecting.

Internal

Transport Planning

- 26 Transport Planning have no objection to the proposed development, subject to conditional control regarding passing places and an informative in relation to the requirement for a Section 56 application.

Development Contributions Officer

- 27 The Development Contributions Officer confirmed that no contributions are required as the site is not located within any of the identified transport infrastructure zones.

Structures And Flooding

- 28 The Structures and Flooding Team originally requested further information. A Flood Risk Assessment (FRA) was subsequently received and the Structures and Flooding Team now have no objection to the proposed development, subject to conditional control regarding further detailing of the proposed drainage arrangements.

Biodiversity/ Tree Officer

- 29 The Biodiversity/ Tree Officer has reviewed the submitted ecology work and has no objection to the proposed development, subject to conditional control regarding the recommendations of the survey work and the installation of bird boxes in the development. An informative is also recommended, highlighting that an updated bat survey is required if works do not commence within 18 months. A second informative is recommended in relation to nesting birds.

Environmental Health (Noise Odour)

- 30 The Environmental Health Team have no objection to the proposed development, subject to conditional control regarding a Noise Management Plan, external lighting, and plant equipment noise. An informative is also recommended regarding the operation of the proposed stoves.

Commercial Waste Team

- 31 The Commercial Waste Team have reviewed the proposed waste arrangements and have no objection to offer as suitable waste provisions are proposed.

Community Greenspace

- 32 The Community Greenspace Team have no objection to the proposed development although recommended conditional control to protect Core path BLAI/129 and the Cateran Trail.

REPRESENTATIONS

- 33 A total of 12 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Contrary to development plan
 - Inappropriate density for rural location
 - Out of character with local area
 - Unsuitability of access road and road safety concerns with intensified use
 - Will encourage unsustainable travel patterns
 - Sewerage concerns
 - Impacts upon wildlife
 - Loss of agricultural land
 - Pollution to Lornty Burn
 - Flooding and drainage concerns
 - Impacts upon broadband speeds
 - Noise pollution and loss of amenity.
- 34 These issues are addressed in the Appraisal section of the report, with the exception of impacts upon broadband speeds, as this is not a material planning consideration.

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	Submitted (Supporting Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted: <ul style="list-style-type: none"> • Business Plan • Flood Risk Assessment • Bat Survey

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. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2020.

Principle

- 37 Policy 8 'Rural Business and Diversification' gives favourable consideration to the expansion of existing businesses and the creation of new businesses in rural areas. This policy is directly applicable to this application due to the site being located outwith an identified settlement boundary and the proposal being for a business use.
- 38 Policy 8 sets a preference that new or expanded businesses will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided. Existing buildings should also be re-used where possible. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.
- 39 According to the supporting statement, in recent years a replacement farmhouse and improvements to the existing agricultural sheds at Middleton of Glasclune have meant that the buildings at West Gormack Farm have become surplus to requirements. Middleton of Glasclune is approximately half a kilometre North of West Gormack. This current scheme is therefore to find an

alternative use for the buildings at West Gormack Farm and to ensure that they remain in an active use.

- 40 In this instance, the applicant has demonstrated through the supporting statement that the location of the buildings immediately adjacent to the CATERAN Trail represents a unique opportunity to invest in high quality tourist accommodation that will encourage visitors and deliver associated economic benefits to the local area. The business plan identifies that the target market are those interested in the outdoors and who are likely to use the CATERAN Trail.
- 41 The proposed buildings on site offer a suitable base for this type of business venture. It is therefore considered that a site-specific resource is being utilised as the farm under question is currently redundant and when converted will align with the proposed business model.
- 42 Additionally, as the proposal seeks to convert many existing building to a high-quality design in order to facilitate the new business venture, this broadly complies with the remit of Policy 8. The proposal would be compatible with the surrounding land uses, would not result in the suburbanisation of the area, and would contribute to the local economy. It is therefore considered that the principle of the development is acceptable.

Design and Layout

- 43 Units 1 – 6 of the proposed development involve the conversion of the existing buildings which form a courtyard. The design of the conversion is sensitive to the traditional nature of the buildings and raises no adverse concerns. The building will remain to appear traditional whilst having some contemporary features. The demolition of some larger agricultural buildings will be required to allow the traditional stone buildings to be converted and an open courtyard created.
- 44 Units 7 – 9 are new build units and are located in close proximity to the existing buildings which will form units 1 – 6. Units 7 – 9 are located in areas where there are existing agricultural buildings present which are to be demolished. The design of the new buildings is considered to be acceptable and will complement the neighbouring existing traditional building to be converted. The scale and massing of units 7 – 9 is appropriate for the site and will not appear out of context. A palette of stone and stained siberian larch cladding, with either retained slate or grey coloured metal standing seam roofing will provide a sensitive contrast of high-quality natural materials whilst echoing the agricultural history of the site. Unit 9 also includes staff facilities, the laundry room, plant equipment and storage facilities.
- 45 Units 10 and 11 are currently both single storey buildings (bothy) and these are each to be converted and expanded. Unit 10 is located approximately 30m to the south of the main units (units 1 - 9) and is immediately off the access road. Unit 11 is more isolated and is located approximately 440m to the south east of the main building group. The design of the conversion and expansions are considered to be acceptable and are appropriate for this rural location. The

bothies at present are in a poor state of repair and are uninhabited, therefore their conversion is welcomed.

- 46 Whilst some concerns have been raised within the letters of representation that the proposed development is out of character with the area, it is considered that the proposed scheme is suitable for the site and respects the existing buildings and building pattern of the area. It is therefore considered that the proposal complies with Policy 1 'Placemaking'.

Landscaping and Visual Amenity

- 47 It is proposed to utilise sensitive boundary treatments, such as hedging, in addition to some tree planting. This will help to soften the visual impact of the proposed development and will form a more effective link between the development and the neighbouring rural environment. It is therefore considered that the proposal complies with Policy 39 'Landscape'.

Residential Amenity

- 48 Concerns were raised within some of the representations regarding potential loss of amenity from the proposed development, particularly with regard to noise pollution. The Council's Environmental Health Team were consulted as part of this application, and have no objection to the proposed development, subject to conditional control regarding a Noise Management Plan (condition 5), external lighting (condition 11), and plant equipment noise (condition 10). An informative is also recommended (informative 16) regarding the operation of the proposed stoves. These conditions and the informative will ensure that noise, lighting and smoke nuisance is adequately controlled by the Planning Authority and will not be of detriment to neighbouring amenity. It is therefore considered that the proposal complies with Policy 55 'Nuisance from Artificial Light and Light Pollution' and Policy 56 'Noise Pollution'.

Roads and Access

- 50 The majority of the letters of representation highlight the unsuitability of the existing access road and road safety concerns with the intensified use caused by the proposal. The Council's Transport Planning Team have reviewed the proposed arrangements and consider them to be acceptable for the proposed development. Each holiday unit has sufficient parking allowances and is adequately linked to the access road. The Council's Transport Planning Team did however recommend conditional control to ensure that additional passing places were included along the access track to improve road safety.
- 51 As previously stated, this planning application was submitted in tandem with application 21/00944/FLL for the formation of passing places. That application proposed 3 passing places along the existing access road. Each passing place is 10 m in length and extends the overall road width at these points to 5.5 m. This application was approved under delegated powers in July 2021. These passing places will help to ensure that there are suitable passing opportunities along the existing access track. Condition 6 has been recommended to ensure that the passing places approved under permission 21/00944/FLL are

implemented prior to any works commencing on this development. This will ensure that the passing places are also installed prior to construction vehicles utilising the access road.

- 52 Overall, it is considered that once the passing places are installed this will improve road safety from the proposed development and it is considered that the proposal complies with Policy 60B 'Transport Standards and Accessibility Requirements'. Bad driving and parking is not a material planning consideration.

Core Path and Cateran Trail

- 53 Core path BLAI/129 and the cateran trail passes through the site. The Community Greenspace Team have no objection to the proposed development, although recommend conditional control to protect the core path and cateran trail (Condition 12). This will ensure compliance with Policy 15 'Public Access' and to ensure that the proposed development is not detrimental to this network.

Drainage and Flooding

- 54 Concerns were raised within representations regarding drainage and flooding. The Council's Structures and Flooding Team initially requested further information in the form of a Flood Risk Assessment (FRA). This FRA was subsequently submitted and reviewed. The FRA identified that the site is suitable for this type of development without being of detriment to existing drainage provision. The Structures and Flooding Team have removed their objection, subject to conditional control regarding further detailing of the proposed drainage (Conditions 3 and 4). The recommended conditions will ensure that appropriate drainage is in place to minimise any potential risk of flooding and the proposal is considered to comply with Policy 52 'New Development and Flooding' and Policy 53C 'Water Environment and Drainage'.

Waste Collection

- 55 The Council's Commercial Waste Team have reviewed the proposed waste arrangements and have no objection to offer, as suitable waste provisions are proposed. Informative 14 has been recommended to ensure that the waste arrangements are in line with Council requirements.

Contaminated Land

- 56 The former use of the site and buildings has the potential to result in ground contamination, being part of the farm. Condition 7 has therefore been recommended to ensure that any ground contamination on the site is appropriately dealt with, this will ensure compliance with Policy 58A 'Contaminated and Unstable Land'.

Lornty Burn

- 57 Some letters of representation raised concerns with the potential pollution of the Lornty Burn from the proposed sewerage arrangements of the proposed

development. The sewerage arrangements will be fully assessed at building warrant stage in consultation with SEPA. A CAR licence will also be required from SEPA. It is therefore considered that there will be no impacts upon the Lornty Burn from the proposed development in compliance with Policy 47 'River Tay Catchment Area'.

Conservation Considerations

- 58 Part of the proposed development incorporates the re-use of the traditional buildings on the site. This is welcomed as the existing buildings in question contribute positively to the visual amenity of the area. The retention of these buildings ensures compliance with Policy 31 'Other Historic Assets'.
- 59 Perth & Kinross Heritage Trust (PKHT) raised no objection to the proposed development. They did however recommend that should the application be approved, that a negative suspensive condition for standing building recording should be attached to the permission to ensure a permanent record is made prior to any change of use or modification (Condition 2)

Natural Heritage and Biodiversity

- 60 Some letters of representation highlight the impact of the proposed development upon the natural heritage and biodiversity of the area as a concern. Ecology work has been submitted with this application. The Ecology work shows that the proposed development can be implemented without being of detriment to the ecology of the area. The Biodiversity/ Tree Officer has reviewed the submitted ecology work and has no objection to the proposed development, subject to conditional control regarding the recommendations of the survey work and the installation of bird boxes in the development (Conditions 8 and 9). These conditions will ensure that best practice is undertaken to minimise the impact of the proposed development upon the natural heritage and biodiversity of the area. An informative is also recommended (Informative 7) to highlight that an updated bat survey is required if works do not commence within 18 months. A second informative (Informative 8) is recommended in relation to nesting birds as a precaution, should they be found during any demolitions. The recommended conditions and informatives will ensure compliance with Policy 41 'Biodiversity'.

Developer Contributions

- 61 The Development Contributions Officer has confirmed that no contributions are required as the site is not located within any of the identified transport infrastructure zones in line with Policy 5 'Infrastructure Contributions'.

Economic Impact

- 62 The proposal will bring a redundant farm back into a practicable use and will provide additional tourism facilities and potential employment opportunities for the Blairgowrie area. This is likely to create a positive economic impact. There is also likely to be some short term economic gain from the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 63 None required.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 64 None required.

DIRECTION BY SCOTTISH MINISTERS

- 65 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

- 66 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.
- 67 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

Reason: To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

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

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

4. Development shall not commence on site until detailed plans of the proposed culvert re-alignment have been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter, the agreed scheme shall be implemented as part of the site development, to the satisfaction of the Council as Planning Authority.

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

5. Prior to the commencement of the development hereby approved, a Noise Management Plan (NMP) shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including user noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development, to the satisfaction of the Council as Planning Authority.

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

6. Prior to the commencement of development hereby approved, the passing places approved under planning permission 21/00944/FLL shall be implemented in full accordance with the said permission, to the satisfaction of the Council as Planning Authority. Thereafter, the passing places shall be maintained in a reasonable condition for the life of the development.

Reason: In the interests of pedestrian and traffic safety.

7. 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.

- 8. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 7 'Mitigation And Compensation Recommendations' in the submitted Full Bat Survey Report, Jenny Wallace Ecology, 2 August 2020 (Report No 73).

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

- 9. Prior to the occupation of any part of the development hereby approved, at least six bird nest boxes shall be provided on the completed buildings, to the satisfaction of the Council as Planning Authority. Thereafter, they shall be retained in a reasonable condition for the life of the development.

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

- 10. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 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 order to safeguard the neighbouring residential amenity in the area.

- 11. 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 road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

- 12. The core path BLA1/129 and the Cateran Trail must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good

before the development is completed or brought into use, whichever is the earlier. The width of the road and track and their verges and passing places must be maintained at all times and notices to warn drivers to expect non-motorised access takers and drive slowly should be erected.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

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

Reason: In order to clarify the terms of the permission; to control and restrict the use of the buildings.

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

6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
8. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
9. 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.
10. 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.
11. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
12. 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. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
13. 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.

[https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood Risk and FRA - June 2014.pdf?m=635379146904000000](https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000)

14. 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.
15. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
16. 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.
17. 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.

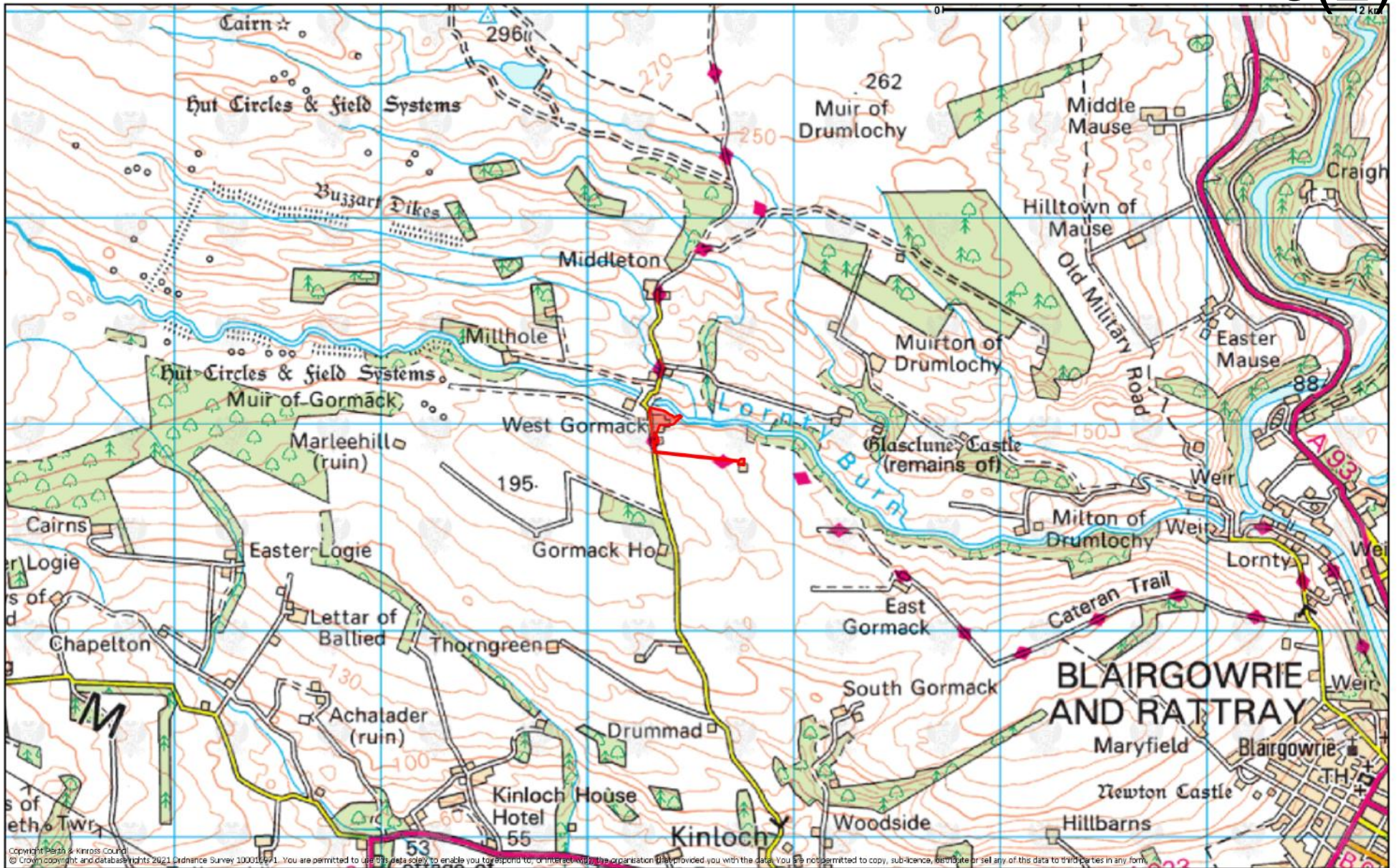
Background Papers: 12 letters of representation
Contact Officer: Sean Panton
Date: 7 October 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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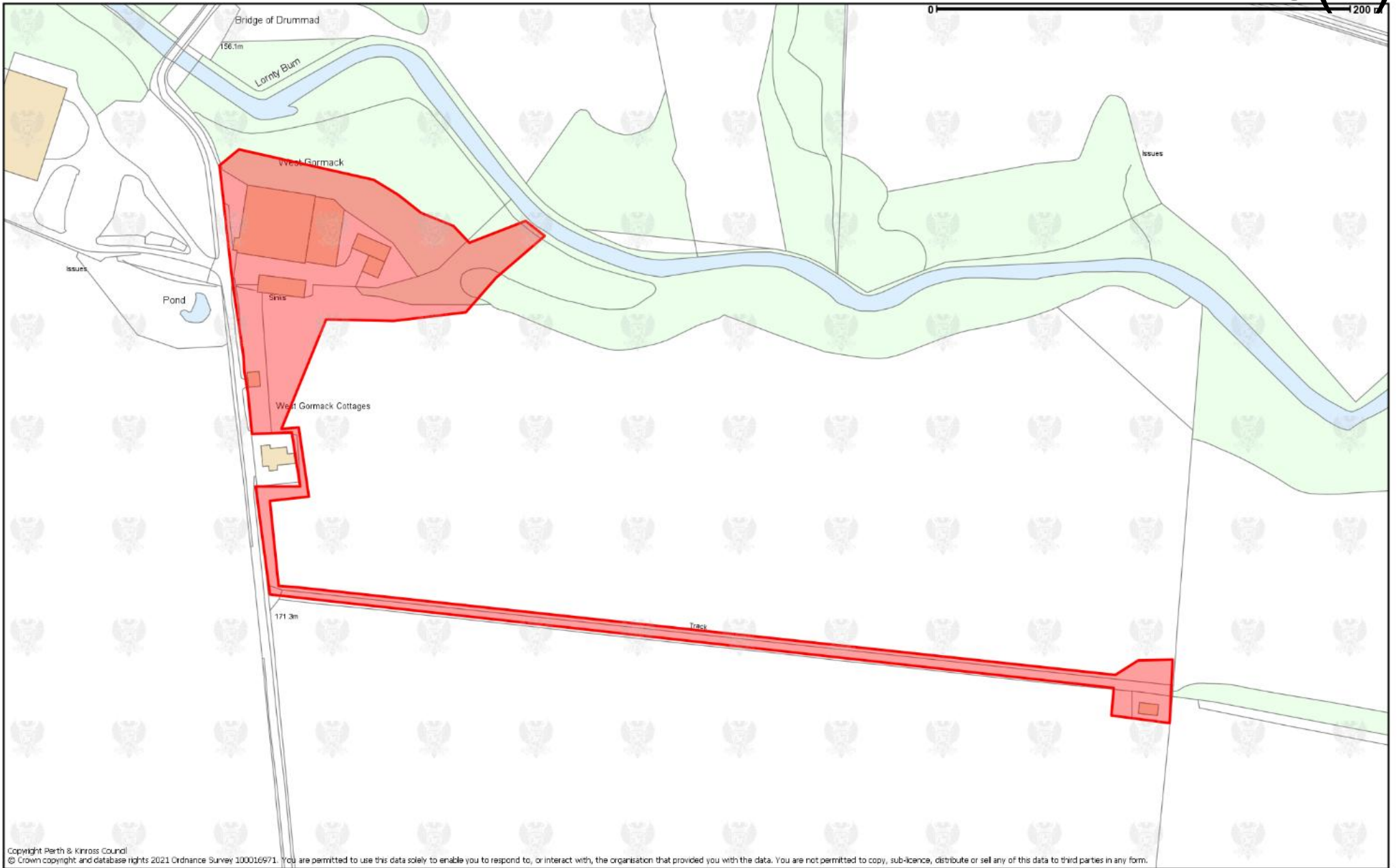
Scale 1:25000



21/00940/FLL - Change of use and alterations from agricultural buildings to form 8 holiday accommodation units, erection of 3 holiday accommodation units, utility building, formation of access roads, car parking, drainage and associated works

West Gormack Farm, Kinloch, Blairgowrie





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