

Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Report of Handling by Strategic Lead: Economy, Development and Planning
(Report No. 24/168)

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| PROPOSAL: | Erection of a brewery, tap room, storage, formation of vehicle access, parking area, installation of EV charging point, formation of outdoor seating area, landscaping and associated works |
| LOCATION: | Land 50 Metres South of Council Cottages Ferry Road Pitlochry |

Ref. No: [23/01742/FLL](#)
Ward No: P4- Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application is for a brewery comprising of a production facility, a cold store facility, a taproom serving food and drink with a small shop and outdoor seating. The proposal includes parking for 3 vehicles and 1 accessible parking bay with an EV charging point, cycle parking and associated hard and soft landscaping.
- 2 The operational hours of the site will be 08:00 – 16:00, with the tap room operating 11:00 – 22:00 Tuesday – Sunday. The taproom would have a capacity of 96 persons internally, and 36 externally.
- 3 The application site is an area of woodland measuring 1824 sqm on the south side of Ferry Road, Pitlochry. The site consists of a large, open flat area (formerly used as a site compound) with steeply banked topography and mature trees to the east, south and west. It is proposed to fell three trees and one tree group to enable the development and remove six dead oak trees. Compensatory planting is proposed together with bird and bat boxes on the brewery building.
- 4 A single level build is proposed with two pitched roof buildings connected by a low flat roof. The brew hall will have feature glazing on the northern elevation and an internal glazed partition to showcase the technical production equipment utilised by the brewery. The building is to be finished in dark grey corrugated metal sheeting, grey aluminium and timber windows and doors and grey

aluminium rainwater goods. The roof is to be corrugated steel sheeting in the same dark grey colour as the cladding with translucent roof sheeting skylights into the brew hall, taproom and goods incoming area. A southern aspect roof mounted solar panel array is proposed. The north street facing elevations and one east aspect pitched roof will feature company logos and signage.

- 5 Pitlochry Community Hospital is approximately 50m to the northwest of the site and Balhousie Pitlochry Care Home approximately 50m to the southwest of the site. Residential properties (Burnside Cottages) are located 20m to the north and 50m to the east of the site at Bobbin Mill.

Site History

- 6 08/02104/FUL Full Planning Permission was Approved On 7 April 2009 for Erection of 3 workshop/office units.
- 7 11/01434/FLL Full Planning Permission was Approved On 25 November 2011 for Erection of building to be used as a timber merchants.

PRE-APPLICATION CONSULTATION

- 8 Pre application Reference: 23/00073/PREAPL – The planning response recognised that this was a hybrid proposal and there may be an opportunity to split the uses into employment land and town centre locations. A sequential assessment would be required for any future application to demonstrate there are no suitable alternative sites and to also demonstrate the proposed development would be compatible with the residential and health uses in the immediate surrounding area.
- 9 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises National Planning Framework 4 and the Perth and Kinross Local Development Plan 2 (2019, along with its associated statutory supplementary guidance).

National Planning Framework 4

- 11 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

13 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 6: Forestry, Woodland and Trees
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 12: Zero Waste
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety
- Policy 27: City, Town, Local and Commercial Centres
- Policy 30: Tourism

Perth and Kinross Local Development Plan 2019

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

15 The principal relevant policies are, in summary:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 6: Settlement Boundaries
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 18: Pubs and Clubs in Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage

- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Statutory Supplementary Guidance

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

PKC Non-Statutory Guidance

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

- 16 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars, in addition to NPF4.

Planning Advice Notes

- 17 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

- 18 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

- 19 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

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

CONSULTATIONS

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

External

- 22 **Network Rail** - No objection, subject to an informative being attached to any planning permission granted to highlight the site is close to a railway underbridge.
- 23 **Perth And Kinross Heritage Trust** - No objection. No issues raised in respect of archaeology.
- 24 **Scottish Water** - No objection. Scottish Water requested further information during the application process on the abstraction volume as the site is in a Drinking Water Protected Area. The consultation response notes the impact on Water Resources and the operation of the brewery and accompanying amenities has been reviewed against the confirmed abstraction volume of 200,000 litres per annum (0.2MI/annum). Assuming this water usage remains consistent with these values, Scottish Water confirm the proposal can be considered as low-medium risk regarding Water Resources. Scottish Water would have no objections with the proposed volume of water and request that they should be notified if these volumes change. Scottish Water also request that prior to work commencing on site they are notified as they may wish to take water samples as a precaution to protect water quality. It is recommended that an informative be attached to any planning permission granted (Informative 5).
- 25 **Scottish Environment Protection Agency** - No objection.
- 26 **NatureScot** – No response.

Internal

- 27 **Biodiversity/Tree Officer** - No objection, subject to conditions. The Preliminary Ecological Appraisal and Ecological Impact Assessment by Tay Ecology is in accordance with best practice. No protected species were present, and no further surveys were recommended. Biodiversity enhancement measures are recommended. Conditions are recommended by the Tree Officer to ensure a satisfactory standard of development and environmental quality. An updated consultation response was received from the Tree Officer following the submission of revised plans and a tree survey report after a site meeting was held in February 2024 with the applicant's agent, the planning officer and transport planning.
- 28 **Structures and Flooding** – No objection following review of further detailed information submitted during the application process.
- 29 **Environmental Health (Contaminated Land)** - No objection. An inspection of the proposed development site did not raise any real concerns, although mapping does indicate that there is land formerly occupied by various potentially contaminative sources nearby. The applicant is advised that there may therefore be potential for contamination within the site. Informative recommended.
- 30 **Environmental Health (Noise Odour)** - No objection subject to conditions following review of further detailed information submitted during the application process.
- 31 **Environmental Health (Private Water)** - No objection. The applicant has stated that Public Mains water will be used, therefore as no existing private water supplies will be affected by the proposed activities there is no comment at this time.
- 32 **Development Contributions Officer** - No contribution required in line with supplementary guidance.
- 33 **Transportation and Development** – No objection subject to conditions following review of further information and revised plans requested after a site meeting on 5 February 2024 with the applicant's agent, Tree Officer and Planning Officer.
- 34 **Development Plan** – Reviewed further supporting information submitted during the application process to ensure compliance with policies in NPF4 and LDP2.
- 35 **Commercial Waste Team** - No objection. Bin storage sufficient.

REPRESENTATIONS

- 36 30 representations were received including 6 objections, 2 neutral representations and 22 letters of support. The main issues raised within the objections are:

- Noise, disturbance and nuisance – detrimental impact on residential amenity
- Detrimental impact on natural environment and protected species
- Traffic impact
- Impact on access to residential homes at Bobbin Mill
- Air and noise pollution
- Contaminated site
- Poor design
- The proposed use is incompatible with surrounding land uses which includes a care home and medical centre
- Contrary to LDP policies including open space
- Detrimental impact on safety of nearby residents

37 The Atholl Medical Centre requested the following matters be noted - that the NHS site includes an ambulance dept with 24/7 access required; there should be no obstructive parking on Ferry Road with access for GPs and staff required at all times; and the parking at the medical centre is for the benefit of users of the hospital and GP surgery only.

38 The letters of support consider the development would bring wide ranging economic benefits to the town and enhance the local area.

39 The issues raised are considered in full in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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| Screening Opinion | EIA Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required |
| Appropriate Assessment under Habitats Regulations | Habitats Regulations Appraisal /AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Submitted - Ecological Survey, Tree Survey, Drainage Assessment |

APPRAISAL

41 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 Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. 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 and issues raised in the representations.

Principle

- 42 A number of policies are relevant to the proposed mixed-use development on a site designated as open space and located outwith the Pitlochry Town Centre boundary identified in LDP2.
- 43 NPF4 Policy 26 Business and Industry supports development on sites allocated for business and industry uses in the LDP (paragraph a). The site is not allocated for business and industry use in LDP2. As such, NPF4 Policy 26 d) applies and this states that *development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:*
- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and*
 - ii. The nature and scale of the activity will be compatible with the surrounding area.*
- 44 NPF4 Policy 27 City, Town, Local and Commercial Centres applies the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.
- 45 NPF4 Policy 27 b) states *proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces:*
- i. will be supported in existing city, town and local centres, and*
 - ii. will not be supported outwith those centres unless a town centre first assessment demonstrates that:*
 - all centre and edge of centre options have been sequentially assessed and discounted as unsuitable or unavailable;*
 - the scale of development cannot reasonably be altered or reduced in scale to allow it to be accommodated in a centre; and*
 - the impacts on existing centres have been thoroughly assessed and there will be no significant adverse effect on the vitality and viability of the centres.*
- 46 This policy aligns with LDP2 Policy 13: Retail and Commercial Leisure Proposals.
- 47 Also of relevance is LDP2 Policy 18: Pubs and Clubs in Residential Areas which states there will be a presumption against the siting of these in the midst of other (particularly residential) uses where problems of noise or disturbance cannot be satisfactorily addressed.

- 48 NPF4 Policy 30 Tourism intends to encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with national net zero and nature commitments, and inspires people to visit Scotland. Policy 30 a) states *development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the LDP, will be supported*. The site is not identified in the LDP for a tourism related use. As such Policy 30 b) applies and this states *proposals for tourism related development will take into account*:
- i. The contribution made to the local economy;*
 - ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;*
 - iii. Impacts on communities, for example by hindering the provision of homes and services for local people;*
 - iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;*
 - v. Accessibility for disabled people;*
 - vi. Measures taken to minimise carbon emissions;*
 - vii. Opportunities to provide access to the natural environment.*
- 49 A supporting statement has been submitted to address national and local planning policies. This highlights that the business, an independently owned & managed craft brewery, has outgrown its current site in Blair Atholl and is seeking to relocate to a site in Pitlochry where its operations first began in 2016. It notes that the relocation of the brewery will move 3.5 full time existing jobs to Pitlochry, it will immediately create at least 2.5 full-time jobs in Pitlochry, with a further 2 full-time jobs expected to be required in the years to come.
- 50 The business requires more space than its current location can provide and there is a lack of suitable existing industrial space for growth in Pitlochry with no sites identified in the town centre that are large enough to accommodate the business. The statement reports that splitting the production and taproom uses between two sites has been considered but is economically unviable and inefficient. Single site operation is a necessity for the business. The implications of multi-site operation for licensing would mean duplicating the operational effort, and the cost and complexity of the business. The statement highlights the aspiration for a combined production and taproom experience is very similar to that of a distillery & visitor experience.
- 51 In respect of NPF4 Policy 26, the statement reports there are no suitable alternative sites allocated in Pitlochry with very limited areas of employment safeguarding and no specific development sites identified for further employment, business and industry development. The nature of activity proposed is not incongruous with the surrounding context of the area, which features a mixture of town centre businesses, industry, tourism, residential, healthcare and leisure. The proposals are conscious of the neighbouring residential amenity and the healthcare facilities to the west. A noise impact assessment has been carried out

which demonstrates there is negligible impact to the surrounding area. The accompanying noise impact assessment provides mitigation recommendations, which can ultimately be conditioned. It also highlights a licensed business must comply with the Licensing (Scotland) Act 2005 and preventing public nuisance and crime and disorder, amongst other elements are core components of the business operating plan and associated operational policies that will be governed by Perth and Kinross Licensing Board on an ongoing basis.

- 52 The site was selected predominantly because of its proximity to the town centre boundary. In line with LDP2 Policy 27b) ii) the site is considered a suitable “edge of centre option” being close to the boundary of the town centre in LDP2. The scale of the development cannot be reasonably altered or reduced to accommodate it within the town centre and the supporting statement asserts there would be no significant adverse impact on the vitality and viability of the existing centre. The proposed site achieves a greater balance of all desired outcomes over a town centre location and is the best option available for the space required. The statement reports the location is extremely accessible, being no more than a 4-minute walk from the train station and the town centre junction with Ferry Road.
- 53 The supporting statement highlights that existing signage already encourages tourism foot traffic from the town centre along Ferry Road toward the Pitlochry Recreation Ground, Dam & Visitor Centre, Fish Ladder and Festival Theatre. There are other business & industry uses along Ferry Road including a restaurant and game butcher, meaning footfall from the town centre towards Ferry Road and across the River Tummel, is already established. The proposal will create a further attractive destination for tourism and create additional footfall between the town centre and brewery bringing wider economic benefits.
- 54 In respect of NPF4 Policy 30 Tourism, the supporting statement addresses the relevant criteria and reports the proposal would create a dynamic visitor experience and tourist destination in Pitlochry and increase local economic benefits through tourism, in line with Policy 30 b) i) and in line with Policy 30 b) ii) the proposed land use and scale of development is compatible with the surrounding area. In line with Policy 30 b) iv) and v) the site is easily accessible via sustainable travel and the scheme is designed to be accessible for disabled people. It outlines the business is very carbon conscious, and a variety of renewable technologies will be employed to minimise carbon emissions in line with Policy 30 b) vi). The proposed site is adjacent to a core path and provides visitors with the opportunity to access the surrounding natural environment in line with Policy 30 b) vii).
- 55 The supporting statement reports the brewery is not just a bar or shop it is a destination which will provide visitors with a full experience, seeing the end-to-end production process, completed with an opportunity to sample the end produce and experience the taproom which will showcase the best of the brewery. The proposals will successfully achieve the Policy 30 intent of promoting and facilitating sustainable tourism which benefits local people and is

consistent with NPF4 net zero and nature commitments, providing further inspiration for people to visit Scotland.

- 56 In response, the supporting statement demonstrates why a combined facility is required and that splitting the production and taproom uses between two sites is economically unviable and inefficient and that the combined facility would operate very similar to a distillery/visitor experience.
- 57 It demonstrates a site selection process has been undertaken and there are no suitable industrial sites available large enough to accommodate the business growth required. The statement notes that the Ferry Road site achieves the greater balance of the desired outcomes of the business, over a town centre location where the brewery/production use would be closer to a higher density of noise/odour sensitive receptors.
- 58 The supporting statement addresses the compatibility of the proposal in relation to the surrounding area, including ensuring amenity is not adversely impacted. In respect of amenity, also of relevance is LDP2 Policy 18: Pubs and Clubs in Residential Areas which states there will be a presumption against the siting of these in the midst of other (particularly residential) uses where problems of noise or disturbance cannot be satisfactorily addressed. A Noise Impact Assessment (Document 41) reports it is not likely that adverse impacts will be experienced at any receptor due to the development. The Odour Assessment (Document 33) reports odour from the proposed development is predicted to be of negligible significance subject to the satisfactory implementation of mitigation measures. The supporting documents have assessed the potential problems of noise or disturbance, and this has been satisfactorily addressed in line with national and local planning policy. This is reviewed further later in the report under 'Residential Amenity'.
- 59 The supporting statement does not provide a specific Town Centre Assessment, as required by NPF4, rather further information is provided justifying the selection of the site based on the operational requirements of the development alongside the benefits of the edge of town centre location in achieving the best balance to meet the objectives of the various elements of the business.
- 60 Overall, it is considered that sufficient justification has been provided for the mixed-use development on the site at Ferry Road. There will be no significant adverse effect on the vitality and viability of the town centre. The site is edge of centre, easily accessible from the town centre and well connected to other uses in the surrounding area offering an opportunity for greater interaction and linked trips to enhance the quality of experience in the town. To protect surrounding amenity conditions are recommended as outlined later in the report. As a new tourism facility, the supporting statement demonstrates the proposal meets the criteria set out in Policy 30 b).
- 61 The proposal satisfies NPF4 Policy 26 Business and Industry, NPF4 Policy 27 City, Town, Local and Commercial Centres, NPF4 Policy 30 Tourism and LDP2

Policy 13: Retail and Commercial Leisure Proposals and LDP2 Policy 18: Pubs and Clubs in Residential Areas.

Design and Layout

- 62 NPF4 Policy 14 Design, Quality and Place states development which is poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported. LDP2 Policy 1: Placemaking aligns with this national policy and states development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development. Policy 1B sets out the placemaking criteria which should be met.
- 63 A single level bespoke build is proposed with two pitched roof buildings connected by a low flat roof. The brew hall will have feature glazing on the northern aspect elevation and an internal glazed partition to showcase the technical production equipment utilised by the brewery. The building is to be finished in dark grey corrugated metal sheeting, grey aluminium and timber windows and doors and grey aluminium rainwater goods. The roof is to be corrugated steel sheeting in the same dark grey colour as the cladding with translucent roof sheeting skylights into the brew hall, taproom and goods incoming area. A southern aspect roof mounted solar panel array is proposed. The north street facing elevations and one east aspect pitched roof will feature company logos and signage. The front/north elevation was amended to accommodate a recessed roller shutter door and delivery bay (Drawing 52).
- 64 The supporting planning statement highlights the design strategy was to respond sensitively to a site which has a flat central area and is sheltered by the topography and tree screening (Document 42). The mass of the building is broken up to reduce its visual impact with materials selected to help the building recede into the landscape. The exterior landscaping will feature concrete retaining walls to the south to account for cutting into the existing sloped topography which has been minimised.
- 65 The proposals make the best use of the site and its orientation to create a building that sits sheltered by its surroundings. The plan is predominantly linear and follows the line of the existing grass clearing of the site, with the taproom extending out toward the east from the main brewery building. This L-shape helps create a sheltered public courtyard and outdoor seating area. All accommodation is at ground floor with level access from external circulation routes. Car parking is kept to a minimum, to encourage the use of public transport, cycling and walking to the site. A disabled parking bay is provided. There is a large bike stance area to allow visitors to cycle to the premises.

66 Overall, the design and layout of the proposed development has been sensitively considered to respect the site topography and surrounding natural and built environment. The bespoke design incorporates sustainable design and construction and new planting is proposed to enhance the surrounding woodland and the setting of the new building. The proposal satisfies NPF4 Policy 2: Climate Mitigation and Adaptation and NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1: Placemaking and LDP 2 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development.

Residential Amenity

67 NPF4 Policy 14 Design, Quality and Place and LDP2 Policy 1: Placemaking requires development to respect the amenity of the place. NPF4 Policy 23 Health and Safety aims to protect people and places from environmental harm and this aligns with LDP2 Policy 55: Nuisance from Artificial Light and Light Pollution, LDP2 Policy 56: Noise Pollution and LDP2 Policy 57: Air Quality.

68 Noise – There are a number of potential noise sources associated with the proposed development. These include patron noise, including the outdoor seating area, vehicle noise and plant equipment noise. Noise sensitive receptors include residential properties to the north and east of the site, Balhousie Care Home and Pitlochry Community Hospital to the west.

69 The applicant submitted a Noise Impact Assessment (NIA) in November 2023 (Document 35). Following discussion between Environmental Health (EH) and the noise consultant, an updated NIA was submitted in December 2023 (Document 41). The scope and approach of the assessment was completed considering both local planning policy and agreed methodology and criteria with PKC.

70 Background noise surveys were undertaken and are outlined in the NIA. In respect of plant equipment these are all well within the acceptable limits, provided that there is no change to the number and type of plant equipment installed. Internal activities were assessed, and one issue raised was the use of a compressor in the goods incoming area whilst the shutter door is open during deliveries, therefore, it is advised that the air compressor should not be in use whilst the shutter door is open with deliveries expected to be 1-2 per day and all carried out during normal working hours. Overall, operational noise levels are barely perceptible and within acceptable limits. In respect of patron noise this has been assessed for worse-case scenario and mitigation is required. In order to meet acceptable levels, terraced seating on the northeast side of the development has been removed from the plans. It will also be necessary to limit the number of patrons in the outdoor area to 35. The skylights must also be altered from polycarbonate sheeting to perspex of at least 6mm thickness and the sliding doors leading to the outdoor area must remain closed at all times. By putting in these measures, predicted levels are reduced below the background level. The NIA reports it is not likely that adverse impacts will be experienced at any receptor due to the development.

- 71 Environmental Health have reviewed the NIA and recommend a number of conditions to ensure surrounding amenity is protected (Conditions 8, 9, 10, 11, 15, 16, 17 and 18).
- 72 Air Quality and Odour – The plans include the provision of a wood burning stove and the installation of associated flue. The technical specifications supplied with the application relates to a domestic sized stove and therefore EH have no adverse comments to make with regards to air quality in relation to the stove. Given the height of the flue and distance to residential properties EH do not foresee smoke and/or odour affecting residential amenity of neighbouring properties.
- 73 The applicant has submitted an odour assessment with the application (Document 33). The assessment states that the potential odour sources will be the release of vapours through the ventilation duct above the brewing hall and when the effluent tanks are filled and emptied. As no effluent treatment is proposed on site and all spent grains and other industrial effluent will be held in sealed containers fitted with carbon filters, odour from effluent storage has not been considered further. It is therefore stated that odour has been predicted for a single scenario; emissions from the brewing hall vent.
- 74 EH note in their consultation response that when assessing the impact of odour, guidance has been taken from The Institute of Air Quality Management (IAQM) Guidance on the assessment of odour for planning and SEPA issued guidance on odour assessment for processes that are subject to the Pollution Prevention and Control regulations (PPC). Whilst this does not apply to this development, the Guidance provides a useful framework for assessing the potential adverse impacts on amenity. SEPA's guidance notes odour from brewing falls into the category of less offensive. The assessment reports odour from the proposed development is predicted to be of negligible significance subject to the satisfactory implementation of mitigation measures.
- 75 EH recommend a number of conditions to ensure odour from the proposed development does not impact surrounding amenity (Conditions 13, 14 and 19).
- 76 Lighting – EH recommend a condition to ensure external lighting does not adversely affect neighbouring land (Condition 12).
- 77 The supporting documents have assessed the potential issues of noise and odour and these matters have been satisfactorily addressed in line with national and local planning policy. Planning conditions are recommended to safeguard the amenity of the surrounding area. The proposal satisfies NPF4 Policy 14 Design, Quality and Place and NPF4 Policy 23 Health and Safety and LDP2 Policy 1: Placemaking, LDP2 Policy 55: Nuisance from Artificial Light and Light Pollution, LDP2 Policy 56: Noise Pollution and LDP2 Policy 57: Air Quality.

Roads and Access

- 78 Transport Planning note in their response that the site will have three regular parking bays, with one additional accessible parking bay. One of the bays will be provided with an electric charge point and cycle parking is proposed on site.
- 79 The applicant has provided a Transport Statement for the site and has provided a subsequent update that now includes industry standard and verifiable trip rate and mode share data from TRICS that provides information on the level of person trips associated with the type of development proposed. Subsequent analysis of this data by Transportation and Development has indicated that the proposed development will attract a total of approx. 39 vehicles per day which can be accommodate in nearby offsite public parking.
- 80 In response to matters raised in the representation from Atholl Medical Centre, Transport Planning requested that a loading facility for vehicles up to 12 metres is provided on site to accommodate normal operations. Amended drawings have been submitted to show a 12-metre service bay – proposed elevations (Drawing 52), proposed site plan (Drawing 71) and swept path analysis (Drawings 67-69). Transport Planning note this service bay will end up occupying the full width of the service strip of the public road network which as part of the development will be constructed as a footway. This is far from ideal however the scaled swept path analysis shows a 12-metre vehicle can suitably enter the service bay proposed and not obstruct the public road.
- 81 Further, in respect of the matters raised in the representation, Transport Planning recommend that a Construction Traffic Management Plan should be submitted for the written approval of the Council as Planning Authority prior to the commencement of any works on the site. This should have a specific focus on how the applicant proposes to construct the building without any impediment on the public road (Condition 22). Also, a Service Management Plan detailing the plans for servicing and delivery operations, and timing, including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery, paying particular attention to the need for all deliveries to be undertaken off the public road is recommended, and a condition is proposed (Condition 23).
- 82 The applicant will be constructing a new vehicle access across the frontage of the site with a footway being provided with the finalised design and location of the dropped kerbs on the north and south of Ferry Road to be provided through a condition (Condition 24).
- 83 A secure covered cycle parking area is proposed to the east of the building, which is welcomed to encourage active and sustainable travel. A condition is recommended to ensure that prior to the commencement of development a detailed design of the facility is submitted for a minimum of 10 bicycles for the written approval of the Council as Planning Authority and is implemented prior to the development being brought into use (Condition 25).

84 The application site is located close to the town centre and is easily accessible by all modes of transport including walking, cycling and public transport to reduce the need to travel unsustainably. Accessible parking is to be provided including an electric vehicle charging bay and cycle parking is proposed. Although parking is low for the site, it is well served by sustainable transport modes and there are public car parks a short distance from the application site. Conditions are recommended to mitigate any impact on the public road and to provide a safe crossing for pedestrians. The proposal satisfies NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B subject to conditions.

Drainage and Flooding

85 A Drainage & Flood Statement reports the application site is not at risk from fluvial flooding and a small area of the site is shown to have a medium-low likelihood of surface water flooding. It reports this isolated patch appears to be the result of run-off from a steep slope to the east. A perimeter drain is proposed during the construction phase and the drainage design incorporates measures to ensure surface water run-off will be low.

86 The drainage layout plan (Document 70) and Drainage & Flood Statement (Document 66) were revised during the application process in consultation with the Council's Flooding Team. Given site constraints and space restrictions, two sets of cellular storage crates are proposed as the main form of attenuation for all surface water run-off. Filter trenches are proposed to capture run-off from the adjacent slopes. Due to concerns raised by Transport Planning, the applicant has relocated the attenuation tank at the east of the site, as this was to be located within the embankment supporting the road to residential properties, with the risk of causing damage to the embankment supporting this road. The surface water will be treated within the site before discharging to the existing surface water sewer in Ferry Road. A maintenance schedule is included. In respect of foul water this will drain to the existing public combined sewer located in Ferry Road.

87 SEPA were consulted and have no objection to the proposal. Following review of the further information submitted, the Council's Flooding Team are satisfied with the drainage design and that there is no risk of flooding.

88 The proposal satisfies NPF4 Policy 22 Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding, LDP2 Policy 53B: Foul Drainage and LDP2 Policy 53C: Surface Water Drainage.

89 In respect of NPF4 Policy 22 d) and Policy 53E: Water Supply, as noted in the external consultation responses, the site is in a Drinking Water Protected Area and Scottish Water requested further information during the application process on the abstraction volume. The impact on Water Resources of the operation of the brewery and accompanying amenities has been reviewed against the confirmed abstraction volume of 200,000 litres per annum (0.2Ml/annum). Assuming this water usage remains consistent with these values, this proposal can be considered as low-medium risk regarding Water Resources. Scottish

Water would have no objections with the proposed volume of water and request that they should be notified if these volumes change. Scottish Water also request that prior to work commencing on site they are notified as they may wish to take water samples as a precaution to protect water quality. It is recommended that an informative be attached to any planning permission granted (informative 5).

Waste Collection

- 90 The refuse storage and its location are acceptable as confirmed by the Council's Waste Service.

Natural Heritage and Biodiversity

Open Space

- 91 The application site is designated as Open Space in LDP2 and comprises land that has been previously cleared from trees for a site compound during construction of the neighbouring hospital/care home. The supporting statement considers that the development of this area of land will not pose any significant detrimental impact to the surrounding green infrastructure provision and the overall integrity of the network will be maintained, as well as having no impact on the existing footpath impact including a core path.
- 92 While the loss of a near 1800 square metre area, is notable it would be deemed minor in relation to the requirements of LDP2 Policy 14A: Open Space Retention and Provision – Existing Areas criteria (b), where it must only involve a minor part of the site which would not affect its continued use as a recreational or amenity resource. In this instance this land has effectively been out of any formal recreational use as it was mainly cleared of trees and used as a yard in the construction of Pitlochry Community Hospital and has not fully regenerated. The vast majority of the wider wooded resource would be retained. More generally Pitlochry does benefit from generous open space provision in its own right. On balance therefore, the loss of this area of previously developed land within the open space designation, can be accepted in light of the wider benefits associated with this proposal, and the opportunity to compensate for tree loss and biodiversity enhancement as shall be discussed below. The proposal is therefore considered to comply with Policy 14: Open space Retention and Provision.

Biodiversity

- 93 A Preliminary Ecological Appraisal and Ecological Impact Assessment by Tay Ecology (Document 28) was reviewed by the Biodiversity Officer and confirmed as being in line with best practice. The report identified that no protected species were present during the survey and no further surveys were therefore required. The report recommends biodiversity enhancement measures and in line with this bird and bat boxes are proposed on the west elevation of the brewery building (Drawing 52).

- 94 A condition is recommended to ensure the recommendations set out in the Tay Ecology Report are carried out to protect environmental quality and biodiversity (Condition 3).
- 95 The proposal satisfies NPF4 Policy 3 Biodiversity paragraphs a), c) and d) and LDP2 Policy 41: Biodiversity.

Trees

- 96 A revised Tree Survey Report (Document 58) was submitted together with a tree constraints plan, tree protection plan and details of compensatory planting (Documents 59-64).
- 97 The report assessed 31 trees and 1 x tree group and identified that the site consists of sycamore and oak, with 45.5% being category C.
- 98 There are six dead Category U oak trees, T173, 174, 175, 183, 187 and 196 which are proposed for removal as colonised with honey fungus. Honey fungus, *Armillaria mellea*, a root/soil borne fungal disease has colonised some of the oak at the site, which causes tree demise and failure.
- 99 It is proposed to fell three trees and one tree group, these are two Category B and one Category C tree and one tree group of nine trees.
- 100 2 Category A trees, 7 Category B trees and 13 Category C trees are proposed for retention.
- 101 Compensatory planting of 36 trees is proposed using both native species and fruit trees recognised as resistant/tolerant of honey fungus (Drawing 62). The supporting information states that 12 trees are proposed to be planted at Pitlochry High School Nursery (Document 64).
- 102 Overall, the tree removal is accepted to enable the development and the compensatory planting is in line with planning guidance. Conditions are recommended by the Tree Officer to ensure a pre-site meeting takes place to examine tree works and protection measures; a method statement is submitted for written approval of the Council and to include details of how the removal of diseased trees and soil will be handled and for a post-development tree report to be submitted (Conditions 5, 6 and 7).
- 103 The proposal satisfies NPF4 Policy 6 Forestry, Woodland and Trees and LDP2 Policy 40B: Trees, Woodland and Development.
- 104 The proposal will not lead to the fragmentation of blue and green infrastructure and incorporates new landscape and planting works appropriate to the local context and the scale and nature of the development. This is in line with NPF4 Policy 14 Design, Quality and Place, NPF4 Policy 20 Blue and Green Infrastructure and LDP2 Policy 1: Placemaking.

Core Path

- 105 An adopted core path is located to the east of the application site (PLRY/109) and a condition is recommended to ensure this remains accessible to the public during the construction and operational phases of the development (Condition 20).
- 106 This is in line with NPF4 Policy 20 Blue and Green Infrastructure and LDP2 Policy 15: Public Access.

Contamination

- 107 An inspection of the proposed development site by the Council's Contaminated Land Officer did not raise any real concerns, although mapping does indicate that there is land formerly occupied by various potentially contaminative sources nearby. The applicant is advised that there may therefore be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team contacted. It is recommended that an informative to this effect is attached to any consent (Informative 7).
- 108 The proposal satisfies NPF4 Policy 9 c) Brownfield, Vacant and Derelict Land and Empty Buildings and LDP2 Policy 58A: Contaminated Land.

Material Considerations

- 109 30 representations were received including 6 objections, 2 neutral representations and 22 letters of support.
- 110 The main issues raised within the objections have been addressed in the report. The objections also raised the potential for anti-social behaviour from the consumption of alcohol at the brewery and the perceived impact of this on the well-being of nearby residents.
- 111 This matter is addressed in the applicant's further supporting information (Document 40). The applicant highlights the further supporting documents submitted to demonstrate the proposal is designed to be compatible with the surrounding uses and a good neighbour. Further, as a licensed business, it highlights it has a duty under the Licensing (Scotland) Act 2005 to prevent crime and disorder, prevent public nuisance and secure public safety which is governed by Perth & Kinross Licensing Board.
- 112 A multi-agency partnership approach is in place to tackle anti-social behaviour in the community. The applicant has assessed the potential problems of noise or disturbance from the proposed development, and this has been satisfactorily addressed in line with national and local planning policy.

- 113 The 22 letters of support highlighted the development would bring wide ranging economic benefits to the town and enhance the local area.
- 114 NPF4 recognises the challenges faces by the hospitality and tourism sectors and aims to improve business development and entrepreneurship. As noted in the supporting documents this is a successful local business seeking to grow and invest in Pitlochry with multi-faceted economic and social benefits for the town.
- 115 The issues raised in the letters of objection have been fully considered and addressed in the report and are not of sufficient weight to justify the refusal of the planning application.

Developer Contributions

- 116 None required in line with the Council's supplementary guidance.

Economic Impact

- 117 The proposed development will bring a range of economic benefits to the town, including an enhanced visitor attraction and footfall, together with jobs during construction and afterwards.

VARIATION OF APPLICATION UNDER SECTION 32A

- 118 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 north elevation of the building and the vehicular access.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 119 None required.

DIRECTION BY SCOTTISH MINISTERS

- 120 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

- 121 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, 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

Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application subject to conditions.

CONDITIONS AND REASONS FOR RECOMMENDATION

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

2. 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.

3. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) Ecological Appraisal by Tay Ecology 3 October 2023 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

4. Prior to the occupation of the building hereby approved, evidence that the bird and bat boxes have been installed shall be submitted for the written approval of the Council as Planning Authority, reference drawing 52. Thereafter, the bird and bat boxes shall be maintained in a reasonable condition for the life of the development to the satisfaction of the Council as Planning Authority.

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

5. A site meeting will be held with the Enforcement Officer (Trees) of the Council to examine completed tree works, honey fungus mitigation, and to inspect tree protection measures in place that accord with standard (fencing/non dig construction, etc), drainage, and site storage facilities. This meeting shall be with the project manager, arboriculturalist, and ground works contractor. Contact should be made with the Planning Authority to arrange this meeting prior to the commencement of the development.

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

6. Prior to the commencement of development, a site-specific method statement outlining measures to mitigate against the spread of honey fungus shall be submitted to the Council as Planning Authority for review and written approval. The statement shall include details on the removal of affected trees (6 x dead oak), disposal of soil areas contaminated with honey fungus and provide full details of disposal of all excess materials. Clarity shall be provided on where the soil materials excavated will be deposited when levelling site, formation of building footprint, filtration trenches/drainage, and access/parking. Clarity shall be provided on how the drainage works will be undertaken, and whether larger encroaching roots would be permitted within the drainage material, and how the cutting into the banking will be undertaken, the foundation type for structures, and subbase for paths/surfacing, where they impact and encroach the RPA of adjacent trees. Thereafter the measures shall be carried out in complete accordance with the details as so agreed.

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

7. Prior to the building being brought into use a post development tree report/audit confirming details of the trees retained on site, their condition, and a statement as to the effectiveness of protection measures followed shall be submitted for review and written approval of the Council as Planning Authority.

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

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

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

9. The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2200 hours Monday to Sunday.

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

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 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

11. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

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

12. 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 order to safeguard the residential amenity of the area.

13. No odours from the distillery shall be discernible on the boundary with the nearest residential property.

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

14. All mitigation measures as detailed within Section 6 of the Odour Assessment undertaken by The Airshed, reference AS 1020 Pitlochry Brewery Airshed, dated 18 October 2023 shall be fully implemented.

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

15. All mitigation measures as detailed within Section 7 of the Noise Impact Assessment undertaken by CSP Acoustics, reference 1866 R001 V3 AH, dated 12 December 2023 shall be fully implemented.

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

16. Noise from operations on site shall not exceed L A90,1 hour background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics when measured at any residential property in accordance with BS4142:2014+A1:2019.

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

17. A Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise, deliveries, compressor etc 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.

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

18. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 10, 15, 16 and 17 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise

assessment shows that the noise levels do not comply with conditions 10, 15, 16 and 17 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority for written approval within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

19. In the event of a justified odour complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out an odour assessment to verify compliance with conditions 13 and 14 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the odour assessment shows that the odour levels do not comply with conditions 13 and 14 a scheme of odour mitigation shall be included with the odour assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority for written approval within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

20. The asserted right of way/core path on Ferry Road 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.

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

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

22. Prior to the commencement of the development hereby approved, the applicant shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS). The TMS shall take cognisance of the fact that no

loading and unloading of vehicles shall be undertaken on the public road and shall include the following:

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

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

Reason - In the interest of proper site management.

23. Prior to the commencement of the development hereby approved, the developer shall provide, for approval by the Council as Roads Authority, a Service Management Plan detailing the plans for servicing and delivery operations, and timing, including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery, paying particular attention to the need for all deliveries to be undertaken off the public road. Thereafter, the approved plan shall be adhered to for the life of the development.

Reason - In the interests of road safety.

24. Prior to commencement of any development on site, a detailed design showing the frontage of the development site onto Ferry Road shall be provided with the following schemes being provided:
- a) position of uncontrolled crossing location(s) along the frontage of the site to link the development site to the northern side of Ferry Road with dropped kerbs linking both sides;
 - b) the footway on the southern side of Ferry Road, of a minimum width of 2 metres along the full frontage of the site;
 - c) the location of road drainage on the Ferry Road along the frontage of the site;
 - d) the finalised location of the streetlighting cable;
 - e) the construction details of the parking bays and the service area; and
 - f) full details of the vehicle access, to be constructed in the following materials:
 - 40mm Wearing Course - Hot Rolled Asphalt
 - 50mm Base Course - Dense Bitumen Macadam
 - 130mm Roadbase - Dense Bitumen Macadam
 - 230mm Subbase - Type 1

The submission will confirm the location, specification and detailed design for the pedestrian crossing, location of the streetlighting infrastructure, footway on southern side of Ferry Road, road drainage and vehicle access along the frontage of the development site. This shall be submitted for the written approval of the Council as Planning Authority. Thereafter the approved scheme shall be implemented in full, prior to occupation of the brewery.

Reason - In the interests of road and pedestrian safety and connectivity to the northern side of Ferry Road.

25. Prior to commencement of any development on site, a detailed design for the proposed cycle parking facility for a minimum of 10 cycles shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason - To encourage active and sustainable modes of transport in line with national and local planning policy.

26. Prior to the commencement of development hereby approved, a statement shall be submitted for approval in writing by the Council as Planning Authority to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The statement as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

JUSTIFICATION

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

INFORMATIVES

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

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. Please use the form attached herewith.
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. Please use the form attached herewith.

4. Please note the consultation response on file from Network Rail - A railway underbridge located in close proximity to the site (UB 290/063 crossing Ferry Road) has a headroom of 4.2m. The applicant should ensure that all vehicles required for construction and operation are able to clear this height.
5. Please note the consultation response from Scottish Water on file - this includes a request that prior to work commencing on site they are notified at protectdwsources@scottishwater.co.uk as they may wish to take water samples as a precaution to protect water quality.
6. 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 front elevation and vehicular access.
7. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
8. 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.
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. 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. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
11. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a

road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>

12. Road drainage may be in the vicinity of the new access and require remedial works at the applicants expense. Contact Perth & Kinross Council Road Maintenance Department for further details.
13. Street lighting infrastructure present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of infrastructure and its relocation to facilitate the vehicle access. Relocation to be undertaken at applicant's expense. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
14. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.

Background Papers: 30 letters of representation
Contact Officer: Claire Myles
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

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