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Council Building
2 High Street
Perth
PH1 5PH

04/12/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 13 December 2023** at **09:30**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

Councillor Ian Massie (Convener)
Councillor Grant Stewart (Vice-Convener)
Councillor Keith Allan
Councillor Bob Brawn
Councillor Dave Cuthbert
Councillor Ken Harvey
Councillor David Illingworth
Councillor Ian James
Councillor Brian Leishman
Bailie Claire McLaren
Councillor Crawford Reid
Councillor Richard Watters
Bailie Mike Williamson

Planning and Placemaking Committee

Wednesday, 13 December 2023

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 15 NOVEMBER 2023 FOR APPROVAL**
(copy to follow)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 22/02223/AMM - ERECTION OF 210 DWELLINGHOUSES, FORMATION OF LANDSCAPING, SUDS, AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 16/02127/IPM) (PHASE 2A), SCONE NORTH, SCONE** **7 - 32**
Report of Handling by Strategic Lead - Economy, Planning and Development (copy herewith 23/350)
- 5(1)(ii) 23/00833/IPM - MIXED-USE DEVELOPMENT COMPRISING SPA / LEISURE FACILITY INC ANCILLARY FOOD AND DRINK; HOLIDAY ACCOMMODATION INC LODGES, LUXURY UNITS AND TIMESHARE/VACATION OWNERSHIP PROPERTIES, EXTENSION TO HOTEL CENTRAL DELIVERY HUB FOR DELIVERIES, STAFF FACILITIES AND RELOCATED GREENKEEPING SERVICES, OUTDOOR PURSUITS, SMALL-SCALE RESIDENTIAL CONVERSION OF EXISTING GREENKEEPERS COMPOUND AND** **33 - 66**

**ASSOCIATED WORKS INC PHOTOVOLTAIC ARRAY
SERVICING ACCESS DRAINAGE AND LANDSCAPING,
MURRAYSHALL HOUSE HOTEL**

Report of Handling by Strategic Lead - Economy, Planning and Development (copy herewith 23/351)

- 5(1)(iii) 23/01294/FLM - FORMATION OF A 49.9MW SOLAR FARM COMPRISING GROUND MOUNTED SOLAR ARRAYS, INVERTERS, TRANSFORMERS, A SUBSTATION, SECURITY FENCING, CCTV CAMERAS, CABLING, ACCESS TRACKS AND ASSOCIATED WORKS, LAND 130 METRES SOUTH EAST OF COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS** **67 - 96**
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- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 22/01815/FLL - ERECTION OF FOUR DWELLINGS, LAND 70 METRES EAST OF ST MADDOES CHURCH, ST MADDOES** **97 - 116**
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- 5(2)(iii) 23/00192/FLL - CHANGE OF USE OF VACANT LAND TO FORM EV CHARGING HUB AND HYDROGEN REFUELLING STATION INCLUDING PROVISION OF AMENITY KIOSK, CHARGING APPARATUS AND ASSOCIATED WORKS, LAND TO THE WEST OF 5 BROXDEN AVENUE, PERTH** **137 - 154**
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- 5(2)(iv) 23/01095/FLL - ERECTION OF A DWELLINGHOUSE, LAND 20 METRES NORTH OF THE ORCHARD, LOCHTY, ALMONDBANK** **155 - 170**
Report of Handling by Strategic Lead - Economy, Planning and Development (copy herewith 23/356)
- 5(2)(v) 23/01000/FLL - PART CHANGE OF USE OF AGRICULTURAL BUILDING AND LAND TO FORM DOG AGILITY/TRAINING FACILITY, FORMATION OF PARKING, ERECTION OF FENCING, INSTALLATION OF LIGHTING AND ASSOCIATED WORKS (IN RETROSPECT), LAND NORTH OF GLENHEART FARM, GLENALMOND, KINROSS** **171 - 186**

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- 6 PROPOSAL OF APPLICATION NOTICES (PAN)**
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Pre-Application Report by Strategic Lead - Economy, Planning and Development (copy herewith 23/360)
- 6(ii) 23/00015/PAN - FORMATION OF A BATTERY ENERGY STORAGE FACILITY, INCLUDING WELFARE AND STORAGE UNITS, ANCILLARY STRUCTURES, CONTROL ROOM, SWITCHGEAR ROOM, STEEL ENCLOSURES CONTAINING INVERTERS, SECURITY AND DEER FENCING, LANDSCAPING AND ASSOCIATED WORKS, LAND 800 METRES EAST OF COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS** **233 - 242**
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Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/350)

PROPOSAL: Erection of 210 dwellinghouses, formation of landscaping, SUDS, and associated works (approval of matters specified in conditions of 16/02127/IPM) (phase 2A)

LOCATION: Scone North, Scone

Ref. No: [22/02223/AMM](#)

Ward No: P2- Strathmore

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application related to Phase 2A of the 'Scone North' development. The application proposes details for the development of 210 dwellings within that phase, together with associated landscaping, SUDS, and other works. This Report concludes that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) consent (Ref: 16/02127/IPM) and other relevant material planning considerations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to c.11.9 hectares and is situated on the north side of Scone. It forms part of wider 'Scone North' development area, which is identified within the Local Development Plan 2 (LDP2) as H29 a residential led (up to 700 dwellings) urban expansion. Planning Permission in Principle (PPP) Ref: 16/02127/IPM and an associated Section 75 legal agreement relates, with further detailed permissions for other phases.
- 2 The site slopes upward in a generally north-easterly direction and sees farmland to the north, that also forms part of the wider Scone North site. To the east and west are areas of woodland, again with farmland beyond. To the south-west is the completed Phase 1A, whilst to the south is Phase 1B, which is currently being developed with housing and sees a number of occupations and other properties under construction. There are older established residential areas beyond Phase 1B and to the south-east.
- 3 A Core Path (SCON/13) runs along the southern edge of the site, in an east-west direction, then connecting with SCON/12 at Highfield Road. That section then turns north from Highfield Road and along the application site's eastern boundary, toward Brooniehill Plantation and Muirward Wood.

- 4 Vehicular access will be from Harper Way and through the previous phases of the development, with two points of connection to that internal road network. Various points of pedestrian access will be provided, including to Spoutwells Drive to the south through Phase 1B; to the core path and Highfield Road; and to future phases of the Scone North development to the north and east.
- 5 The site will be laid out around a legible street hierarchy, with a primary route supplemented by secondary and tertiary streets. The majority of the houses are oriented to face a road or areas of open space. The area along the majority of the southern boundary, from the western side, will be landscaped and incorporate SUDS and associated pond/basin. The site will be intersected by two green corridors, running north south and connecting through the future phases of the development to Muirward Wood. The trees to the eastern boundary are part of a commercial plantation and will be removed and replaced by more varied and biodiverse planting more appropriate to a residential setting.
- 6 Of the 210 residential units proposed, 153 will be for sale and 64 affordable homes. These dwellings comprise a mix of detached and semi-detached bungalows and two-storey houses. The numbers and tenure mix are:
 - 6x one-bedroom semi-detached bungalows;
 - 18x two-bedroom semi-detached bungalows;
 - 2x three-bedroom semi-detached bungalows;
 - 7x three-bedroom detached bungalows;
 - 2x four-bedroom detached bungalows;
 - 46x two-bedroom semi-detached villas;
 - 72x three-bedroom semi-detached villas;
 - 3x three-bedroom detached villas;
 - 37x four-bedroom detached villas; and
 - 17x five-bedroom detached villas.
- 7 All will have access to a private external amenity area and be finished with smooth white or pale render, with a taupe Fyfestone basecourse and grey or brown roof tiles.

Environmental Impact Assessment (EIA)

- 8 The impact of the wider development site was screened for EIA (16/00762/SCRN) and it was determined that the proposal does constitute EIA development. As such an EIA Report was submitted as part of the application for planning permission in principle.

Pre-Application Consultation

- 9 Pre application Reference: [15/00017/PAN](#)

NATIONAL POLICY AND GUIDANCE

- 10 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide, and a series of Circulars.

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

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 6: Forestry, Woodland, and Trees
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 21: Play, Recreation and Sport
- Policy 22: Flood Risk and Water Management

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

Creating Places 2013

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

Designing Streets 2010

- 15 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

- 16 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.

DEVELOPMENT PLAN

- 17 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

Perth and Kinross Local Development Plan 2

- 18 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 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1D: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 20: Affordable Housing
- Policy 25: Housing Mix

- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- 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 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Supplementary Guidance

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Open Space Provision for New Developments (adopted in 2021)
- Supplementary Guidance - Placemaking (adopted in 2020)

Non-Statutory Guidance

19

- Planning Guidance - Delivery of Development Sites
- Planning Guidance - Planning & Biodiversity

Site History

20

[15/00017/PAN](#) On 8 December 2015 PKC agreed a Proposal of Application Notice for Residential development and associated infrastructure, access, landscaping, SUDS, and open space.

21

[16/00762/SCRN](#) On 2 May 2016 an EIA screening opinion was issued by PKC advising that residential development at Scone North was EIA development.

22

[16/00995/SCOP](#) On 11 July 2016 a Scoping Opinion was issued by PKC for an EIA Report associated to a residential development at Scone North and

- associated infrastructure, access, landscaping, drainage, SUDS, and open space.
- 23 [16/02127/IPM](#) Planning Permission in Principle was approved on 18 April 2018 for Scone North's residential development with open space, landscaping, drainage and associated infrastructure (in principle).
- 24 [18/00758/ADV](#) Advertisement Consent was approved on 22 June 2018 for display of signs.
- 25 [18/00759/ADV](#) Advertisement Consent was approved on 22 June 2018 for display of signs.
- 26 [18/02231/AMM](#) Approval of Matters Specified in Conditions related to 16/02127/IPM was approved on 30 August 2019, allowing for the erection of 42 dwellinghouses, landscaping and associated works (Phase 1a)
- 27 [19/01478/ADV](#) Advertisement Consent was approved on 5 November 2019 for the display of a sign.
- 28 [20/00382/FLL](#) Full Planning Permission was approved on 8 July 2020 for the erection of 5 dwellinghouses (revised design - change of house types at plots 28, 29, 33, 34 and 35) within Phase 1a.
- 29 [20/01416/FLL](#) Full Planning Permission was approved on 18 November 2020 for the erection of a dwellinghouse and marketing suite (revised design - plot 3) within Phase 1a.
- 30 [20/01614/ADV](#) Advertisement Consent was approved on 2 December 2020 for display of a sign.
- 31 [20/01752/FLL](#) Full Planning Permission was approved on 12 July 2021 for Erection of 2 dwellinghouse (revised design - change of house types - plots 26 and 27) within Phase 1a.
- 32 [20/01962/FLL](#) Full Planning Permission was approved on 31 March 2021 for the formation of access tracks.
- 33 [21/00484/FLL](#) Full Planning Permission was approved on 12 July 2021 for the erection of a dwellinghouse and garage (change of house type at plot 41) within Phase 1a.
- 34 [21/00609/AMM](#) Approval of Matters Specified in Conditions related to 16/02127/IPM was approved on 24 September 2021 for the erection of 58 dwellinghouses and 3 detached garages, landscaping, and associated works (Phase 1b)
- 35 [21/02147/FLL](#) Full Planning Permission was approved on 1 February 2022 for erection of a dwellinghouse (revised design - plot 39) within Phase 1a.

- 36 [21/02196/FLL](#) Full Planning Permission was approved on 9 February 2022 for Erection of 9 dwellinghouses (revised design - plots 45, 46, 51, 93, 95, 96, 98, 101 and 104) within Phase 1b.
- 37 [22/00742/FLL](#) Full Planning Permission was approved on 10 June 2022 for the erection of 6 dwellinghouses and associated works (revised design - change of house type to include sunrooms for plots 57, 60-61 and 75-77) within Phase 1b.

CONSULTATIONS

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

External

Scottish Water

- 39 No objections. Advise there is currently sufficient capacity to service the proposed development at Perth Water Treatment Works and Scone Wastewater Treatment Works.

Historic Environment Scotland

- 40 No comments.

Scottish Environment Protection Agency (SEPA)

- 41 No objection, following clarifications and further information.

Perth Scone Airport

- 42 No comments.

Perth And Kinross Heritage Trust (PKHT)

- 43 No objection. Advise the proposed development area does not raise any significant issues and no archaeological mitigation is required.

NatureScot

- 44 No comments.

Transport Scotland

- 45 No objections.

Scone And District Community Council

46 Object on the following grounds:

- Bin collection arrangements.
- Flood risk.
- Height, scale, massing, design, density, and layout.
- Impact on archaeology.
- Impact on nature conservation.
- Loss of trees.
- Impact on services.
- Road safety.
- Air Quality.

Internal

Structures And Flooding

47 No objection, subject to conditions requiring the submission of detailed information on the proposed SUDS.

Environmental Health (Contaminated Land)

48 No objection. Advise that a standard condition is required.

Transportation and Development

49 No objection, subject to conditions requiring bus stop infrastructure and a Construction Traffic Management Plan (CTMP) as part of the required CEMP.

Development Contributions Officer

50 No objection. Advise that associated matters are controlled via the existing S.75 for the wider development.

Community Waste Advisor - Environment Service

51 No objection, subject to an advisory note that during construction waste vehicles may not be able to enter the site and that the developer should contact the Community Waste Team to discuss bin collection as the site progresses.

Community Greenspace

52 No objection. Advise a condition is required to ensure that future tree planting on eastern edge is a suitable variety of species and heights.

Environmental Health (Noise Odour)

53 No comments.

Biodiversity/Tree Officer

No objections, subject to conditions on biodiversity and tree retention and protection.

Representations

54 Twelve objections were received, the main issues raised are:

- Loss of trees
- Capacity issues for local schools and services
- Flood risk
- Impact on the core path
- Impact on visual amenity
- The density is too high.
- Road safety
- Air quality

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

ADDITIONAL STATEMENTS

56

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required (submitted as part of IPM)
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Archaeological Evaluation • Affordable Housing Scheme Report • Air Quality Assessment • Arboricultural Impact Assessment • Biodiversity Action Plan • Phase 1 Contamination Report • Transport Assessment • Design Statement • Ecological Impact Assessment • Groundwater Report • Flood Risk Assessment • Green Travel Plan • Bat Activity Survey • Statement of Community Benefit

APPRAISAL

57 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 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.

Principle

58 The principle of the proposal has been established through the site's allocation as H29 in LDP2 for a residential development. Planning permission in principle (PPP) has also been granted for the development of the site for residential use, reflective of that LDP2 allocation.

59 In addition detailed planning permissions for 100 houses have already been granted: Phases 1A and 1B. Phase 1A is complete and the development of 1B is ongoing.

60 The PPP sets a threshold of 167 residential units that can be occupied in advance of the CTRLR being operational. It is not currently projected that this threshold will be exceeded and this discussed in further detail in the Roads and Access section below.

61 The principle of the development is thus considered acceptable, provided the proposals are compatible with the PPP and relevant policies of the development plan. As is assessed below.

Design and Layout

62 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant; as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure.

63 The layout broadly complies with the principles of the approved masterplan and seeks to provide a logical movement pattern, with emphasis on creating permeability through the site. The primary road passing through the site is now proposed to connect to the future phases to the east at the north-east corner of Phase 2A, as opposed to the previously indicated south-east corner shown in the masterplan. This is to reflect the likely location of a new school site and playing fields, so as to avoid traffic having to take a more elongated route through the residential parts of the development to reach these facilities.

- 64 The proposed layout provides an appropriate network of streets and open spaces, with the majority of the houses oriented to overlook these areas. The areas along the southern boundary of the site will be landscaped and include SUDS. The proposal provides a legible environment which connects the new housing effectively to the existing residential areas with an appropriate urban density.
- 65 The heights of the proposed units reflect heights both in terms of the older existing residential areas to the south and that currently under construction in Phases 1a and B. Proposed site levels and sections have been assessed and are considered satisfactory.
- 66 Additional gable windows have been incorporated in some properties located at key viewpoints and overlooking areas of open space, which adds interest to the elevation and provides further opportunity for natural surveillance of public spaces. Each house has a private garden to the rear, providing adequate private amenity space.
- 67 A Local Equipped Area for Play (LEAP) is integrated into the open space with nearby homes orientated to provide passive surveillance.
- 68 The use of render and Fyfestone basecourse is considered appropriate and providing an appropriate fit with the adjacent residential development, which is of similar finishes. The variation of finishes, with white or pale render and grey or brown roofs will add visual interest and will help to provide legibility and definition within the streetscape.
- 69 Overall, the proposed layout, design, heights, and materials are considered to comply with the Council's placemaking policies, providing a logical and coherent structure and hierarchy of streets, buildings and open space. This also appropriately considers the surrounding landscape character and amenity of the area. The proposals therefore are considered to accord with the terms of both the PPP and the relevant NPF4 and LDP2 policies.

Landscape and Visual Amenity

- 70 NPF4 Policies 6: Forestry, Woodland and Trees; Policy 20: Blue and Green Infrastructure and Policy 21: Play Recreation and Sport and LDP2 Policies 39: Landscape; 40B: Forestry, Woodland and Trees - Trees, Woodland and Development; and 42: Green Infrastructure, are all relevant in considering landscape and visual amenity. In association, several conditions attached to the PPP application also apply.
- 71 The site is split into three sections by two distinct linear groups of trees. Mature mixed woodland also bounds the site to the east and west, with those to the east being within the site boundary. An Arboricultural Assessment (AA) has been carried out to evaluate the condition of the trees within the site.

- 72 The AA discusses that all of the trees in the western linear group and within the site are categorised 'A', meaning that they are particularly good examples of their species and have an estimated remaining life expectancy of 40 years. It is proposed that one of these trees will be felled to accommodate the development, others being retained and protected during construction (Condition 7). In addition, a further three category 'B' trees (trees of moderate quality with a life expectancy of at least 20 years) will be removed. Other trees to be removed are category 'U' (in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years). Otherwise, it is proposed that the plantation woodland to the east of the site is harvested, and the area replanted with native trees of species and scale that are more appropriate to a residential area. The trees making up this plantation are categorised C, being of low quality with an estimated remaining life expectancy of at least 10 years. In this context the proposed extent of the loss of the woodland is considered acceptable, subject to compensatory planting.
- 73 In relation to compensatory planting, the submitted landscape plan proposes a significant number of new trees to provide amenity to streets and open spaces. This includes the tree planting of the plantation area to be felled, at a density of 1600 trees/ha.
- 74 The open space and landscaping proposed is commensurate with the vision set out in the PPP masterplan. The setting of the core paths along the southern and eastern boundaries will be enhanced by this landscaping and supplementary planting, creating a pleasant environment for users. The SUDS infrastructure (pond and basins) will be integrated into the landscaped areas to provide amenity and biodiversity opportunities.
- 75 Community Greenspace consider the open space and landscaping proposals are acceptable, subject to conditions on tree protection and landscape establishment (Condition 7 and 8). Overall, the open space allocation, play area specification, location and landscaping design and species choice are all considered satisfactory and in accordance with the Council's Supplementary Guidance: Open Space Provision for New Developments.
- 76 In terms of landscape and visual amenity, the proposals address the relevant policies of NPF4 and LDP2, and associated PPP conditions.

Residential Amenity

- 77 Residential amenity requires to be considered under NPF4 Policy 16: Quality Homes and LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.

Privacy, Daylight and Overshadowing

- 78 The location of the proposed dwellinghouses, relevant to both themselves and existing/approved residential properties is such that there will be no unacceptable loss of privacy or daylight or overshadowing.

Noise

- 79 The noise impact assessment undertaken for the PPP demonstrated that this area of the development site would meet target criteria, for both external and internal amenity areas without the need for any noise mitigation measures, due to the distance it will be from the Cross Tay Link Road (CTLR). As a result, there was no requirement for further noise assessment to be conducted for this phase.
- 80 As with previously approved phases, a Construction Environment Management Plan (CEMP) will ensure that noise and amenity impact for the construction period will be appropriately managed, and no further measures are needed. These measures are considered to be appropriate to mitigate adverse impacts on nearby residents.

Air Quality

- 81 Air Quality was considered as part of the wider PPP and again for this phase of development. While the development will generate additional traffic on the local road network, the air quality effects of the additional housing included in this phase are not considered to be significant. As future phases of development come forward, they will be required to consider the cumulative impacts of the development at that point as well as any implications, positive or negative, as a result of the operation of the CTLR.

Contaminated Land

- 82 Site Investigation Reports and associated information have been submitted and suggests that ground gas and drinking water investigations are still ongoing, as a result it is appropriate to impose a condition (Condition 9) to ensure that this work is completed and any recommendations implemented.

Waste

- 83 The PPP seeks to ensure appropriate waste and recycling provision is identified and secured as part of MSC applications. In this regard there is considered to be adequate provision proposed to accommodate requirements, satisfying the conditional terms of the PPP.

Roads and Access

- 84 A Transport Assessment has also been submitted to assess the impacts of the development which could be accommodated before an early 2025 opening of the CTLR and, and the alternative scenario should the opening of the CTLR be delayed until Spring 2026.
- 85 The PPP includes two conditions restricting the number of houses that can be occupied, until certain trigger points are met in the construction of the CTLR.

- 86 The first of these is that no more than 100 houses should be occupied before the CTLR has become a 'committed project', this requirement has been met and the restriction is no longer applicable.
- 87 The second limitation is that no more than 167 houses can be occupied until the CTLR is 'operational'. At the time of writing there are detailed approvals in place for 100 houses and the current application will increase this to beyond the threshold – to 310. However, this should be considered in the context that the CTLR is programmed to be operational in February 2025. To better understand the situation the developer has provided information on projected completion rates. This indicates that there is likely to be an estimated 122 occupations at Scone North in February 2025. Thus, even if market conditions improve significantly and/or there are delays to the CTLR, there is tolerance within the schedule to accommodate likely completions within the 167-house threshold.
- 88 Notwithstanding the 167-unit threshold will remain in place and enforceable, thereby preventing any additional properties from being occupied prior to the CTLR becoming operational.
- 89 Transportation and Development colleagues confirm they are satisfied with this situation and have no objections to the proposals, subject to a condition (Condition 5) requiring two bus stops be provided within the development site and the ongoing requirement for a Construction Traffic Management Plan (Condition 3).

Drainage and Flooding

- 90 A number of objections received relate to concerns regarding flood water, surface water and potential impacts on springs. A Flood Risk Assessment, including an addendum, Drainage Strategy Report, and Groundwater Report have been submitted in support of the application.
- 91 In terms of flood risk, the Cramock Burns functional flood plain has been redefined, reflecting updated catchment information, modelling software, and the latest climate change forecast.
- 92 This flood plain does not impact on the proposed development site, other than the eastern access road to/from Phase 1B. Discussions were held with SEPA and the Council's Flooding and Structures team, which resulted in agreement being reached on the inclusion of a flood relief basin and associated culvert to manage flood risk to that section of road. Such that flows were conveyed downstream in a controlled manner.
- 93 A series of blockage scenarios were modelled out and measures included to manage overland flood routes and mitigate flood risk to properties.
- 94 The drainage strategy report provides information on drainage arrangements. Surface water management has been split into 3 drainage areas, that drain to an

associated SUDS pond or basin. The discharge rate from the SUDS pond/basin, into the Cramock Burn, will be limited to 7.1l/s for Area 1 and 43.5l/s for Areas 2 and 3, which is acceptable.

- 95 PKC Flooding and Structures have no overall concerns regarding the general layout and supporting design calculations. However, a condition should be included that requires the submission of the full detailed drainage design, for further written agreement of PKC prior to the commencement of the proposed development (Conditions 10 and 11).
- 96 PKC's Flooding and Structures team and SEPA have both considered the submitted finalised surface water and drainage information and are satisfied that the proposed mitigation measures are appropriate.
- 97 Overall, the proposal complies with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

Archaeology and Conservation Considerations

- 98 NPF4 Policy 7: Historic Assets and Places; LDP2 Policies 26B: Archaeology and 29: Gardens and Designed Landscapes and conditions attached to the PPP application apply.
- 99 Proportionate archaeological trenching and investigation has been undertaken, with findings reported back to Perth and Kinross Heritage Trust (PKHT). No further archaeological investigation or survey work is considered necessary, within this phase. HES have also confirmed that the proposals do not conflict with or cause adverse impact on the Historic and Designed Landscape of Scone Palace.

Natural Heritage and Biodiversity

- 100 In relation to natural heritage and biodiversity, NPF4 Policies 1: Tackling the Climate and Nature Crisis, 2: Climate Mitigation and Adaptation 3: Biodiversity and 20: Blue and Green Infrastructure. In addition, LDP2 Policies 38, 40 and 41 directly apply. In association several conditions attached to the PPP applications cover these issues.
- 101 A detailed review of the biodiversity commitments set out in the PPP saw a Biodiversity Action Plan (BAP) produced for this phase. This, alongside the updated CEMP, is deemed acceptable and proportionate to identify and where appropriate, mitigate and enhance biodiversity features and opportunities to this site, mindful of the wider PPP site area.

Developer Contributions

- 102 A Section 75 legal agreement covers the 16/02127/IPM permission to ensure necessary infrastructure is delivered, including:
- Community Facility Delivery
 - Contribution towards Sports Facilities, including provision towards Sports pitches and pavilion.
 - Open Space Provision and Maintenance
 - Compensatory Tree Planting
 - Public Transport Improvement
 - Affordable Housing
 - Structure Planting Delivery
- 103 The legal agreement in place adequately secures these elements and no further changes are required.
- 104 With specific regard to affordable housing, as previously agreed, the affordable housing requirement for Phase 1 is to be provided within Phase 2. As this application is for Phase 2a and the development of 210 units, 25% of which would equate to 52 affordable units. As mentioned above the proposals include for 64 AH units (i.e. an overprovision of 12). These 12 would be the first tranche of the deferred Phase 1 requirement and leave the remaining affordable units to be provided within later Phase 2 proposals.

Economic Impact

- 98 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 99 A legal agreement is in place for the PPP Ref: 16/02127/IPM, to secure infrastructure and/or contributions required across the associated development phases.

DIRECTION BY SCOTTISH MINISTERS

- 100 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

- 101 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 planning application subject to the following conditions:

Conditions and Reasons for Recommendation

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

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 that the development is carried out in accordance with the plans approved.

3. The Construction Environment Management Plan (CEMP) submitted to satisfy Condition 19 of planning permission 16/02127/IPM shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amended document shall be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

4. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to

facilitate the development and/or any works proposed to the right of way/core paths (SCON/12 and SCON/13) as part of the development (including timings and resurfacing works post completion) shall be submitted for the written approval of the Council as Planning Authority. The plan as approved shall thereafter be implemented in accordance with the timing identified in the plan.

Reason: To ensure that public access is maintained at all reasonable times, to the local path network.

5. Prior to commencement of any hereby approved development, a detailed design showing the location of bus stops shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to provide a haldo pillar with a live power supply and a hard standing area, suitable for the provision of a three bay bus shelter in future. The applicant shall detail the timing of the delivery of the hardstanding and haldo pillars. The hardstanding area and haldo pillar with a live power supply, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken at the dates agreed with the Planning Authority.

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

6. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.

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).

7. 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'.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

8. The detailed landscaping and planting proposal specifications as hereby approved shall be undertaken and delivered commensurate with the residential development elements and thereafter maintained to the satisfaction of the Council as planning authority. Any planting failing to become established within

five years shall be replaced in the following planting season with others of similar sizes and species 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 in pursuance of satisfying placemaking policy criteria of the adopted LDP.

9. Prior to the commencement of the development hereby approved, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify.
- 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 agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

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

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

11. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

12. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. 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.
2. 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.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984, they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
6. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (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.
8. 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, including construction phasing.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 16/02127/IPM, relating to:
 - Community Facility delivery
 - Contribution towards Sports Facilities, including provision towards Sportspitches and pavilion
 - Open Space provision and maintenance
 - Compensatory Tree planting
 - Public Transport movement
 - Affordable Housing
 - Structure Planting delivery.

A copy is available to view on the Council's Public Access portal.

11. The occupation threshold of 167 residential units prior to the CTRLR becoming operational, associated with Planning Permission in Principle 16/02127/IPM, remains applicable and enforceable against that permission.
12. The applicant is advised to refer to Perth & Kinross Council's Flood Risk and Flood Risk Assessments Supplementary Guidance, and the CIRIA SuDS manual as it contains advice relevant to your development.

Note for future Phase 2B: Due to the topography of Phase 2B cut off drains along the northern boundary of the development site should be considered in the drainage strategy.

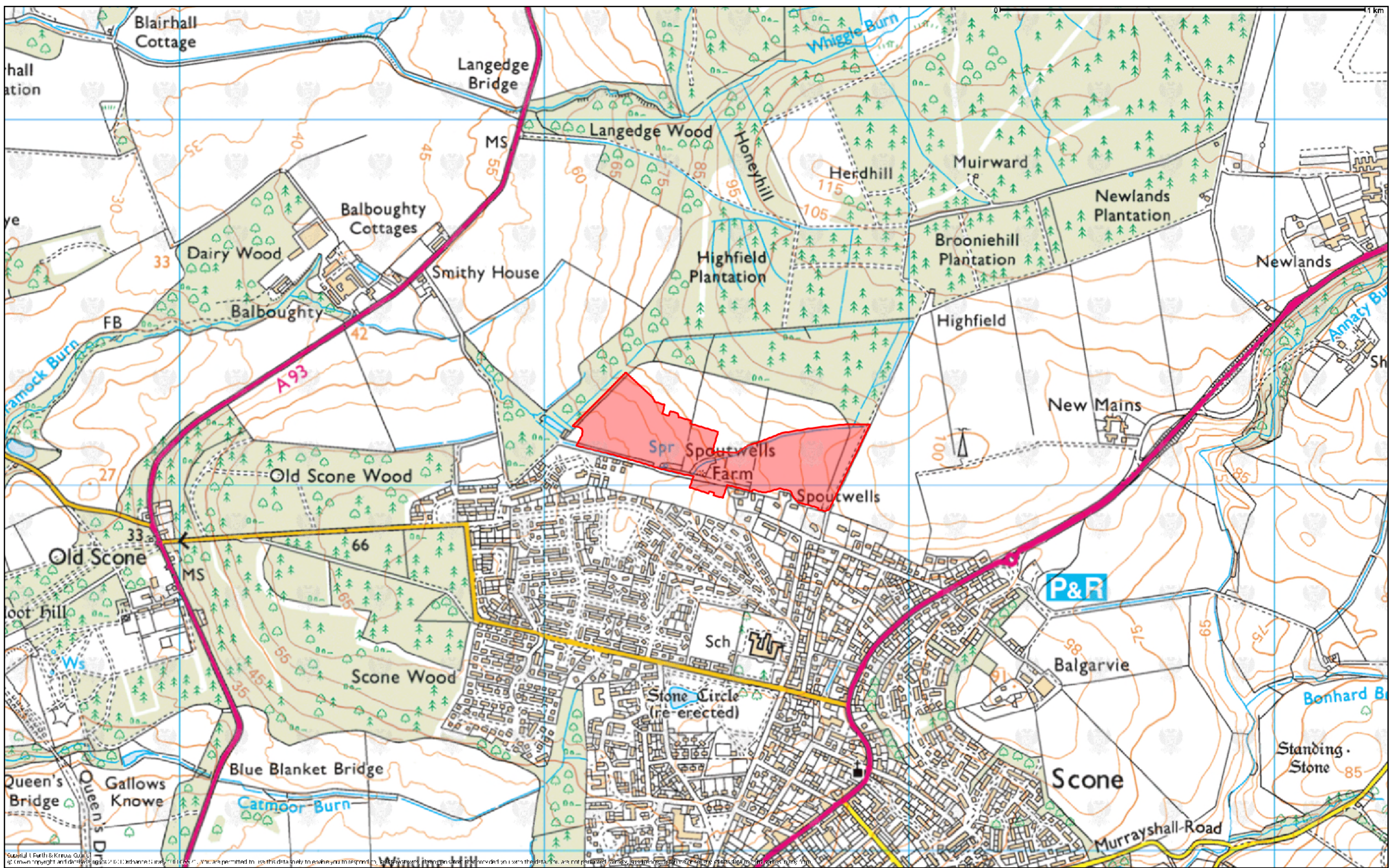
Background Papers: 12 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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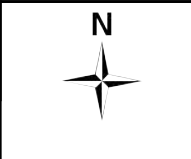
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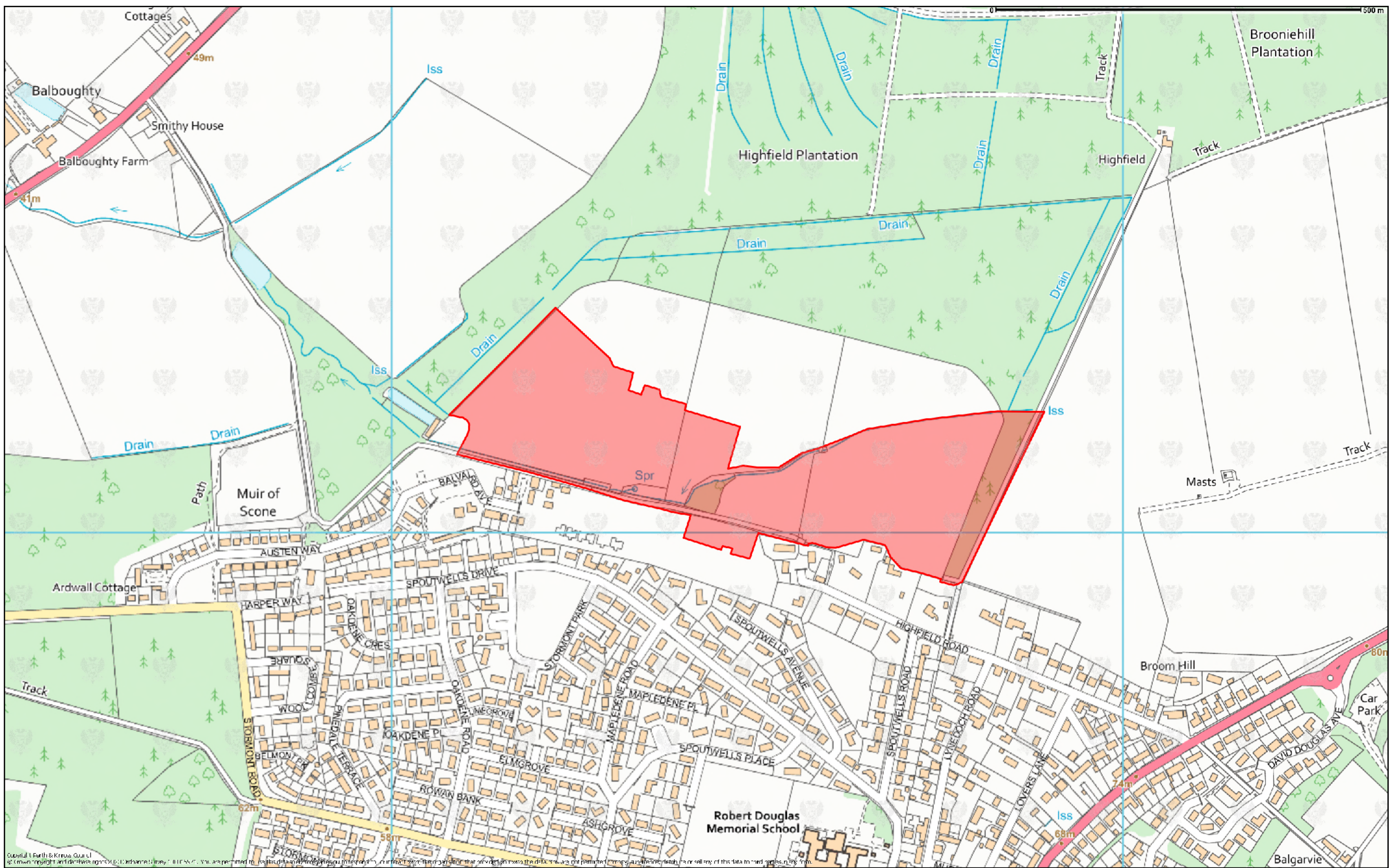
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Planning and Placemaking Committee - 13 December 2023
Scale 1:10000



22/02223/AMM
Erection of 210 dwellinghouses, formation of landscaping, SUDS and associated works (approval of matters specified in conditions of 16/02127/IPM) (phase 2A) at Scone North, Scone





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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



22/02223/AMM
Erection of 210 dwellinghouses, formation of landscaping, SUDS and associated works (approval of matters specified in conditions of 16/02127/IPM) (phase 2A) at Scone North, Scone



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/351)

PROPOSAL: Mixed-use development comprising spa and leisure facility including ancillary food and drink; holiday accommodation including lodges luxury units and timeshare/ vacation ownership properties extension to hotel central delivery hub for deliveries staff facilities and relocated greenkeeping services outdoor pursuits small-scale residential conversion of existing greenkeepers compound and associated works including photovoltaic array servicing access drainage and landscaping

LOCATION: Murrayshall House Hotel, Murrayshall, Perth, PH2 7PH

Ref. No: [23/00833/IPM](#)

Ward No: P2- Strathmore

Summary

This report recommends approval of a Planning Permission in Principle application for a tourism-related mixed-use development 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. Planning Permission in Principle (PPP) is sought for a mixed-use development comprising spa and leisure facility including ancillary food and drink; holiday accommodation including lodges, luxury units and timeshare/ vacation ownership properties; extension to existing hotel; erection of central delivery hub to house deliveries, staff facilities and relocated greenkeeping services; provision of outdoor pursuits; small-scale residential development including conversion of existing greenkeepers compound; and associated works, including a photovoltaic array; servicing, access, drainage and landscaping. The application site currently comprises the existing Murrayshall Estate, which incorporates a country house hotel, two golf courses, a driving range, self-catering lodges, existing residential housing and staff accommodation.
2. The hotel itself sits within a rural landscape setting and is characterised by a mixture of landscaped golf courses and woodland groups.
3. There are several Core Paths running through and adjacent to the site.
 SCON/50: Murrayshall Hill via Lynedoch Obelisk and SCON/21: McDuff's

Monument Walk (Golf driving range to Murrayshall Hill) form a circular route between Balcraig Road and Murrayshall Hill (via the Lynedoch Obelisk).
SCON/116: Coronation Road in Deuchny Wood to Murrayshall Hill forms a branch from this circular route to the south of McDuff's Monument. SCON/15: Parkside Path, Maidenwells to Wester Bonhard runs through the north of the site, which then connects to ITUR/50 and SCON/9 both to the east but out with the site. SCON/7: Two Mile House Path runs through the application site from Balcraig Road to Murrayshall Road, between the existing golf course and driving range.

4. Gas pipelines (National Grid, INEOS and Shell) are situated close to the eastern site boundary, with an eastern part of the site within consultation zones for each of the pipelines.

Spa and Leisure Facility (Area 6)

5. A new spa and leisure facility is proposed to serve both hotel guests and the public. The scale of the building reflects the accommodation requirements of the various associated uses, including a spa and leisure club (pool, saunas, steam rooms, gym, changing facilities, cafés), the requirements of these uses has determined the chosen location, which is currently part of the Lynedoch golf course, which has been reconfigured and holes decommissioned in recent years to reduce it to a 10 hole course.

Lodges and Fractional Ownership Accommodation (Areas 7 and 8)

6. Up to 40 lodges and up to 30 vacation ownership properties are proposed. The accompanying 'Business Repositioning' statement, in the executive summary, recommends the phasing of new accommodation in line with market demand. Consequently, the intention is to initially deliver 25 lodges, as a first phase on area 8 nearest to the hotel, followed by a further 15 lodges and 30 vacation ownership properties on area 7 of the masterplan (existing driving range).

Landscape Framework Zone (Area 9)

7. A landscape buffer zone, to include new planting and screening, is proposed on either side of the existing housing group on Balcraig Road (Area 10 on the Masterplan).
8. This landscape zone will create separation between the proposed lodges and the existing housing, to offset the impact on views where the landscape falls away from that housing group. The intention to use new planting to screen the tops of the proposed building structures but maintain the long views from the houses across the landscape.

Luxury Cabins (Areas 2 and 11)

9. As part of an initial phase, to provide additional accommodation quickly and efficiently, the intention is to deliver up to 19 luxury cabins immediately adjacent to the hotel, on the existing underused tennis court.
10. The cabins would be temporarily sited here during phase 1 of the proposal until the proposed extension to the hotel is to be developed as part of the second phase.
11. Following delivery of the hotel extension, these cabins would be redistributed to area 11, which comprises former golf holes of the Lynedoch course and is an area which are well screened by existing trees.

Extension to Existing Hotel (Area 2)

12. A 50-bedroom extension is proposed to the hotel, to adjoin the east elevation and repurpose the existing tennis court area.

Erection of Central Delivery Hub (Area 4)

13. A new hub building is proposed in the southwest of the site, adjacent to the approved relocated driving range. This would receive goods deliveries, contain staff facilities and relocated greenkeeping services. This keeps these operational aspects close to the hotel, and would be served by a new access off Murrayshall Road, limiting HGVs entering the estate via other routes.
14. Goods and services can then be distributed around the resort using electric buggies, which is commonly the case across golfing resorts throughout the UK.

Outdoor Pursuits (Areas 12)

15. The proposal seeks to introduce outdoor activities on site and are exploring the possibility of 'zip lining', high ropes and clay pigeon shooting.

Small-scale Residential Development (Area 13)

16. The only residential component proposed within the Masterplan is the conversion of the existing greenkeepers compound. This includes traditional stone buildings and would likely result in up to 4 dwellings.

Photovoltaic Array/ Renewables (Area 14)

17. Low carbon renewable technology is proposed in the northeast corner of the site, in the form of a solar array which will help to cover the energy requirements of the estate.

Environmental Impact Assessment (EIA)

18. The impact of the wider development site was screened for EIA (20/01688/SCRN) and it was determined that the proposal does not constitute an EIA development.

Pre-Application Consultation

19. Pre application Reference: [22/00024/PAN](#)
20. A previous application for planning permission in principle was submitted in April 2021 ([21/00508/IPM](#)) for a residential development, extension to hotel, erection of hotel accommodation units, café, spa and leisure facilities and groundskeeping buildings, formation of camping grounds, outdoor sports grounds, photovoltaic site, access roads, SUDS ponds, landscaping and associated works. This application was subsequently withdrawn following advice from officers that the nature and extent of the residential element proposed was significantly contrary to green belt policy.

NATIONAL POLICY AND GUIDANCE

21. The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework 4

22. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
23. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 8: Green Belts
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
 - Policy 11: Energy
 - 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 29: Rural Development
- Policy 30: Tourism

Planning Advice Notes

24. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

Creating Places 2013

25. 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

26. The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2 (2019).

Perth and Kinross Local Development Plan 2

27. 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.
28. The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 8: Rural Business and Diversification
 - Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome / Campervan, and Camping Sites

- Policy 9C: Caravan Sites, Chalets and Timeshare Developments: Chalets, Timeshare and Fractional Ownership
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 19: Housing in the Countryside
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- 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 42: Green Infrastructure
- Policy 43: Green Belt
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

Site History

[07/00283/OUT](#) was Refused On 11 September 2007 for Erection of 12 dwellinghouses (plot F) (in outline).

[07/00284/OUT](#) was Approved On 11 September 2007 for Replacement of existing indoor driving school with 1no dwellinghouse (plot E) (in outline).

[07/00285/OUT](#) was Approved On 11 September 2007 for Leisure and health facilities 'timeshare' lodge and fractional ownership accommodation 70 bedrooms and 10 staff living/bedroom studio residences (plot A) (in outline).

[07/00286/OUT](#) was Refused On 11 September 2007 for Erection of 4 dwellinghouses (plot B) (in outline).

[07/00287/OUT](#) was Approved On 11 September 2007 for Erection of 17 bedroom suite accommodation including public lounge (plot D) (in outline).

[10/00505/IPL](#) was Approved On 17 May 2010 for Leisure and health facilities 'timeshare' lodge and fractional ownership accommodation 70 bedrooms and 10 staff living/bedroom studio residences (plot A) (in principle) (renewal of 07/00285/OUT).

[10/00506/IPL](#) was Approved On 17 May 2010 for Erection of 17 bedroom suite accommodation including public lounge (plot D) (in principle) (renewal of 07/00287/OUT).

[20/01688/SCRN](#) On 24 December 2020 for Screening opinion request.

[20/00010/PAN](#) On 9 December 2020 for Residential development, extension to hotel, erection of hotel accommodation units and staff accommodation units, spa facility, golf training and indoor sports buildings, formation of camping grounds, outdoor sports grounds, photovoltaic sites, access roads, SUDS ponds, landscaping and associated works.

[21/00508/IPM](#) application was Withdrawn On 4 April 2022 for Residential development, extension to hotel, erection of hotel accommodation units, café, spa and leisure facilities and groundskeeping buildings, formation of camping grounds, outdoor sports grounds, photovoltaic site, access roads, SUDS ponds, landscaping and associated works (in principle).

[21/01673/FLL](#) Full Planning Permission was Approved On 11 July 2022 for Relocation of driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works.

[22/00023/PAN](#) On 2 February 2023 for Residential development, extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of green keeping buildings, formation of central delivery hub, photovoltaic sites and associated access, drainage, and landscaping works (in principle).

[22/00024/PAN](#) On 2 February 2023 for Extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of green keeping buildings, formation of central delivery hub, photovoltaic sites, associated access, drainage, and landscaping works (phase 1).

[23/01798/FLL](#) Full Planning Permission for Alterations and extension to core path, installation of signage and associated works.

CONSULTATIONS

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

External

Shell UK

No objections. Conditions related to protection of their assets required.

Scone And District Community Council

Object. Consider that the proposal is inappropriate development in the green belt; there would be noise, air and light pollution; traffic issues; drainage/infrastructure concerns; landscape concerns; concerns over residential aspect; solar array is too large and will impact the airport; outdoor pursuits proposed are unsuited to area; and biodiversity concerns.

Bridgend Gannochy And Kinnoull Community Council

Objects on the grounds of roads infrastructure, due to congestion at Bridgend and the A94.

Perth And Kinross Heritage Trust

No objection. Advise that the area has high archaeological potential, and a condition is recommended to ensure that a programme of archaeological works is required, and any archaeological remains are appropriately dealt with.

Historic Environment Scotland

No objection.

Scottish Water

No objection. Advise there is currently sufficient capacity at Perth Water Treatment Works and Scone Waste Water Treatment Works to service the development.

Structures And Flooding

No objection. Advise that further drainage and flooding information requires to be submitted at detailed design phase.

Scottish Environment Protection Agency

No objection. This followed discussions with the applicant and the submission of additional information.

INEOS FPS

No Comments.

Perth Scone Airport

No comments.

NatureScot

No comments.

Scottish Forestry

No comments.

Health And Safety Executive (HSE)

HSE do not advise against the proposal, provided that the 'outdoor pursuits' area is not located within the pipeline inner zone and limitations are imposed on the number of people that will gather in the middle and outer zones.

Internal

Conservation Team

No objection. Advise the proposed development has the potential to impact on the setting of listed buildings. The significance of any impact will require to be considered at detailed design stage. Content with the scope of the heritage impact assessment carried out.

Enterprise Team

No objection. Advise that the proposal would represent a significant boost to the local visitor economy and demonstrates the wider benefits that can be accrued to a local area from a resort development such as this.

Community Greenspace

No comments.

Commercial Waste Team

No objections.

Biodiversity/Tree Officer

No objections, subject to conditions requiring further ecological and tree surveys to be carried out at detailed design stage.

Development Plan

No objection. Advise that the principle of the proposals would be broadly in line with green belt policy.

Environmental Health (Noise Odour)

No objections, subject to conditions requiring a Noise Impact Assessment, an Air Quality Impact Assessment and a Glint and Glare Assessment to be submitted at detailed design stage.

Transportation And Development

No objections, subject to conditions requiring further assessment of the transport impacts to be carried out at detailed design stage.

Development Contributions Officer

No objections, subject to conditions to ensure that required contributions may be sought at detailed design stage.

Representations

30. 272 representations were received, 217 object and 55 support. The main issues raised within the objections are:

- Visual impact
- Inappropriate use in green belt
- Traffic impacts
- Noise impacts
- Flood concerns
- Inappropriate land use
- Light pollution
- Loss of open space
- Loss of trees
- Road safety concerns
- Overdevelopment
- Impacts on ecology and wildlife
- Air quality impacts
- Impact on soils
- Archaeological impacts
- Impact on core paths
- Glint and glare implications

31. The main reasons for supporting the application are:
- Proposals will generate significant investment
 - Job creation
 - Will support other local businesses
 - Enhances the character of the area
 - Will modernise the area with attention to green energy
 - Facilities will secure a sustainable future for the Estate
32. These matters are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Archaeological Report • Flood Risk and Drainage Assessment • Design and Access Statement • Energy Statement • Geotechnical Report • Heritage Impact Assessment • Landscape and Visual Appraisal • Business Review and Strategy • Noise Impact Assessment • Preliminary Ecological Appraisal • Transport Statement • Economic Report • Tree Report • Planning Statement • Solar PV Feasibility Report • Pre-application Consultation Report

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 Development Plan comprises NPF4 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.

Principle

34. The site is within the green belt and therefore Policy 8 of NPF4 and Policy 43 of LDP2 are applicable. NPF4 makes allowance for development proposals in the green belt if it is ‘for outdoor recreation, play and sport or leisure and tourism uses; and developments that provide opportunities for access to the open countryside (including routes for active travel and core paths)’ or where it is an ‘intensification of established uses, including extensions to an existing building where that is ancillary to the main use.’ Similarly, in the case of LDP2, the proposed development could in principle comply with LDP2 policy 43 criterion (a) supporting an established use, criterion (e) improving public access to the countryside around Perth, and criterion (f) renewable energy developments, providing that the proposals are appropriate to meet the overall objectives of the Green Belt to protect and enhance the character, landscape setting and identity of settlements.
35. In terms of the residential element, this proposal constitutes alterations to an existing building to form residential development. Policy 43 permits housing which complies with categories 3.3, 4 and 5 of Policy 19: Housing in the Countryside i.e. proven economic need, conversions or replacement buildings. The renovations and conversion of existing buildings to form new housing could therefore be supported in principle providing that a positive benefit to the green belt can be demonstrated.
36. This proposal is a tourism related development. LDP2 Policy 8: Rural Business & Diversification supports such proposals when they improve the quality of existing visitor facilities. It states that “proposals for rural business outwith identified settlements whose viability requires some mainstream residential development will only be supported where this fits with Policy 19: Housing in the Countryside”. The proposal could potentially meet with Policy 8 criteria (a) “*The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation, additional tourism or recreational facilities, or the re-use of existing buildings*”. Policy 19 allows for the small-scale conversion of existing buildings to residential use in the green belt.
37. LDP2 Policy 9: Caravan Sites, Chalets and Timeshare Developments generally supports the improvement of existing holiday-related uses. Policy 9C states that “the Council will give favourable consideration to new chalet and timeshare/fractional ownership developments where it is clear these cannot be used as permanent residences”.
38. NPF4 Policy 30: Tourism, sets out that proposals for tourism related development will take into account factors such as the contribution made to the local economy; compatibility with the surrounding area and impacts on communities, along with sustainable principles and consideration of the natural environment.

39. Overall, NPF4 and LDP2 policies are generally supportive of the proposal as the intensification of an existing tourist facility. Therefore, the development proposals are acceptable in principle, subject to compliance with other relevant development plan policies and material considerations, which are assessed below.

Design and Layout

40. The proposed development will provide a complementary leisure experience to Murrayshall Estate. The proposal includes the development of four different types of accommodation including an extension to the hotel building, spa facilities, delivery hub, repurposed buildings for residential use, photovoltaic array, outdoor pursuits and landscaping.
41. The majority of the built development will be focused near to the main hotel building and to the western extent of the site. This is the lowest part of the estate and will allow the development to sit within the established landscape while limiting its visual impact. The detailed design of development within the various Areas will be required at AMSC stage (Condition 3). The detailed design and layout will require to be sympathetic to the countryside location while being acceptable in terms of scale and density and utilise appropriate materials.
42. A number of objectors have raised concern over the realignment of the Core Path SCON/7, as shown on the masterplan. However, the masterplan is purely indicative and any realignment of the core path will have to go through the formal planning and legal process, which is not under consideration as part of this application.
43. Overall, the proposed development will bring a modest change to the landscape setting but the planting of native trees and foliage will help soften the impact of the new accommodation and leisure areas. The proposal is considered to adopt good placemaking principles as the design and siting respects the character and setting with a low impact proposal and thereby accords with NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1: Placemaking.

Landscape and Visual Amenity

44. NPF4 Policy 4: Natural Places, advises that development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. LDP2 Policy 39: Landscapes, states that development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross.
45. The site is situated in the Sidlaw Hills Local Landscape Area (LLA) and a Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application.

46. The Estate has a well-established structure of policy woodlands and mature trees, and this will be supplemented through additional planting and landscaping. By its very nature the proposed development will result in landscape and visual effects that will cause modest changes to local landscape character and affect views from certain locations. The LVIA concludes that the magnitude of change to the landscape character is assessed to be low. Furthermore, the effect of the development on surrounding landscape designations is assessed to be minor.
47. The introduction of solar PV offers more of a potential to add new features to the view. However, a relatively small scale of PV, set within an established landscape framework, with additional screen planting should result in a very limited impact in the views to the north. Environmental Health has advised that a Glint and Glare Assessment will be required within the AMSC for the solar pv to minimise its impacts and this will be required by condition (Condition 24).
48. With such information properly integrated into the design process at the detailed stage, it is considered that the proposal will result in a site landscape offering diversity that has responded to the rural topography in a sensitive manner. The proposal will be integrated into the landscape and will not cause a significant adverse impact on the landscape character and therefore acceptable. As advised above, this will be considered in detail as part of AMSC applications against the specific criteria recommended.
49. By improving and increasing recreation opportunities in the area and enhancing the woodland structure of the Estate the proposal is considered in accordance with the guidance for the Sidlaw Hills Local Landscape Area. The proposals will not detract from the qualities of this LLA and the identified landscape character of the site and surroundings. The indicative masterplan does show locations for the proposed luxury cabins potentially impacting on the ancient woodland. This is not acceptable but can be addressed during the detailed application stage (Condition 11).
50. The visual effects of the proposal from surrounding representative receptors are not considered to be significant. Any adverse effects will decrease in time through maturing screening and landscape mitigation. The proposal is therefore considered to comply with the aims of NPF4 Policy and LDP2 Policy 39.

Roads and Access

51. NPF4 Policy 13: Sustainable Transport seeks to encourage developments that prioritise sustainable travel while LDP2 Policy 60 Transport Standards and Accessibility Requirements requires consideration of transport and accessibility. The applicant has submitted a Transport Statement in support of the application, and this has been considered by PKC Transport Planning. As the application is only an in-principle application the submitted TA assesses the overall site in general terms. Improvements to the immediate access roads have been investigated, proposing a number of passing places and localised widening, which is welcomed. However, additional infrastructure and further details and

investigation will be required as part of any detailed application (Conditions 3(iv), 3(v) and 5).

52. The SYSTRA model was used to assess traffic impacts and the report concluded that there will be slight increases in traffic on the local road network with the predicted changes at the A94/Murrayshall Road junction being the largest. The modelling suggests a change in queuing behaviour at the junction of A93 Strathmore Street/A94 Isla Road/Main Street and slight increases in the level of queuing are predicted in the AM peak. There will be a slight increase in journey times on the A94 northbound between Perth Bridge/Charlotte Street and the A94 Murrayshall in the PM Peak, the AM Peak journey times remaining relatively consistent. In the southbound direction, the model predicts a slight increase in both the AM and PM peaks.
53. Overall, Transport Planning have no objections to the proposal subject to the imposition of the suggested conditions (Conditions 3(iv), 3(v), 4, 5, 6 and 7).

Drainage and Flooding

54. A Flood Risk Assessment (FRA) has been submitted in support of the application and this has been assessed by both SEPA and the Council's Structures and Flooding Team. An updated FRA was submitted on 17 July 2023 and SEPA has confirmed their acceptance of its content. The submitted FRA is high level, which is accepted at this stage when limited details of the specific elements of the development are available. However, an updated FRA will be required at AMSC stage (Condition 27).
55. A surface water drainage design plan showing the proposed SUDs layout will be provided at the detailed planning permission stage to ensure there is no flood risk elsewhere in the area (Condition 28).
56. Overall, the site is generally at a low risk of flooding and the proposal complies with NPF4 Policy 22: Flood Risk and Water Management; and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

Conservation Considerations

57. A Heritage Impact Assessment has been submitted in support of the application and has been assessed by both Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT).
58. HES has assessed the proposal and the potential for it to affect the Wester Bonhard, Bonhard Park and Mill of Bonhard Scheduled Monuments. They have considered the information received and do not have any comments to make on the proposals.

59. PKHT has advised that the proposed development site lies within an area that has known archaeological remains and is considered to have high archaeological potential.
60. As a result, PKHT recommend that a programme of archaeological works is attached as a condition (Condition 20) to ensure the development and its impact on known and potentially unknown archaeological remains is appropriately dealt with. The details of this programme should be agreed in advance of works in a Written Scheme of Investigation with PKHT. It is likely that for the majority of areas in the first instance an archaeological evaluation consisting of trial trenching takes place prior to any development to assess the presence / absence, significance and condition of any archaeological deposits within the development site. Following this evaluation, if necessary, a mitigation strategy for either the preservation of significant archaeological deposits in situ or by record can be agreed.
61. The requested condition will ensure that the proposal complies with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

Natural Heritage and Biodiversity

62. NPF4 Policy 1: Sustainable Places, Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry, Woodland and Trees are relevant considerations as are LDP2 Policies 38: Environment and Conservation, 40: Forestry, Woodland and Trees and 41: Biodiversity.
63. The Council applies the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
64. The site contains attractive and biodiverse woodland of over 300 individual trees and groups representing a broad range of species and age class. The submitted Tree Survey identified the presence of two veteran (including ancient) trees on the site. The implications of their presence on the use of the surrounding land should be assessed at the earliest possible stage of the design process and these veteran trees must be retained as part of this development (Condition 11).
65. There is a strong presumption against the removal of ancient semi-natural woodland in the Scottish Government Policy on Control of Woodland Removal unless removal of woodland would achieve significant and clearly defined additional public benefits.
66. Some areas of woodland are classed as ancient woodland. Although not legally protected, Ancient Woodland Inventory sites are important and irreplaceable habitat and the Tayside Local Biodiversity Action Plan seeks to enhance, restore and extend coverage of ancient woodland. Some woodland areas are listed on

the Native Woodland Survey of Scotland as upland birchwood and upland oakwood – all priority habitats in the UK Biodiversity Action Plan that should be protected and enhanced.

67. More information is required to inform a detailed approval of matters: a tree/woodland survey outlining the impact of the proposed development on the woodland resource (Condition 11). The mitigation hierarchy of avoid, reduce and compensate must be followed to reduce impacts of development to woodland, trees and biodiversity. Due to the classification as ancient woodland, management measures that would improve and enhance the condition of the woodland is strongly encouraged to form part of any AMSC proposal.
68. A detailed landscape plan will be required as part of the submission of any AMSC (Condition 3(viii)). Compensatory tree planting is required on a ratio of 1:3 for every tree lost. A detailed landscaping plan and planting schedule is required indicating species, location, tree stock size, type, planting spec, maintenance, and weed control. Species should be predominantly native to Scotland and include fruit-bearing trees.
69. Planting native hedgerows would be beneficial to biodiversity as long as planted at least 1.5m from path edges to allow shrubs room to grow to their maximum spread without requiring considerable maintenance by Community Greenspace.
70. The Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. AMSC proposal should demonstrate that the development will not have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
71. The submitted Preliminary Ecological Appraisal Report (PEAR) notes the presence of potential red/grey squirrel dreys and a badger sett. More detailed survey is recommended in the report and this information is required at AMSC stage (condition 3(xiv) and 13). In addition, the presence of bat roosts within buildings was assessed but not the many mature trees on site. Mature trees need to be surveyed for the presence of bats.
72. Surveys need to include impact assessments, mitigation measures and any licensing requirements. In addition, section 6.8 of the submitted PEAR recommends an INNS management plan be prepared and implemented for the construction phase (Condition 16).
73. NPF4 requires major developments to ensure significant enhancement to biodiversity. Meaning that proposed actions and management will make the site significantly better for biodiversity than before the development. Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations.

74. Requirements detailed in the LDP2 and PKC Planning for Nature Supplementary Guidance should be used to create a Site Biodiversity Action Plan. It should contain quantity, locations, techniques, timescales, and monitoring arrangements.
75. Planting native tree species and a boundary hedge of native species such as hawthorn, guelder rose and hazel would increase the biodiversity value of the site and enhancing connectivity by linking to existing hedgerows and trees would contribute towards a key action in the Tayside LBAP.
76. A checklist of information required to inform a planning application regarding biodiversity is provided in Annex 4 of the PKC Planning for Nature Supplementary Guidance.

Noise and Air Quality

Noise

77. A Noise Impact Assessment (NIA) has been submitted in support of the application and Environmental Health are satisfied with the target levels shown. Noise concerns have been raised about clay pigeon shooting potentially being part of the proposed outdoor pursuits. However, it has been confirmed that this will be laser clay pigeon shooting.
78. The NIA concludes that commercial noise and possible mitigation will need to be assessed at AMSC stage, and Environmental Health are happy to accept that at this stage subject to conditions requiring an updated NIA and Noise Management Plan (NMP) (Conditions 3 (xviii), (xix) and 23).

Air Quality

79. An Air Quality Screening Assessment (AQSA) has been submitted in support of the application. This is largely based on predicted additional vehicle trips to the site. As the specific proposals on site are not yet known a condition (Condition xx) requiring the submission of a Noise Impact Assessment (NIA) will be required at AMSC stage. Environmental Health are satisfied with this approach.

Pipelines

80. The site lies within the consultation zone of two major accident hazard pipelines. NPF4 Policy 23: Health and Safety and LDP2 Policy 54: Health and Safety Consultation Zones both require consideration to be taken of the associated risks and potential impacts of proposals on pipelines. The Health and Safety Executive (HSE) and the pipeline operators, Shell UK and Ineos FPS, were all consulted on the proposals.
81. Two areas of the proposal, Area 12 and Area 14 are located within the consultation zone. The masterplan identifies Area 12 as being used for 'Potential

Outdoor Pursuits' and is located within the inner, middle and outer HSE consultation zones as well as outside of the consultation zones. Within HSE's methodology this type of use is considered to be 'Outdoor Use by Public'.

- Inner zone – HSE would advise against this part of the development located within the inner zone.
 - Middle zone – HSE would not advise against this part of the development located within the middle zone as long as there was no more than 100 people gathered at any one time within the middle zone.
 - Outer zone – HSE would not advise against this part of the development located within the outer zone as long as there was no more than 1000 people gathered at any one time within this outer zone.
82. Shell UK has offered similar comments and concerns to the proposal, in particular the possibility of erecting a 'hub building' in this area. Shell UK note in their submission that they have been in dialogue with the applicant's agent and acknowledged that the current plans are indicative and a willingness from the applicants to engage further with them at detailed application phase. As such conditions (Condition 21 and 22) will be required to ensure that the pipelines are duly considered in any AMSC.
83. The masterplan identifies Area 14 for the siting of the photovoltaic panels. Area 14 is located within the HSE middle zone, outer zone and outside of the consultation zones. Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development. HSE has offered no concerns to the location of the photovoltaics.

Developer Contributions

Affordable Housing

84. The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
85. The application proposes "up to 4 dwellings", a condition is recommended (Condition 8) to ensure future detailed applications comply with Policy 20 of Local Development Plan 2 (2019).

Primary Education

86. 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. A condition (Condition 9) is required to ensure future detailed applications comply with Policy 5 of Local Development Plan 2 (2019).

Transport Infrastructure

87. The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
88. The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition (Condition 10) to reflect this should be attached to any planning application granted.

Economic Impact

89. The applicant has submitted an Economic Impact Statement and an Operational Business Review and Repositioning Strategy Executive Summary in support of the application and this has been assessed by the Council's Business Development team.
90. The proposed development at Murrayshall would represent a very significant capital investment in hospitality and leisure facilities and one of the biggest in the Perth area in recent times. The range of accommodation types and associated spa and leisure services that have been outlined would see the establishment of a contemporary resort which would attract both leisure and business events visitors and strengthen the year-round proposition of Perth & Kinross as both a short breaks and conference destination.
91. The Economic Impact Statement provides a policy context and demonstrates a good understanding of the characteristics and tourism performance of Perth & Kinross. The Statement comprises indicative assessments at both the construction and operational stages. As with other reports of this nature these rely on certain assumptions regarding input data and multipliers in order to provide the calculations and these appear fair and consistent with what one would expect.
92. Broadly, the report has adopted a cautious position with regards to, for example, GVA productivity per job, particularly given the impact of Covid on tourism performance in recent years. Nevertheless, it is estimated that approximately £4.6 million net could be generated for the local Perth & Kinross economy (discounting accommodation and travel expenditure) on a profile of 119,000 net additional overnight guest visits and with 107 jobs created locally within Perth & Kinross.

93. This would represent a significant boost to the local visitor economy and demonstrates the wider benefits that can be accrued to a local area from a resort development such as this.
94. In terms of the overall proposition, Perth itself has lost hotel capacity in recent times and the emergence of a licensing scheme and planning guidance in respect to short term lets may impact on the supply of self-catering accommodation. Therefore, the proposed development would see accommodation capacity increased over time and would assist in reaching broader strategic objectives in growth in the value of tourism. The need for continual capital investment in tourism infrastructure is recognised in order to keep ahead in an intensely competitive tourism marketplace. Ultimately the market would determine the success or otherwise of the development but the overall package of accommodation types, spa and activities facilities that has been outlined for Murrayshall is a welcome tourism investment proposal.

LEGAL AGREEMENTS

95. None required at this stage.

DIRECTION BY SCOTTISH MINISTERS

96. 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

97. 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.
98. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. The scale, massing, layout and design of the masterplan and information contained within the supporting documentation to this application as submitted is purely indicative and is not approved.

Reason: The application is for planning permission in principle only at this stage and details of a layout would be considered in subsequent applications for the Approval of Matters Specified in Conditions.

3. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Approval of Matters Specified Condition' (AMSC)) have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) an updated masterplan and a phasing plan;
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point; details of all cut and fill operations;
- (iii) the siting, design, height and external materials of all buildings, structures, roads and camping areas;
- (iv) the details of all accesses, roads, car parking, vehicle turning facilities, footpaths, cycleways, path connections throughout the development;
- (v) the details of public road widening/improvement and footpath improvement/connections;
- (vi) details of any screen walls/fencing to be provided
- (vii) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (viii) submission of a landscape plan showing details of all hard and soft landscaping, structure planting and screening associated with the development of each phase;
- (ix) the lighting of all roads and paths;
- (x) the layout of any play areas and the equipment to be installed;
- (xi) details of watercourse alignments and any de-culverting
- (xii) full details of the proposed means of disposal of foul and surface water from the development;
- (xiii) details of car charging points to be provided within the car park;
- (xiv) updated ecological/biodiversity/protected species/breeding bird survey;
- (xv) submission of Construction and Environment Management Plan (CEMP);
- (xvi) archaeological assessment;
- (xvii) noise impact assessment;
- (xviii) air quality impact assessment; and
- (xix) details of waste management provision.

Reason: To ensure that the matters referred to within this Planning Permission is Principle are given full consideration and to accord with the requirements of Section 59 Town and Country Planning (Scotland) Act 1997 (as amended).

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a signing strategy for the development shall be undertaken for the local road network, along with a date for their implementation shall be agreed in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

5. As part of the first application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed design showing mitigation for the public road network to accommodate the development are subject to detailed approval required by the Council as Roads Authority to the satisfaction of the Planning Authority. The vehicular mitigation, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to commencement of works on site.

Reason: In the interests of pedestrian and traffic safety.

6. No part of the development shall be occupied until a Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced sustainable transport access to the site), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable transport options.

7. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
 - a. restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b. timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c. a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d. arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e. emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;

- f. arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g. arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h. arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i. details of information signs to inform other road users of construction traffic;
- j. arrangements to ensure that access for emergency service vehicles are not impeded;
- k. co-ordination with other significant developments known to use roads affected by construction traffic;
- l. traffic arrangements in the immediate vicinity of temporary construction compounds;
- m. the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n. monitoring, reporting and implementation arrangements;
- o. arrangements for dealing with non-compliance; and
- p. details of HGV movements to and from the site.

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

Reason: In the interest of proper site management.

8. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), 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 2020.

9. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with 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 2020.

10. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to transport 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 2020.
11. In pursuance of Condition 3 (vii), (viii) and (xv), as part of any application for the Approval of Matters Specified by Condition (AMSC), an updated woodland/tree survey with clear impact assessment of the proposed development on trees and woodland shall be submitted. The survey shall include measures for the retention of the identified veteran trees.
Reason: In the interests of protecting environmental quality and of biodiversity.
12. In pursuance of Condition 3 (vii) and (viii), as part of any application for the Approval of Matters Specified by Condition (AMSC), a tree protection plan, Arboricultural Impact Assessment and Arboricultural Method Statement shall be submitted.
Reason: In the interests of protecting environmental quality and of biodiversity.
13. In pursuance of Condition 3 (xiv), as part of any application for the Approval of Matters Specified by Condition (AMSC), an ecological survey undertaken by suitably qualified and experienced persons, including specific survey for badger, red squirrel and bats in trees including any licensing requirements shall be submitted.
Reason: In the interests of protecting biodiversity.
14. As part of any application for the Approval of Matters Specified by Condition (AMSC) a Site Biodiversity Action Plan including biodiversity enhancement measures shall be submitted.
Reason: In the interests of protecting and enhancing biodiversity.
15. In pursuance of Condition 3 (ix), as part of any application for the Approval of Matters Specified by Condition (AMSC), information regarding lighting during construction and operation of the site shall be submitted. Development lighting should be low lux-level, downward facing and directed away from hedgerows,

treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats.

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

16. As part of any application for the Approval of Matters Specified by Condition (AMSC) an Invasive Non-Native Species (INNS) Management Plan shall be submitted.

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

17. The detailed design for Areas 2, 8 and 11 shall include a minimum 6m buffer left free of development from the banks of the watercourse. A detailed site layout clearly annotated with pre- and post-development ground and finished floor levels (mAOD) should be submitted for the subsequent approval of PKC Flooding and Structures in consultation with SEPA.

Reason: In order to take account of the flood risk from the adjacent watercourse.

18. Where relevant, any application for the Approval of Matters Specified by Condition (AMSC) shall include details of any proposed bridges or culverts and these shall be designed with an appropriate freeboard above the 0.5%AEP+CC water level and maintained as such in perpetuity.

Reason: In the interests of flood prevention.

19. In pursuance of Condition 3 (iv) and (v), a landscape plan providing the design, promotion and maintenance standards of all public open space including proposed paths, core paths and rights of way shall be submitted as part of any application for the Approval of Matters Specified by Condition (AMSC). The core paths/rights of way must be respected and incorporated within landscaped public open space green corridors. Existing core paths and rights of way must not be obstructed during construction or on completion. Any diversions to these core paths/rights of way must be created and be available for use prior to any works which would require closure of the existing core path and right of way.

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

20. 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 (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). 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. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development

as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

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

21. Any application for the Approval of Matters Specified by Condition or detailed application on any part of the site within or where it may affect an area covered by a pipeline consultation zone will require the further approval of HSE and the pipeline operators.

Reason: Development and activities within these areas may be limited in the interests of the protection of the public.

22. As part of the first application for approval of matters specified, a Pipeline Protection Scheme shall be submitted to and approved in writing by the Planning Authority in consultation with the HSE and the pipeline operators and HSE. The Pipeline Protection Scheme shall indicate how the development will proceed in relation to the pipelines which cross the application site. It shall include details of any required exclusion zones, details of levels and dimensions of the development in relation to the pipelines, any required pipeline protections, scope of works and work methods including laying of new services and any roads, cycle or footpaths which have the potential to encroach upon the pipelines. The details of the Pipeline Protection Scheme, as approved in writing, shall be implemented as part of the development of the site and maintained as such.

Reason: Development and activities within these areas may be limited in the interests of the protection of the public.

23. In pursuance of Condition 3 (xviii), an updated Noise Impact Assessment (NIA) shall be undertaken by a suitably qualified consultant and submitted to the Planning Authority as part of any application for the Approval of Matters Specified by Condition (AMSC). The NIA should include all noise sources associated with the development and assess impact on neighbouring residential properties.

Reason: In the interests of amenity and to prevent undue noise.

24. Any application for the Approval of Matters Specified by Condition that includes the solar photovoltaic array shall include a Glint and Glare Assessment. The assessment shall be undertaken by a suitably qualified consultant and should be carried out in line with the PagerPower Solar Photovoltaic and Building Development - Glint and Glare 2021 Guidance.

Reason: In the interests of landscape and visual amenity.

25. In pursuance of Condition 3 (xix), an updated Air Quality Impact Assessment (AQIA) shall be undertaken by a suitably qualified consultant and submitted to the Planning Authority as part of any application for the Approval of Matters Specified by Condition (AMSC).

Reason: In the interests of protecting air quality.

26. With the exception of the repurposed building group identified as Area 13 on the masterplan, 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.

27. As part of any Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

28. As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Drainage Strategy including detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The strategy and 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 provide effective drainage for the site.

29. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

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

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. Part of the approved development includes 'caravans', i.e. the 'lodges and cabins'. The developer is advised that caravans require to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore a licence application should be made to Environmental Health. Application forms are available at <https://www.pkc.gov.uk/article/15600/Licence-caravan-site>.
2. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
3. Where necessary, no work shall be commenced until an application for building warrant has been submitted and approved.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
5. The granting of planning permission does not stop the continued right of public access along the existing core paths SCON/7, SCON/15 and SCON/50 . An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
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 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.

8. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and SEPA.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

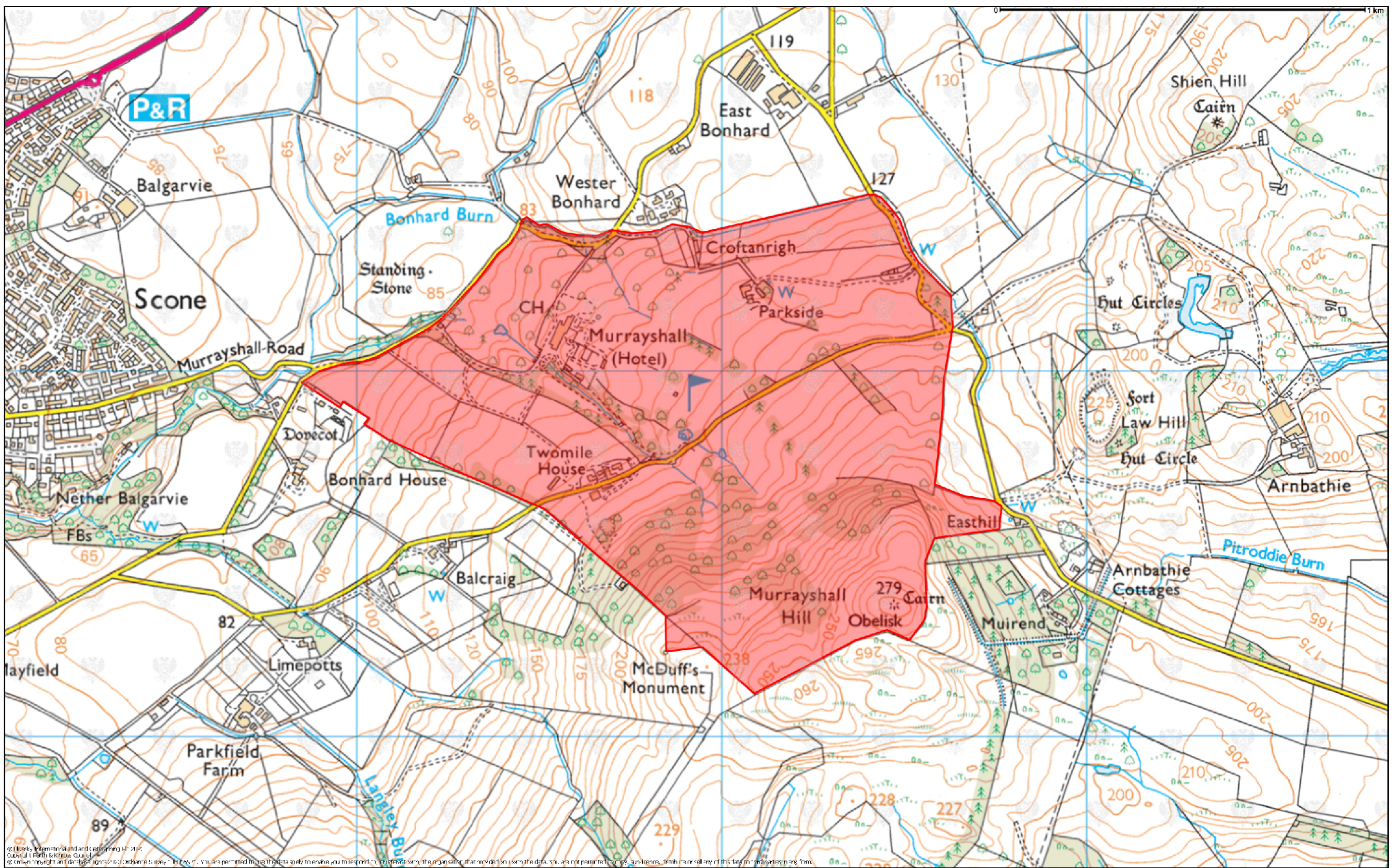
Background Papers: 272 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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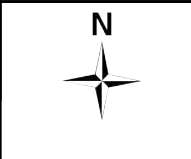
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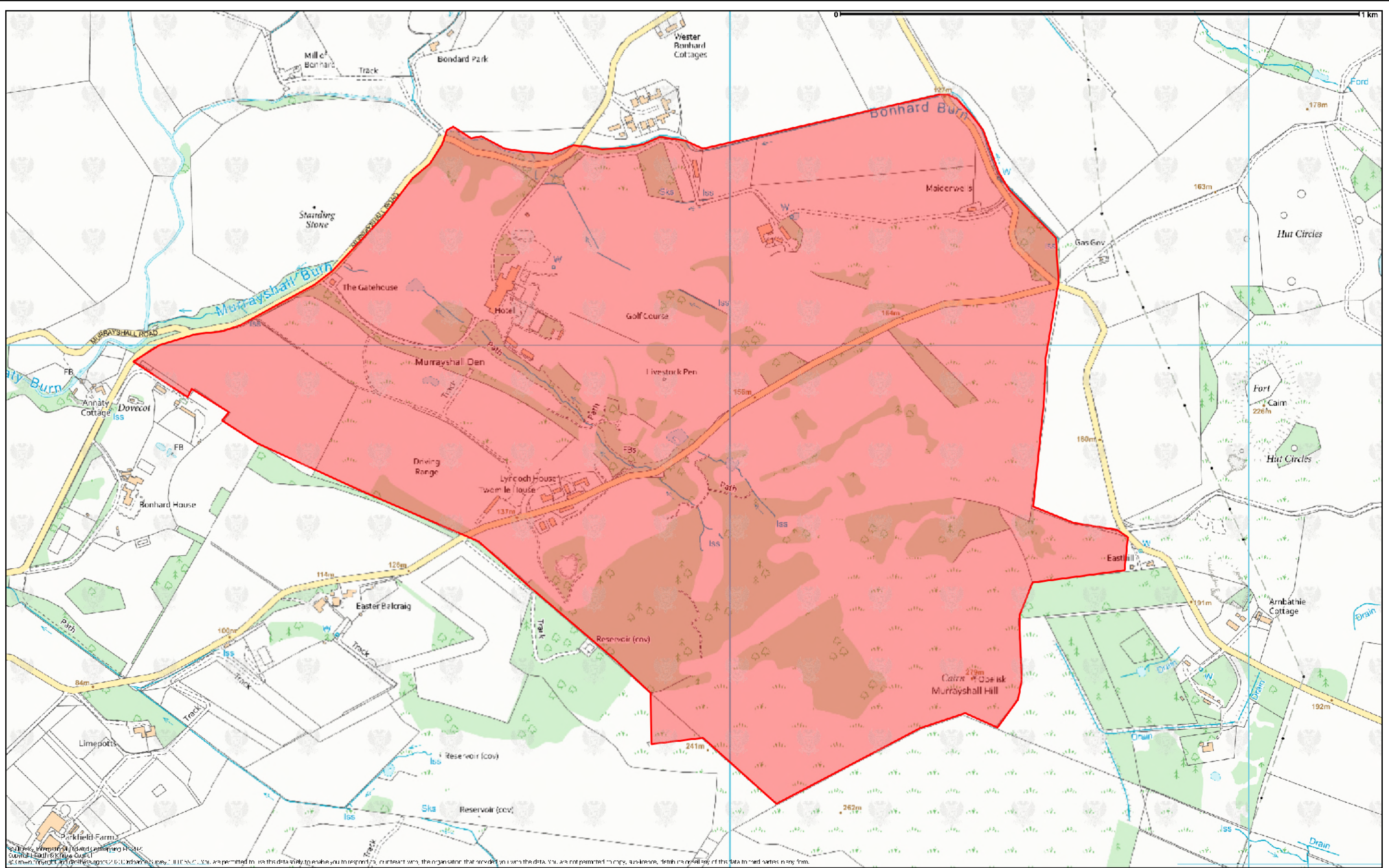
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Planning and Placemaking Committee - 13 December 2023
Scale 1:10000



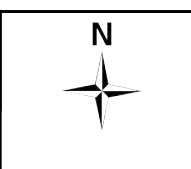
23/00833/IPM
Mixed-use development comprising spa and leisure facility including ancillary food and drink; holiday accommodation including lodges luxury units and timeshare/ vacation ownership properties extension to hotel central delivery hub for deliveries staff facilities and relocated greenkeeping services outdoor pursuits small-scale residential conversion of existing greenkeepers compound and associated works including photovoltaic array servicing access drainage and landscaping at Murrayshall House Hotel, Murrayshall, Perth





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Planning and Placemaking Committee - 13 December 2023
Scale 1:7000



23/00833/IPM
Mixed-use development comprising spa and leisure facility including ancillary food and drink; holiday accommodation including lodges luxury units and timeshare/ vacation ownership properties extension to hotel central delivery hub for deliveries staff facilities and relocated greenkeeping services outdoor pursuits small-scale residential conversion of existing greenkeepers compound and associated works including photovoltaic array servicing access drainage and landscaping at Murrayshall House Hotel, Murrayshall, Perth



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/352)

PROPOSAL:	Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works
LOCATION:	Land 130 Metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [23/01294/FLM](#)
 Ward No: P2- Strathmore

Summary

This report recommends refusal of the application which proposes the formation of a 49.9MW solar farm comprising: ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works all on land 130 Metres southeast of Coupar Angus Substation, Pleasance Road Coupar Angus. The report concludes that the proposal does not comply with the provisions of the Development Plan, namely Policies 1A, 1B, 39 and 50 of the Perth and Kinross Local Development Plan 2, nor does it comply with Policy 11 of the National Planning Framework 4, and there are no material considerations apparent which outweigh the Development Plan in this instance.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, referred to as 'Markethill Solar Farm,' is c.90.6 Hectares (ha) in area, and located approximately 650m south from the centre of Coupar Angus. Although not directly bordering, the site will be clearly visible from the northwest and northeast by the A923 and A94 public roads particularly on approach into Coupar Angus. The southern and south-eastern site boundaries are defined by Wester Balgersho and Pleasance Road. The site is located approximately 2.5 km northwest of the 'Sidlaw Hills' Special Landscape Area and approximately 900 m south of the 'River Tay' Special Area of Conservation (SAC). The 'Coupar Angus' Conservation Area is located 245 m to the north (at the nearest point) and the Category C Listed Building 'Pleasance Farmhouse' and the Category B Listed Building 'Balgersho House' are located approximately 200 m north and 100 m southeast. The 'Coupar Angus Abbey precinct' and 'Coupar Angus Abbey gatehouse,' both Scheduled Monuments are located 290 m and 390 m north.

- 2 There are no core paths affected by proposed development, however Pleasance Road, which is used by the public as a footpath and walking route (non-designated), bisects the eastern area on a northwest to southeast angle. There are several other core paths in the vicinity, including the A923 footway (COUP/121) - located near to the north-eastern boundary of the site and the A94 footway (COUP/139) - located near the north-western boundary of the site.
- 3 In physical terms the design and layout submitted is partially indicative, as the exact type and model of solar panels are not confirmed, and further pre-commencement surveys may indicate a need for micro siting of panels. However, in broad terms the development would consist of rows or 'strings' of solar photovoltaic (PV) panels occupying approximately 70 of the 90.6ha area. The panels would comprise photovoltaic cells (typically 60 to 72 cells per module) which are dark coloured and designed to maximise the absorbency of the sun's rays and minimise solar glare. Each string of panels would be mounted on a metal frame and supports, pile driven into the ground to a depth of approximately 1 to 2 m or on concrete footings. Fixing details will be confirmed after pre-construction surveys. Between each frame there would be a distance of between 3 m - 6 m, to avoid inter-panel shading and provide suitable access. Panels would be tilted at typically 15 to 30 degrees from the horizontal and orientated to face south. Panels would sit approximately 0.8 m from the ground at the lowest point (the southern edge) rising to approximately 3 m at the highest point (the northern edge)
- 4 Further associated infrastructure will comprise: electrical equipment, inverters and transformers, housed inside a container (c.7 m x 2.5 m x 3 m); a substation compound and two buildings (c.10 m x 6 m x 3 m and 18 m x 6 m x 3 m); a temporary construction compound to store equipment and a site office (indicated on Drawing 08); a 2.4 m high perimeter/ deer fence; 4 m wide access tracks as indicated on the site layout as well as landscape planting.
- 5 The application is a resubmission of application [22/01285/FLM](#), which was refused at the Planning & Placemaking Committee on the 22nd February 2023. This current application seeks to address the previous reasons for refusal. It is considered that the development remains to have an immediate and extended negative impacts on the landscape character and visual amenity within two kilometres of the development and on residents within Coupar Angus, owing to its size, form and location. This is discussed in more detail within the appraisal of this report

Environmental Impact Assessment

- 6 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.

- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An EIA screening has previously been undertaken for a development of similar scale and type to that now set out, (Reference 21/02234/SCRN), concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of archaeological, flooding/drainage, noise, ecology, traffic and transport, landscape visual impact and a risk management of development near to major gas pipelines was required to support any planning application.

Pre-Application Consultation

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to size and scale. The applicant was therefore required to undertake formal pre-application consultation with the local community. Significant feedback resulted with the principle issues raised being: concerns over landscape and visual amenity; if there were any community and or economic benefits; impacts to recreation in the area and/or if there would be any benefits resulting from the development, such as community paths of recreation areas; concerns over the site selection and the use of prime agricultural land; impacts from artificial light and safety equipment; foundation design and impacts to archaeology; and impacts on the gas pipeline running through the site.
- 10 The Pre-Application Consultation (PAC) Report submitted with this application noted that two webinars or online events were held on 23 March and 2 of April 2022. The content and coverage of the community consultation exercise was considered sufficient and proportionate and in line with the aforementioned regulations, including the emergency provisions in place at the time due to the pandemic. Notwithstanding the approach taken aligns with the relevant regulations significant concern has been raised that the two online events were inadequate given the scale of development proposed and relaying that many residents in Coupar Angus were elderly and did not have adequate access to the consultation events.

NATIONAL POLICY AND GUIDANCE

- 11 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

Other Policies

13 The Council has relevant supplementary guidance applicable to the proposal. Supplementary guidance is intended to aid the implementation of policies.

14 The relevant supplementary guidance is:

- Perth & Kinross Council Supplementary guidance on Flood Risk and Flood Risk Assessments, March 2021.
- Landscape Supplementary Guidance, February 2020.
- Placemaking Supplementary Guidance, February 2020.
- Planning for Nature – Development Management and Wildlife Supplementary Guidance, April 2022.
- Renewable & Low Carbon Energy Supplementary Guidance (Draft).

15 All supplementary guidance can be viewed on the Council's [website](#).

DEVELOPMENT PLAN

16 The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019).

National Planning Framework 4

17 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.

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

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

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 6: Forestry, Woodland and Tree
- Policy 7: Historic Assets and Places
- Policy 11: Energy
- Policy 12: Zero Waste
- Policy 14: Design, Quality and Place
- Policy 29: Rural Development

Perth and Kinross Local Development Plan 2

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

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 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 28B: Demolition within Conservation Areas
- Policy 27A: Listed Buildings
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 38C: Environment and Conservation: Local Designations
- 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 50: Prime Agricultural Land
- Policy 51: Soils

- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 54: Health and Safety Consultation Zone
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 61: Airfield Safeguarding

Site History

- 21 [16/02230/FLL](#) Full planning permission was approved on 9 March 2017 for the erection of switch room facility and associated works
- 22 [18/01672/FLL](#) Full planning permission was approved on 19 November 2018 for Formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works
- 23 [18/00015/PAN](#) On 4 January 2019 for the formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works
- 24 [18/00016/PAN](#) On 6 February 2019 the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works
- 25 [19/00513/FLM](#) Full planning permission (major) was approved on 24 September 2019 for the formation of a battery storage facility, vehicular access and associated works
- 26 [21/01186/FLL](#) Full planning permission for a battery storage facility. Application returned.
- 27 [21/01226/AML](#) Full planning permission for a battery storage facility. Application returned.
- 28 [21/00015/PAN](#) On 18 November 2021 for the formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW
- 29 [21/02234/SCRN](#) On 1 February 2022 for ground mounted solar photovoltaic array
- 30 [22/00003/PAN](#) application was withdrawn on 4 February 2022 for the installation of a 49.9MW ground-mounted solar array and associated works

- 31 [22/00195/FLM](#) Full planning permission (major) was approved on 1 June 2022 for the Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW
- 32 [22/00006/PAN](#) On 25 February 2022 for the installation of a 49.9MW ground-mounted solar array and associated works
- 33 [22/01285/FLM](#) Full planning permission (major) was refused on 23 February 2023 for the formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works
- 34 [23/00014/PAN](#) On 26 October 2023 for the extension to battery energy storage system comprising of 144 additional battery units and associated works
- 35 [23/00015/PAN](#) On 3 October 2023 for the formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works

CONSULTATIONS

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

External

Scottish Water

- 37 No objection. The applicant will be required to consult with Scottish Water regarding any required water connections.

Transport Scotland

- 38 No objection. Conditions are recommended to secure further consultation with Transport Scotland in the event that any abnormal loads and or temporary traffic signage are required.

Scottish Environment Protection Agency

- 39 No Objection. No land raising is proposed and based on the land use vulnerability identified by this development no concerns are raised.

National Grid Plant Protection Team

- 40 No Objection. The applicant is advised they must consult National Grid prior to works starting.

Dundee Airport Ltd

41 No objection. No comments offered.

Blairgowrie And Rattray Community Council

42 No response

Kettins Parish Community Council

43 No response

Scottish And Southern Energy (SSEN)

44 No Objection. Initial concerns raised in respect of thermal radiation and earthworks impacting on SSE existing infrastructure. However, clarifications have seen these concerns addressed.

Historic Environment Scotland

45 No Objection. HES confirm the solar farm will have a visual impact on the wider countryside and setting of Scheduled Monuments SM5772 – Coupar Angus Abbey prescient and SM7250 – Lintrose House, but that any impacts will not detract in a way which impacts experience and appreciation.

Perth and Kinross Heritage Trust

46 No Objection, subject to an archaeological watching brief condition, as the site is within an area of Archaeological interest and due to the undeveloped nature of this site, there remains the possibility of buried remains still existing.

NatureScot

47 No objection and no comments to make.

Internal

Development Plan Team

48 No objection, subject to conditions regarding: the decommissioning of the development at the end of its life; and a soil management plan. The general principle of the development is broadly supported by LDP2. However, the renewable energy considerations must be balanced against any landscape impacts.

Environmental Health

- 49 No objections, subject to conditions. In terms of 'Glint and Glare' modelling predicts significant impacts on road users travelling along a section of the A94 and for two dwellinghouses: Wester Balgersho Farm and dwelling 53 Easter Balgersho and, therefore there is a requirement for mitigation. Screening mitigation in line with what is proposed is recommended. Noise impacts are identified from construction work and conditions are recommended that a Noise Impact Assessment is submitted, measures to control plant equipment operations and that an appropriate complaint procedure is secured.

Transportation and Development

- 50 No Objection subject to conditions related to an upgraded vehicle access and visibility splays, a construction traffic management plan and the provision of passing places on the C443 Road (Pleasence Road).

Community Greenspace

- 51 No objection subject to the inclusion of an informative relating to public access and existing core path / right of way. Furthermore, if this application is approved Community Greenspace would welcome discussions and proposals to improve the local core path network as proposed in the Planning, Design and Access Statement, subject to landowner agreements.

Floods and Drainage

- 52 No objection subject to the inclusion of a condition relating to the implementation of the submitted Flood Risk Assessment.

Developer Contributions Officer

- 53 No objection and no comments to make in terms of the Developer Contributions and Affordable Housing supplementary guidance.

Conservation Officer

- 54 No objections. However, mitigation measures would be particularly important to protect the agricultural character of the wider setting of adjacent listed buildings and the Coupar Angus Conservation Area. If the application is to be approved, it should therefore, be ensured that a landscape management plan is implemented to provide appropriate year-round screen planting which is maintained for the lifetime of the development.

Representations

55 180 representations were received, and 7 in support of the proposals. The main issues raised within the representations are:

Inappropriate land use

- Loss of prime agricultural land
- The applicant cites Policy 5 from NPF to justify the use of good agricultural land but there is no supporting plan outlining the restoration and returning the land to good agricultural use.
- Poorly chosen North facing location.
- Counterproductive use of prime arable for a small amount of energy produced.

Adverse effect visual amenity

- Irrevocable destruction of landscape and environment
- Inadequate screening of development with fencing and small bushes/trees that will take 15-20 years to mature.
- Elevated site will mean development will be seen from all entry and exit points from Coupar Angus
- What provision is in place for land/weed management once the solar farm is in place.
- Any other infrastructure which may be required ie pylons, power line will affect amenity
- Security fencing will be an eyesore and give the impression of closed land as opposed to the present open space.
- Cumulative visual impact considering already approved Keithick Solar Farm
- The change to site footprint will mean the panels are more concentrated making the impact more severe.
- Glint and glare from solar panels
- Solar panels can deteriorate exponentially.

Air quality

- Air pollution from diesel fuel in the solar farm's equipment
- Will cause a significant carbon footprint when imported materials are hauled to site and also once the panels have been installed.

Contrary to Development Plan Policy

- Policy prioritizes agricultural land development unless in exceptional and essential exceptions.
- NPF4 Policy 31 and LDP2 Policy 50, NPF4 Policy 11 and LDP2 Policy 39 and LDP2 Policy 1 (Button)
- Policy 33A (Michael Carmichael)
- Policy 35, 1A and 1B

Road safety concerns

- Impact on Pedestrian and Cyclist road safety
- Inadequate transport plan for impact during construction phase
- Visual impact and distraction for road users
- Route through Campmuir away from site has no pavements or passing places.
- Proposed access roads are in constant state of disrepair.
- No changes made to road network to accommodate the development.
- Glint and glare from solar panels causing issues for road users

Negative impact on wildlife, local biodiversity

- Bats, red squirrels and other protected species
- Perimeter/deer fencing will displace wildlife/deer. May lead to more animals on the road and potentially more road accidents.
- Lack of ecological surveys taken over the recognised survey window
- No biodiversity gains.

Negative impact on local economy

- Affect tourism.
- No financial gain for Coupar Angus

Employment provision

- Will not provide significant new employment opportunities.
- Loss of farming skills, jobs

Out of character with the area

- Industrialisation of rural landscape with solar panels, CCTV, security fencing and lighting
- Size and proximity to Coupar Angus along with acres of solar panels will dwarf Coupar Angus
- Scale of development is excessive and unacceptable even with the reduction in area covered.
- Monotony of appearance
- Will be out of keeping with all the recent effort by locals and the Council to improve the character and appearance of Coupar Angus
- Coupar Angus is a Conservation Town, and this will be a detrimental impact
- Cumulative visual impact considering already approved Keithick Solar Farm would change the nature of Strathmore Valley

Flooding risk

- Kinnochtry – Coupar Angus Burn – has previously burst its banks and flood out onto the road and nearby fields.
- Detrimental impact on the water table

Traffic congestion

- If site access is not taken from A94 this add significant overloading and congestion to local roads i.e., Pleasance Road, Colward Lintrose Holding

Overlooking

- Living next the solar farm will affect residential amenity and impact on privacy.

Light and noise pollution

- From security lighting, effecting wildlife and dark skies around Coupar Angus
- Affect local residents.

Loss of trees

- Removal of existing established hedgerow around site perimeter

Over intensive development

- Set a precedent.

Loss of open space

- Loss of public right to roam.

Support comments

- Employment provision
- Enhances Character of Area
- Support Economic development, proposed community fund.
- Biodiversity gains for small mammals, wildlife corridors and new planted hedgerows
- No loss farming employment
- Land could maybe provide grazing for sheep or be sown with clover to provide food for sheep.
- Land can return to original use once the solar farm has been dismantled.
- Location of development to substation and existing battery storage site will mean that delivering energy to the grid will be efficient.
- Results in environmental improvements – solar renewable energy will help to reduce use of North Sea gas and oil and help with the climate crisis, save on co2 emissions
- Support Petition of 130 standard letters c/o Jonathan Lincoln, mains reasons of support are the Environmental Improvements and solar farms assisting in tackling climate change and achieving Net Zero.

Non material

- Negative impact on property values in surrounding area
- Loss of view of surrounding landscape
- Potential fire risk caused by glare from solar panels.
- In support this would assist in reducing the cost of energy

Other

- Development will require future construction of a new electrical substation, battery storage area.
- What studies have been carried out to ascertain the long-term health issues living in close proximity to solar farms?
- Felt consultation in the local area was not enough, one four-hour drop-in event two representatives which were unable to answer any questions put to them and material in relation to the proposal was not sufficient.
- Lack of detail in relation to specification, size, and rating of the pv panels
- No information on end of life of the solar farm and what happens to the solar panels.
- A petition that was carried out in Perth and did not capture the local opinion and should have been carried out in Coupar Angus.
- The Coupar Angus action plan which was instigated by the Perth and Kinross Council which key themes are to attract visitors and promote Coupar Angus as a historic town.
- Coupar Angus Community Council states that part of proposed site lies within a HSE pipeline consultation zone, but HSE was not consulted.
- Coupar Angus Community Council states that the settlement statement within LDP2 for Coupar Angus “The Council will not permit any development which could prejudice the construction of a bypass at a future date. They feel the location of the application will affect any bypass from linking to the west end of Bunside Road (A94) to the Dundee Road (A923).
- Contributor Deauchar states that the transport statement is incorrect.
- Contributor Steve Galloway states that the Landscape and Visual Appraisal does not show realistic visualisations of what the solar farm will look like in the landscape, he also states that the new application does not sufficiently address how important archaeological remains and assets will be protected from this development. (Cistercian constructed deep stone drainage channels.
- Contributor Nigel and Kay Goody states an inconsistency between the proposed site layout plan and the plans submitted with the flood risk assessment show the area to be covered with solar panels to be different.
- Contributor Joshua Lawton states that what amount and where is the water to be abstracted for the maintenance/cleaning of the panels and has the appropriate licences been obtained.
- Contributor (SORE) states that many of the supporting documents submitted with the application address a different and older proposal and should be updated to reflect the current submission. They provide a list of the documents in their letter. Also, a lack of supporting statement which clarifies the choice of site over alternative options, in summary they feel the new application does not address refusal reasons 1, 2, 3 and 4 of the previous decision notice.

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

ADDITIONAL STATEMENTS

56

Screening Opinion	Issued – The development is not EIA Development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal completed - addressed within supporting statement
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Landscape and Visual • Impact Assessment • Glint and Glare Study • Ecological Impact • Assessment • Biodiversity Metric Assessment • Sequential Site Selection • Test Analysis • Flood Risk Assessment • Transport Statement • Land Capability • Classification • Pre-Application • Consultation (PAC) Report • Design and Access Statement • Heritage Impact Assessment

APPRAISAL

57

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 National Planning Framework 4 (NPF4) 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 Placemaking Guide, Flood Risks and Flood Assessment and Planning for Nature and Wildlife

Principle

- 58 The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards renewable generation targets/net zero agenda, (Policies 33 and 35 of the LDP2 and Policies 1 and 11 of the NPF 4), landscape/visual impact and recreational interests/access, (Policies 15 and 39 of the LDP2 and Policy 21 of the NPF4), impacts on prime agricultural land (Policy 50 of the LDP2 and Policy 5 of the NPF 4), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policies 1A and 1B), cultural heritage & historic environment (Policies 26A, 26B, 27A of the LDP2 and Policy 7 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4), pipeline and airfield safeguarding (Policies 54 and 61 of the LDP2), and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
- 59 Policy 33 of the LDP2 generally provides support for the development of renewable and low carbon energy and associated infrastructure, subject to detailed assessment against various environmental and other planning issues. This is also reflected in Policies 1 and 11 of the NPF4, however, stronger emphasis is placed over the contribution of the proposal to renewable energy generations targets than to other landscape and or amenity impacts. Justification for the development in relation to the net zero agenda is detailed in the submitted Planning, Design & Access Statement. In this case the proposal is a 49.9MW solar farm and associated infrastructure/works which would generate renewably sourced electricity into the national grid, via the Coupar Angus sub-station. It is indicated that this would be the equivalent to providing energy that could power approximately 11,000 homes. Notwithstanding any environmental or other planning issues, the proposal would provide a substantial contribution towards renewable energy generation to support national and local objectives in relation to net zero and carbon emission reduction. This being the case, the proposed development is considered to be supported by NPF4, and in particular Policy 11: Energy.
- 60 Policy 35 of the LDP2 also supports the development of electricity transmission infrastructure, where this is sensitively designed, and suitable mitigation is ensured. In this case, although amendments have been made following the recently refused planning application on the site, it remains that the development is not considered to be sensitively designed, or that suitable mitigation is offered. The development proposed raises significant landscape and visual amenity concerns being of a scale, form and location which will dominate the immediately adjoining settlement of Coupar Angus. It is considered that its visually prominent location, situated on elevated ground between both main approach roads into Coupar Angus from Perth and Dundee, will greatly alter the character and appearance of this location, at odds with the wider agricultural setting in which it is located. Only relatively minor changes have been made in terms of reducing the scale and location of the development, with two small fields being removed. The development as proposed is still excessive in scale and too close to

residential properties, footpaths and roads. Overall, it is considered that the proposal does not contribute positively to its setting and is contrary to Policies 1A and 1B of the LDP2 and the Council's Placemaking Supplementary Guidance

Design and Layout

- 61 The design and layout essentially reflect the physical and engineering requirements for this type of development, taking into account environmental and technical standards. In physical terms all development will not exceed 4m in height with the tallest being the CCTV poles at 4m high. The remaining visual elements are the solar panels, being 3m at their tallest, the storage and or electoral equipment containers at approximately 3m and the security fence at 2.4m.
- 62 In this case horizontal impacts of built development, in terms of the expansive scale of development proposed, are more significant than vertical height. The greatest observed horizontal expanse of panel strings or rows will be from the A94 Perth to Coupar Angus Road, extending to an almost unbroken distance of 800m. Owing to the site topography, whereby the ground level rises moderately from the A94 west to east, the panels will in many instances be located on sloping ground, being oriented in a southwards direction Whilst it is confirmed the panels can be arranged to fit with the site contours, minimising ground disturbance, the raised open ground will increase the visual prominence of any development on this ground. This will be particularly prevalent from the southern areas of Coupar Angus and Pleasance Road.
- 63 However, this application proposes an amended layout plan, with the removal of solar panels and associated infrastructure from a field in the northeast of the site (adjacent to Pleasance Road) and another field in the southwest of the site (which was the closest part of the site to Campmuir). In addition, the new location for the infrastructure is in close proximity to the existing substation and battery infrastructure. It is appropriately located having regard to flooding and also in relation to the wider site.
- 64 Compared to the previous application at the site (22/01285/FLM), the extent of the panels across rising ground has been reduced from the southern parts of the site, so as to be at a lower elevation on the landform. The extent of panels to the east of Pleasance Road in proximity to Coupar Angus has also been reduced. However, the reduction in the overall area covered by panels is not considered sufficient enough to reduce the impact on the visual and landscape character of the site and surrounding area.
- 65 Mitigation of any visual and landscape character impacts is to be almost entirely addressed through a mix of existing perimeter planting, supplemented by an extensive landscape and planting scheme. Some mitigation is offered by the layout, through physical separation of panel rows from key residential receptors. Furthermore, the revised landscape and visual appraisal states that a grazing

meadow mix will be planted beneath the panels and a wildflower meadow mix will be planted between the proposed fence and the new tree and shrub planting.

- 66 Whilst it is appreciated that the revised planting scheme is a positive and would provide some mitigation, significant concern is raised that such planting will take time to become established and provide any significant mitigation. This will mean that significant mitigation will not be fully effective on completion of the development and will take some 10-15 years to establish and provide full benefit. This statement is supported by the applicant's Landscape and Visual Impact assessment (LVIA) which confirms that whilst the predicted impacts on landscape character and visual amenity are likely to be localised (within 2 km), such impacts are 'minor-adverse' and "major-adverse" respectfully, following the immediate implementation of development.
- 67 Given the scale and location of the proposed development it is considered that the introduction of such an industrialised feature into the landscape, with limited mitigation (at least in the first decade), will have a significant and immediate impact on the character and amenity of this location. In terms of scale and appearance the development is considering in this case contrary to Policy 1B of the LDP2 2019.

Landscape and Visual Amenity

- 68 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1A, 1B and 33 of the LDP2. Whilst Policy 4 of the NPF4 considers impacts on the natural environment, Policy 11 (Energy) is of more relevance to an equivalent landscape assessment. In that case the policy balance favours renewable energy contribution over any landscape impacts.
- 69 A revised Landscape and Visual Impact Assessment (LVIA) has been prepared as part of the Planning; Design & Access Statement submitted in support of this application. Policy 39 of LDP2 and associated Placemaking Supplementary Guidance is of relevance in relation to the potential landscape & visual impact of the development. The landscape context sees the site set in a predominantly rural/agricultural setting with the settlement of Coupar Angus to the north/northeast and smaller clusters of, and individual, buildings in the surrounding area. The location is within the 'The Broad Valley Lowlands – Tayside Landscape Character Type' as defined in the Landscape Character Assessment. However, there are no formal landscape designations associated, but the Sidlaw Hills Local Landscape Area is located approximately 2.5km to the east and southeast.
- 70 The revised LVIA includes: a desk-based study; field study; Zone of Theoretical Visibility (ZTV); and assessment of selected viewpoints. The study has considered landscape character (national/regional/local), local landscape context, character of the site and immediate context, landscape designations and a range of other considerations such as scheduled monuments, conservation areas, listed buildings, gardens and designed landscapes, long distance

recreational routes, public rights of way, and visual receptors (e.g. settlements and residential properties, recreational routes, transport routes). The study also provides an appraisal of likely effects, mitigation and residual landscape effects in relation to the above-noted considerations. In addition, it considers the potential for cumulative effects. Mitigation measures are then detailed and are supported by a landscape mitigation plan which includes supplementing existing and new additional planting as noted above. Landscape mitigation is considered over a 15-year timeframe as a result of vegetation becoming established and taking full-effect.

- 71 Taking in to account the results of the assessment work undertaken to consider landscape and visual effects, the study concludes: *“The nature, scale and form of the Development would inevitably result in some adverse effects on landscape character and on visual amenity...However, the limited height of the Development combined with the containment afforded by the framework of existing and new boundary vegetation ensures that effect would be mostly localised in their extent. In physical terms prior to planting the study sets out that 70-100% of the development will be visible in a local setting. After planting has been fully established in 15 years this reduces to approximately 50 -70% total visibility overall, reducing the visibility impact threshold to “moderate neutral”.* As noted, a planning balance in this case must be considered having regard to any landscape impacts against the zero carbon renewable energy benefits provided by the NPF4. In this case it is the view of officers that the significant landscape impacts outweigh those renewable energy benefits. Consideration has been given to a comparable planning application currently before the Scottish Government Energy Consents Unit (Reference: ECU00004521) which seeks authorisation for two battery energy storage compounds and a 32MW Solar Farm, occupying approximately 70 ha of agricultural land in total at Keithick Farm, approximately 900 metres north west of Coupar Angus or 1.3 kilometres to the west of the centre of this proposed development. Whilst that development seeks a slightly smaller solar farm footprint than that proposed in this case, overall, the proposed development site lends itself more to an energy development in landscape terms. That development site is broken up by changes in land orientation (i.e parts of it slope east and other parts slope west) and has well established hedgerows and mature woodland surrounding much of the development land. This will have an immediately benefit to break up any visual mass. The site is also not located near any main transportation routes and as such is less obvious in a wider setting. This directly contrasts to this development proposal, which will have longer unbroken visual massing, be located in a very visually prominent location and only partial landscape mitigation existing. It is considered the development, owing to its proximity to Coupar Angus, will appear to dominate this settlement, negatively impacting residents, particularly those residing in the southern most areas of the village.
- 72 Whilst the development may soften in time as planting becomes established, there will be an immediate and sudden change in landscape character in this localised setting, impacting not just views outward from Coupar Angus, but also local walking and cycling routes nearby. the proposal will result in major or

moderate adverse visual effects from key viewpoints for users of footpaths and roads and from residential homes adjoining the site. The development is considered contrary to Policies 1A and 1B of the LDP2 2019 as well as the adopted Placemaking Supplementary Guidance.

- 73 It is not considered the development is contrary to Policy 11 of the NPF4 whereby greater weight in any planning balance under this policy is placed on renewable energy benefits. However, in order for a development to be fully supported by this policy it is necessary for a development proposal to set out appropriate mitigation. Even with a proposed increase in tree planting and landscaping, it is not considered that appropriate mitigation is offered to offset significant landscape character impacts. Whilst the amendments from the previous application have been considered, the impacts are not considered to be satisfactorily resolved.

Residential Amenity

74 Glint and Glare

Policies 55 and 56 of the LDP2 are of relevance in relation to light and noise pollution. The Council's Environmental Health team has been consulted to consider any impact in relation to noise as well as glint & glare and a Glint & Glare Study has been submitted as part of the Planning, Design & Access Statement. This assessment has been undertaken to consider the possible effects on the surrounding road network and the residential properties within a 1km radius.

- 75 The assessment undertakes geometric reflection calculations and, where a solar reflection is predicted, the screening (existing and/or proposed) between the receptor and the reflecting solar panels is taken into consideration. Based on the results of the geometric calculations it is determined whether a reflection can occur, and if so, at what time. Then both the solar reflection from the solar development and the location of the direct sunlight with respect to the receptor's position is considered. This assessment was carried out using different panel characteristics and modelling has predicted significant impacts upon road users travelling along a section of the A94 and for two dwellinghouses, 9 Wester Balgersho Farm and dwelling 53 Easter Balgersho and, therefore a requirement for mitigation.
- 76 The report outlines the proposed screening mitigation for the A94, which with other existing mitigation factors would result in a moderate impact and no further mitigation is required. The mitigation screening for the two dwellinghouses would reduce the impact on dwelling 9 to 'low' and no impact is predicted for dwelling 53. Consequently, it is concluded that the any impacts are negligible owing to the existing and proposed mitigation. Environmental Health raise no objection, subject to a condition to secure the proposed mitigation planting, and that a Noise Impact Assessment is submitted.

77 Whilst the proposed planting scheme will afford some mitigation, the full effects will take time to establish. It therefore cannot be assured that there will be no impacts on the A94 Road and or those dwellings identified as being affected by glint and glare, with such effects being considered moderate / low as opposed to nil. When these impacts are considered in a wider context within the overall landscape and visual amenity impacts assessed, the potential for road safety concerns and direct impacts on nearby dwellings raises further concern that the development is of a scale which is too large for its proposed setting.

78 Noise

The planning and design statement states that the construction and installation of the development will take approximately 6 months and there will be a temporary construction compound on site for the duration of the construction period. There is the potential for noise and vibration during any piling stage for the panel mounting posts structures. During operations there is the potential for noise from the inverter kiosks, cooling fans and transformers to adversely affect residential amenity. The operation of the fans will be related to both the intensity of light and the air temperature. During night-time periods, any sound emitted would be from the substation transformers. Inverters and transformers will operate in varying loads depending on cooling requirements. The assessed noise sources can create noise which has characteristics, such as low frequency humming, which if not mitigated can have adverse impacts on residential amenity. Environmental Health Officers are satisfied any such impacts can be mitigated and controlled by conditions.

79 Light from Operational Sources

Any light required for the development would likely be for maintenance and or security purposes. It is not stated what external lighting is proposed but such impacts are considered to be able to be mitigated through appropriate placement and that it should only be required where necessary. No significant concerns in terms of light pollution are assessed.

Roads and Access

80 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Policy 13 of the NPF4 focuses more of sustainable travel and ensures development is sited approximately. The development proposes to access the site form the C443 between Pleasance Road to Campmuir. The applicant is proposing to erect two vehicle accesses, one to the east of the C443 and the other to the west of C443. The vehicle accesses will be constructed with a larger radius to the south to encourage HGV movements in that direction, rather than travelling into Coupar Angus via Pleasance Road.

81 Up to 145 articulated lorries will be required to deliver the solar panels to site and there would be a period of a month where it is anticipated that there will be 81

two-way movements from the site, with 27 HGV movements per day. This is likely to reduce in other months. With such an increase in HGV traffic movements on the C443 and the width of the road being around 4m some initial concern was raised by Transportation and Development colleagues as to the ability of the road in its current condition to allow lorries to pass one another. However, this could be resolved through the provision of a passing place, secured by conditions. Further conditions could also relate to the vehicle crossings / accesses, visibility splays, road maintenance agreement and a construction traffic management plan. Subject to securing those conditions no objection is raised by Transportation and Development. Notwithstanding, objectors have noted concerns with increased traffic and visual impacts from Pleasence Road as this area is used regularly for walking by residents.

- 82 Having regard to any impacts on the Trunk Road Network no concerns been raised by Transport Scotland, subject to conditions regarding the need for abnormal loads or temporary traffic management in those circumstances.
- 83 Overall, whilst the letters of representation are noted, no significant road and or transport impacts are identified, and it is concluded subject to conditions regarding construction traffic management, that the development conforms with Policy 60B. Whilst no specific engineering concerns are raised, the development is likely to result in landscape and visual impacts along both sides of Pleasence Road due to the position of panels on either side. The existing screen planting at this location will afford some mitigation but will not be sufficient to offset impacts initially. As a key walking route for residents, the development will impact their experience of this location by changing the character and outlook.

Drainage and Flooding

- 84 Policy 53A and 53C of the LDP2 sets out that development proposals must have regard to the water environment and drainage, including floodwater management within any proposal. Policy 22 of the NPF4 sets out that proposals in flood risk areas should only be supported in set situations. In the case of this site, it is known to be within an active surface water flooding area and does regularly flood. The proposed substation compound has been relocated to an area that is outside modelled flood zones. In addition, the flood modelling has been revised and SEPA/PKC advisors agree there is now no flood issue with the proposals. The Councils Flood Risk Officer has not raised any concerns providing the flood prevention measures outlined in the revised Flood Risk Assessment are implemented in full.
- 85 The risk of the development being flooded is considered negligible, owing to the type of development in terms of land use vulnerability (i.e. the development will not be occupied apart from any staff who may happen to be onsite during a flood event) and as the panels themselves are to be raised approximately 1.2m off ground level and above any flood water.

- 86 Accordingly, as matters pertaining to flood risk have been satisfactorily Resolved, the development is considered to comply with Policies 53A and 53C of the LDP2 or Policy 22 of the NPF4.

Conservation Considerations

- 87 Policies 26A, 26B and 27A of the LDP2 and Policy 7 of the NPF4 are applicable to the application. It is confirmed that the site lies within an area considered to be archaeologically sensitive. As it is greenfield and does not appear to have been developed in the past there is potential for unknown buried archaeological remains to survive. Despite the known areas of interest, no objection is raised by Perth and Kinross Heritage Trust. However, a suspensive condition is recommended in the event that permission is granted seeking a programme of archaeological works to ensure the development does not destroy significant archaeological remains.
- 88 In terms of the Coupar Angus Conservation Area and any heritage assets in the immediate location (listed buildings, scheduled monuments), a heritage Impact assessment has been undertaken in this case. This assessment considers the potential effects of the development on the Coupar Angus Conservation Area, Scheduled Monuments and listed buildings within 3km of the site. Impacts to the setting of nearby listed buildings and monuments was observed in terms of landscape character and amenity. However, those impacts were not considered to adversely impact peoples experience of the monuments and architectural heritage. Historic Environment Scotland as well as the Council's Conservation Officer were consulted and confirmed general acceptance of the conclusions noted within the impact assessment. No objections have been raised provided landscape and screening planting is implemented. As the development will not directly impact the identified heritage assets locally, the proposal is considered to accord with Policies 26A, 26B and 27A of the LDP2 2019 as well as Policy 7 of the NPF4.

Natural Heritage and Biodiversity

- 89 Policies 40 and 41 of the LDP2 as well as Policy 3 of the NPF4 are applicable in this regard. The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. The submitted ecological survey information is good quality and provides a comprehensive assessment of the proposed development impacts on trees, woodland and biodiversity. All existing hedges, woodland, and trees will be retained. Enhancing connectivity between existing and newly created habitats is strongly encouraged to benefit biodiversity.
- 90 The submitted Preliminary Ecological Appraisal Report and Ecological Impact Assessment were undertaken at the correct time of year and do not recommend further survey is required. The Council's Biodiversity Officer has been consulted

on the biodiversity impacts of this development. No objection is raised provided all the mitigation measures listed in the Appraisal Report are adhered to in full. If permission is granted this should be secured by way of condition. A further condition is also recommended that a pre commencement survey be undertaken for breeding birds and nest sites prior to development proceeding.

- 91 Whilst the overall biodiversity enhancements being offered may benefit the site as a whole, those benefits must be considered against wider visual amenity and the overall scale and location of the development proposed. In this case Policy 39 'Landscape' of the LDP2 provides that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. Development proposal will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities. In this case Broad Valley Lowlands, in which this development sits, are characterised by, broad straths, undersized rivers, complex local topography, distinctive soils, dominance of arable and root crops in large fields, trees and hedgerows, well settle landscapes with well populated agricultural landscapes and wide panoramic views. It is considered that the development will impact local landscape qualities, including the distinct fullness of this location, owing to its scale, location and form. In particular, the proximity to Coupar Angus and direct impacts on the visual integrity from within the settlement and nearby, including along Pleasance Road are raised as being of concern.
- 92 It is not considered that the proposed planting will provide the necessary mitigation identified in the short to immediate term. As such, the development will result in an abrupt change in the surrounding landscape character which in the opinion of officers directly and negatively impacts the quality and experience of the landscape from these locations, contrary to Policy 39 of the LDP2 2019. As the development would seek to reverse some of the lost biodiversity at this location and enhance it with further planting it is not considered the Development is contrary to Policy 3 of the NPF4.

Loss of Prime Agricultural Land and Soils

- 93 The site is located on an area of prime agricultural land and therefore Policies 50 (Prime Agricultural Land) and 51 (Soils) of the LDP 2 as well as Policy 5 of the NPF4 are of relevance. A sequential test has been undertaken by the applicant to detail the site-specific justification for the development, considering numerous sites within the local area. A 3km buffer has been used for analysing alternative sites taking in to account a viability cost threshold for connecting to the substation.
- 94 The proposal involves a significant area of land, with the developable area extending to approximately 70 ha (as detailed in the Planning, Design & Access Statement). The Land Capability Classification for Agriculture Map (1:50,000 scale) identifies the site is classified as Class 2 prime agricultural land. A follow up soil report & survey has outlined that the site comprises a combination of Class 2 and Class 3.1 land.

- 95 The Development Plans team has been consulted and raised no objection to the development and provided policy assessment relative to Policy 50. In terms of the justification of the proposal in relation to prime agricultural land it is considered that the development has been sequentially justified on the basis that a site is required to be sited within 3km of the existing substation and other sites have not been identified as more favourable for various reasons. It is also identified that the majority of the development will comprise the solar farm element which will not result in the loss of prime agricultural land, rather the land use will change for a temporary period of 35 years (as proposed) with grazing able to take place with the potential for the land to revert back to productive agricultural land following decommissioning of the development. If the energy generation is still viable at the end of the 35-year period, then a further application for planning permission would be required to continue the use and the removal of the agricultural land from production could be once again assessed based upon the policy position at that time.
- 96 Based on individual merits, and the sequential test provided, regard is had to the particular site requirements of this type of development, noting that grid connection is of critical importance to the development viability. As such the use and occupation of prime land alone is not considered to be a reason for refusal. However, consideration of the cumulative loss of prime land, noting the scale of this development, must be considered further under Policy 50. In this case an application is currently before the Scottish Government Energy Consents Unit (Reference: ECU00003397) on land to the at Keithick Farm, Coupar Angus (approximately 800m) to the north-east of the proposed development. That proposal is for a 32MW Solar Farm and two separate Battery Energy Storage Facilities, comprising 66MW capacity.
- 97 That proposed development, if approved, would also occupy approximately 70ha of prime land. Combined both developments if approved could result in approximately 140 ha of prime land being occupied, limiting food production and or food security potential for this location over the lifetime of both developments. at that scale it is considered that the cumulative loss of prime land is significant in a localised sense.
- 98 Furthermore, both proposed developments are justified on the basis of national grid connection via the Coupar Angus Substation. Given the connection capacity which exists at this substation there is a high likelihood for further subsequent energy related development within this immediate location. When this factor is considered alongside any wider visual amenity impacts already identified, the development is not considered to comply with Policy 50 of the LDP2.
- 99 For those elements of the development that require the removal or movement of soils (e.g. substation and access tracks), under the terms of Policy 51 of the LDP2 and Policy 5 of the NPF4 further details will be required to demonstrate that the development complies, i.e. a Soil Management Plan. The Development Plans Team in their assessment of this proposal have considered this matter

could be resolved by pre-commencement conditions if the proposal was to be approved. Accordingly, the development is considered to be in compliance with Policy 51 of the LDP2 2019 and Policy 5 of the NPF4.

Economic Impact

- 100 In the short term, construction will create jobs with scope for local employment. However, the development is not supported by any economic information to further assess this impact. It is however predicted that once construction work is complete, further employment opportunities will be limited. However, and notwithstanding the significant visual and landscape impacts raised by the Planning Authority, the development is a clear fit for the Scottish Governments policy direction set out within the Scottish Energy Strategy and NPF4 of transitioning to a low carbon economy with renewable energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 101 None

CONCLUSION AND REASONS FOR RECOMMENDATION

- 102 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 be contrary to the Development Plan. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 103 Accordingly, the proposal is recommended for refusal on the grounds identified below.

RECOMMENDATION

Reasons for Refusal

1. The development, owing to its size, appearance and location raises significant landscape character and visual impact concerns, failing to contribute positively to the quality of the surrounding built and natural environment. The development is considered contrary to Policies 1A and 1B of the LDP2 2019 as well as the Council's Placemaking Supplementary Guidance.
2. The development, owing to inadequate mitigation in seeking to offset landscape concerns raised, fails to comply with Policy 11 of the National Planning Framework 4.

3. Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. The development, owing to its scale, area, and open location, on the main approach roads to Coupar Angus, will erode the local distinctiveness of landscape character at this location significantly impacting the visual integrity of the area. The development is not considered to comply with Policy 39 of the LDP2 2019.
4. The development, owing to its scale, massing, and location may contribute to the cumulative loss of prime agricultural land within a wider setting, whilst also resulting in the loss of food production potential and food security over its lifetime. The development does not comply with Policy 50 of the LDP2 2019.

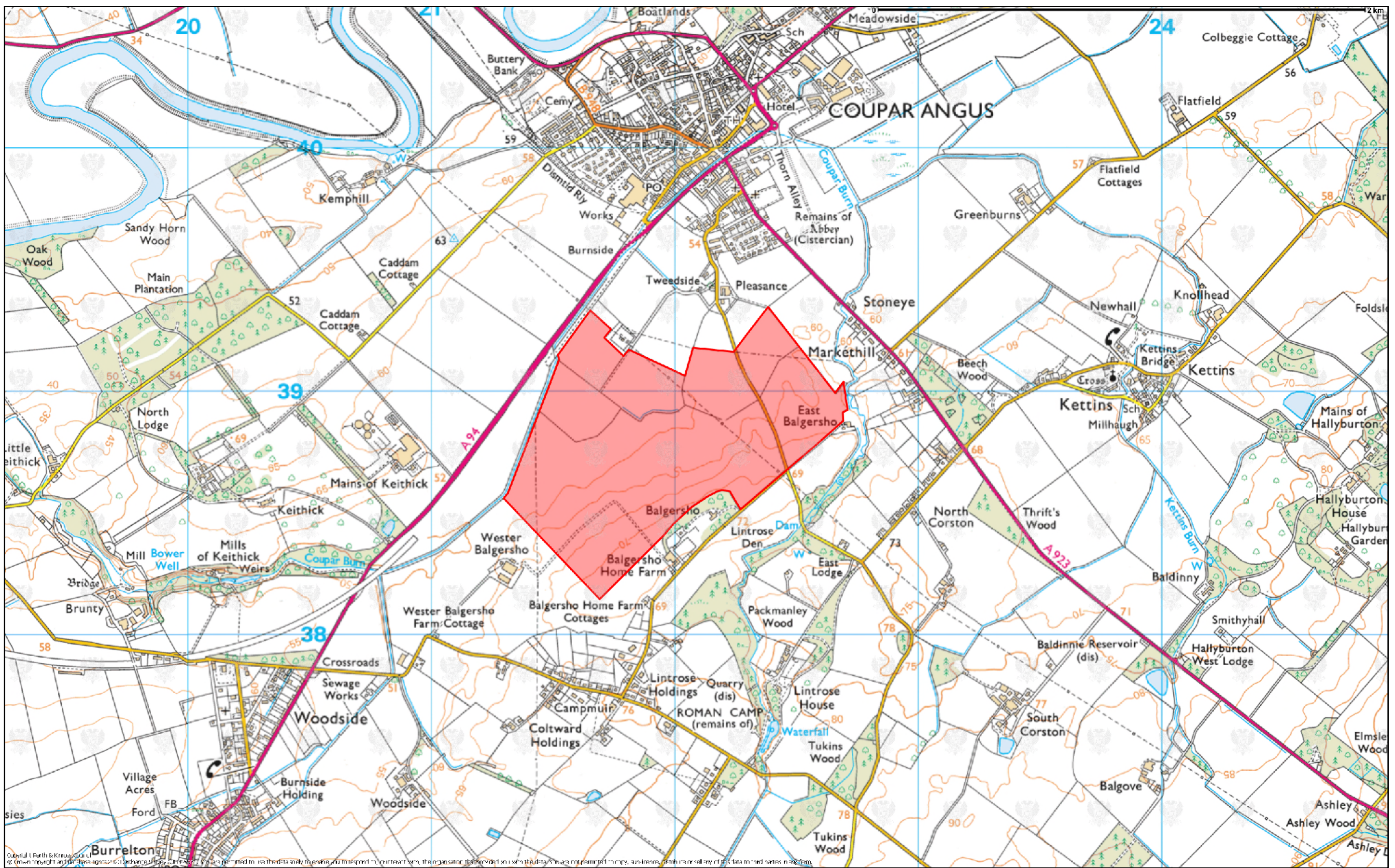
Background Papers: 180 letters of representation
Contact Officer: Alan Atkins
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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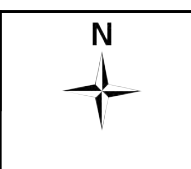
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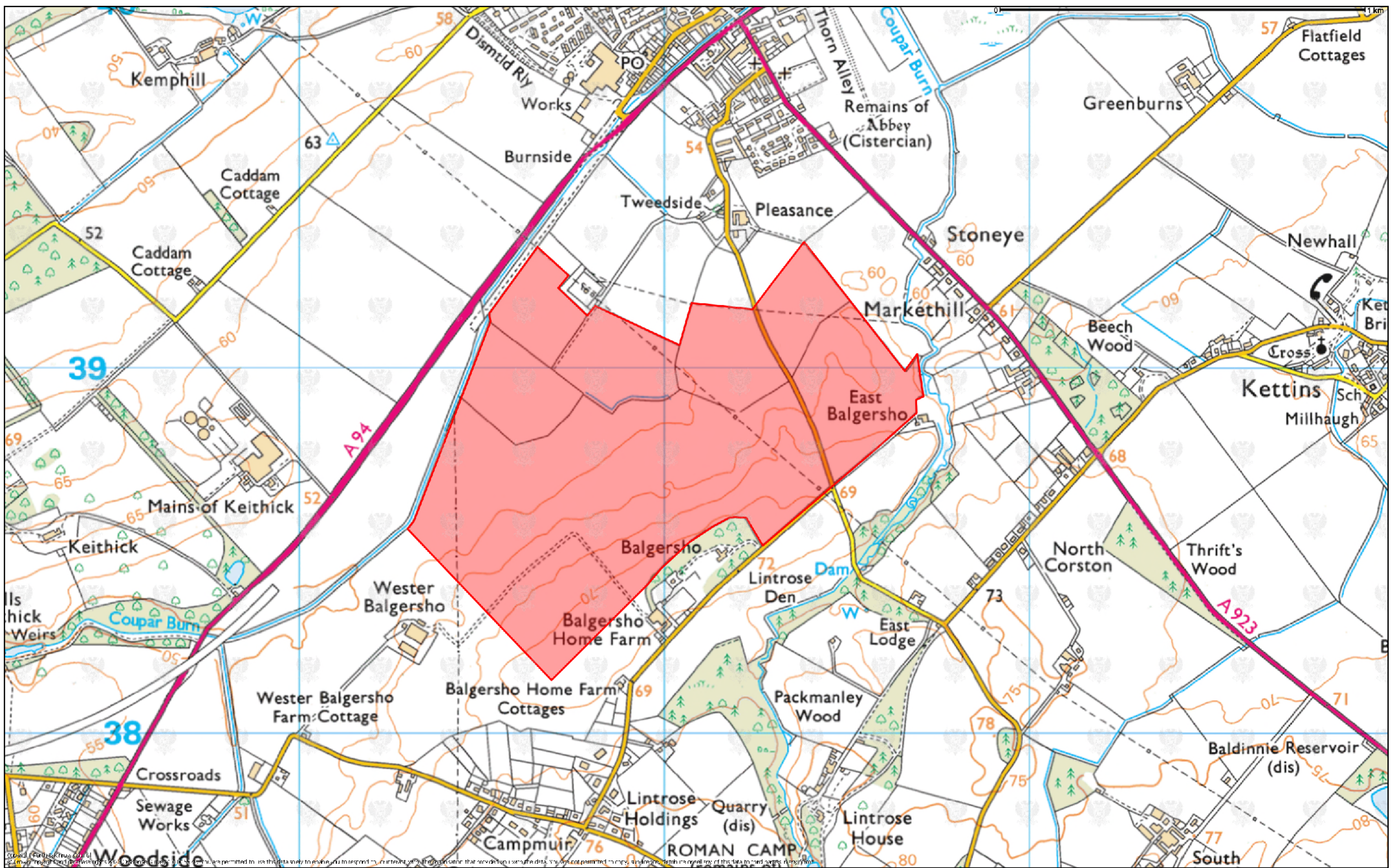
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Planning and Placemaking Committee - 13 December 2023
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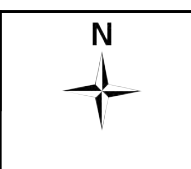
23/01294/FLM
Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works on land 130 Metres South East Of Coupar Angus Substation, Pleasance Road Coupar Angus





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Planning and Placemaking Committee - 13 December 2023
Scale 1:10000



23/01294/FLM
Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works on land 130 Metres South East Of Coupar Angus Substation, Pleasance Road Coupar Angus



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/353)

PROPOSAL:	Erection of four dwellings
LOCATION:	Land 50 Metres East of St Madoes Church, St Madoes

Ref. No: [22/01815/FLL](#)
 Ward No: P1 - Carse

Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to transportation 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. The recommendation has also been made in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to obtain a detailed planning permission for the erection of four dwellings, on an infill site within the settlement boundary of St Madoes. The site is adjacent to the St Madoes Church and its associated graveyard and would be accessed via an existing private access which is shared with a number of other residential properties. The site slopes south to north and has a scattering of trees along the southern and eastern boundaries.
- 2 All four dwellings are slightly different from one another in design, but they all share the same design principles which is a modern style with traditional features incorporated therein. The external finishes will be a mix of slate, timber larch cladding features, stone and smooth render. Three of the four plots have attached garages (2 singles and one double), with Plot 2 having a detached single garage. Plot 1 will have an access directly off the existing private access, whilst the three others will take their individual accesses from a new private entrance access – which means that two new accesses will be formed off the existing private access.
- 3 The dwellings will offer living accommodation over two levels, with the upper level within the roof space via the use of rooflights and dormer windows.
- 4 To the southwest of the site, within the graveyard is copper beech tree, which although is not subject to a tree preservation is considered to be an exceptional

specimen. Running north to south is existing Scottish Water infrastructure, which has influenced the layout and position of the dwellings due to the requirement of Scottish Water to have wayleave areas.

Pre-Application Consultation

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

DEVELOPMENT PLAN

- 6 The Development Plan for the area comprises National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

National Planning Framework 4

- 7 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.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Biodiversity
- Policy 7: Historic assets and places
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes

Perth and Kinross Local Development Plan 2 (2019)

- 9 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. The site is located within the settlement boundary of St Madoes, where the following policies are applicable,

- Policy 1: Placemaking
- Policy 5: Infrastructure contributions
- Policy 17: Residential Areas
- Policy 27: Listed Buildings
- Policy 31: Other Historic Environment Assets

- Policy 32: Embedding low and zero carbon generating technology in new development
- Policy 40: Trees
- Policy 41: Biodiversity
- Policy 53: Water environment and drainage
- Policy 60: Transport Standards and Accessibility requirements

Statutory Supplementary Planning Guidance (SPG)

10 The following statutory SPGs are applicable to this proposal,

- Developer Contributions and Affordable Housing (2020)
- Placemaking Guide (2020)
- Open Space for New Developments

NATIONAL POLICY AND GUIDANCE

11 The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Of relevance to this proposal are the following;

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

National Roads Development Guide 2014

13 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.

OTHER PKC POLICIES

14 The following non-statutory Planning guidance are applicable to the proposal:

- Planning for Nature (2020)

SITE HISTORY

- 15 A previous detailed planning application on the site (22/00266/FLL) was withdrawn by the applicant prior to determination, following advice by the Council. That advice related to required changes to the internal vehicular access arrangements, and the need for ecology and tree work to be undertaken.

CONSULTATIONS

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

External

- 17 **Scottish Water:** No objection to the proposal in terms of capacity issues, however they have indicated that there are existing Scottish Water assets in the area which need to be fully considered.
- 18 **Dundee Airport:** No objection to the proposal in terms of aviation safety.
- 19 **Perth and Kinross Heritage Trust:** No objection to the proposal in terms of local archaeology interests, but they have recommended a standard condition is attached.

Internal

- 20 **Transportation and Development:** No objection to the proposal in terms of the proposed vehicular access and provision.
- 21 **Development Contributions Officer:** No requirement for any contributions towards affordable housing, but contributions are required per dwelling towards transportation infrastructure.

REPRESENTATIONS

- 22 Nineteen representations were received, of which 17 are objecting to the proposal and two are offering support. In terms of the objectors, the main issues raised within their representations are,

- Proposal is contrary to the Development Plan
- Impact on visual amenity
- Impact on listed building
- Impact on residential amenity
- Impact on biodiversity
- Impact on road and pedestrian safety

- 23 These issues are addressed in the Appraisal section of the report.

24 In terms of the letters of support, these suggest that the proposal would enhance the area and would result in environmental improvements from the site's current condition.

ADDITIONAL STATEMENTS

25

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)/ Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecology Surveys, tree survey and drainage information.

APPRAISAL

26 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 LDP2 and statutory SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

27 In terms of other material considerations, this involves considerations of the Council's other non-statutory policies and supplementary guidance, namely Planning for Nature as well as the site's recent planning history.

28 In addition to this, the Council is obliged to accord with the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Section 59 of this Act places a duty on planning authorities in determining applications to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy

29 There are relevant policies contained in all parts of the Development Plan.

30 Within the NPF4, Policy 3 (biodiversity) places biodiversity front and centre of all planning decisions, whilst Policy 14 (Design, Quality and Place) encourages and promotes a high standard of design for all new developments. Policy 16 (Quality Homes) looks to promote the delivery of high-quality homes, with an emphasis on affordable and Policy 7 (Historic assets and places) looks to protect our historic heritage assets.

- 31 In terms of the LDP2, the site is located within the settlement boundary of St Madoes adjacent to a listed building, where Policies 1 (Placemaking), 17 (Residential areas) and 27 (Listed Buildings) are applicable. Policy 1 seeks to ensure that all new developments do not have an adverse impact on the areas in which they are located, whilst Policy 17 offers support for infill opportunities within settlements providing, they are compatible with existing residential uses, do not adversely existing amenity and is at a density which is the most efficient for the site. In addition to these policies, polices 40 (Trees) and 41 (Biodiversity) are also relevant and look to ensure that both trees and bio-diversity interests are fully considered during the consideration of planning applications. Policy 31 (other historic environment assets) also looks to safeguard non-designated historic assets.
- 32 In terms of the Council's statutory SPGs, the policies on Developer Contributions, Placemaking, and Open Space are all applicable to this proposal.

Land Use Acceptability

- 33 The site is located within the settlement of St Madoes, on land which is not allocated for any specific purposes, and which is in a residential area, with some other compatible uses (the Church). Policy 17 of the LDP2 states that new development within settlements on such sites will be generally encouraged providing they fall into one of more of the specific categories of development which are listed under Policy 17, and that the development proposed is compatible with the amenity and character of the area concerned.
- 34 The principal criteria listed under Policy 17 is that infill development will be supported, providing the development is at a suitable density and that the design and layout respects the sites existing environs – which includes visual and residential amenity.
- 35 As the proposed use (residential) is entirely compatible with the surrounding land uses, the principal consideration for this proposal is not the land use implications of the proposal (residential), but whether or not the density, layout and general design is acceptable or not, within the context of its historic setting.

Visual Amenity, Design and Layout

- 36 The development collectively is of a high standard in terms of the style and design of the of dwellings, and materials proposed. As is often the case when vacant sites come forward, there would be a noticeable impact on the visual amenity of the area as a result of the development taking place, however visibility alone is not reason for rejecting an application. The key test is whether or not the resultant impact is adverse or would introduce an incongruous development into the area concerned.

- 37 The surrounding area is a mix of house types, with both traditional and modern dwellings being present in the close vicinity that range in heights from single storey to full two storey properties. There is no absolute building pattern in the area, with a mix of large and small gardens, and a number of developments accessed via shared private vehicular accesses.
- 38 The proposal offers a well-balanced small residential development, which does maximise the site in terms of its density and numbers but at the same time it delivers a site which accords with both the principal placemaking standards and the requirements of the National Roads Development Guide, in terms of safe and suitable vehicular access arrangements and appropriate parking. All the proposed plots have plot ratios less than the recommended 25% (including garages), and whilst some of the depths of gardens are slightly less than the Councils' recommended standard of 9m at certain points the principal usable areas are largely in excess of this distance. More than 100sq m of usable area is delivered across all four plots. The areas where the 9m is slightly reduced, there is no overlooking concerns to existing properties as the areas back onto the church yard boundary – which is bounded by a large existing wall.
- 39 Whilst not a planning issue as such, it should be noted that the layout of the development has been influenced by existing Scottish Water infrastructure which runs south to north, along the eastern edge of the site, where the internal access is proposed. The requirements for wayleaves etc will mean that principal development (ie a house) will not be permitted within the constraint area, which is effectively the internal access.
- 40 Overall, the proposal raises no issue in terms of visual impact or design, and layout matters – subject to some minor amendments which will be secured by conditions. The proposal is therefore considered to be consistent with design and placemaking requirements of Policy 14 of the NPF4, Policies 1 and 17 of the LDP2 and also the SPG on Placemaking.

Residential Amenity

- 41 In terms of the impact on existing residential amenity, the separation distances between the proposed dwellings and the existing will ensure that overlooking and loss of privacy does not occur to an unacceptable level.
- 42 Furthermore, in relation to the internal interaction between the proposed dwelling, there would be some interaction between the proposed dwellings, however the design, positioning and orientation of the dwellings of the plots has looked to minimise this as much as possible.
- 43 There are however two areas of interaction which could be improved. On Plot 4 and 1 there are balcony features which would be reasonably close to neighbouring rear gardens. Balconies tend to offer an avenue for a greater degree of usability than a typical window, and as such these elements could

result in an increased level of overlooking which is avoidable by a minor alteration to these features to a regular window. A condition is recommended to address this (Condition 9).

- 44 In addition to this, new internal landscaping and boundary features will assist in providing privacy for the individual plots from others.
- 45 In all, the development will respect existing residential amenity and provide a suitable residential amenity environment for future occupiers of the dwellings. The proposal therefore accords with the general principles of the Placemaking Guide SPG, and also requirements of Policies 1 and 17 of the LDP2, which looks to protect residential amenity.

Impact on Listed Building

- 46 The application site is immediately adjacent to St Madoes Church and its walled graveyard, which are listed Category B. A number of the representations have made reference to the potential adverse impact that the development would have on the setting of Church and its associated graveyard. In support of the application, the applicant has provided a series of sections through the site which demonstrate the likely impact that the development would have on the church, and its setting. These sections show that the combination of a distinct change in levels between the site and the church which is on higher topography, would mean that the development would sit considerably lower and would not over dominate or oppress the church, and its historic setting. The fact that the 'setting' is already surrounded by other development (existing houses) is a material consideration, as is the fact that the design of the dwellings proposed are of a high standard.
- 47 It is accepted that the nature of the development (i.e. something new) would impact on the setting of the church from its current state, however that impact is not necessary considered to be an adverse one. As such, the ultimate recommendation of approval is considered to be consistent with the requirements of the PLBCA, and the requirements of Policy 7 of the NPF4 and Policy 27 of LDP2.
- 48 A condition is recommended in relation to the proposed new landscaping along the western edge of the site to ensure that long term access and maintenance of outside of the wall can be undertaken, and that the structural integrity of the wall is not jeopardised by inappropriate planting. A condition is recommended to address this (Condition 7).

Local Archaeology

- 49 There are some known local archaeology interest in the area, largely associated with the adjacent church. A standard condition in relation to programme of

archaeology work is therefore recommended (Condition 10). This therefore meets the requirements of Policy 31 of LDP2.

Roads and Access

- 50 The applicant has taken on board comments made during the consideration of the previous planning application, which has resulted in the redesign and positional changes for Plots 2 and 3, and the parking provision increased for each dwelling.
- 51 Access from the development site onto the public road network is via an existing shared private track currently used by the residences around Kirkwood House. The private access then leads directly onto the C484. Two new accesses to the private track are proposed, one directly for the driveway of Plot 1 and the second to be a shared entrance to Plots 2-4. The design statement also indicates that a passing place will be created adjacent to the driveway for Plot 1 – all of which is acceptable, and in line with current standards.
- 52 Four parking spaces will be provided for Plot 4. Plots 1-3 provide three parking spaces each. There are also two visitor spaces within the shared courtyard. The level of parking proposed meets the requirements of the National Roads Development Guide, and overall, the proposal raises no issues in terms of access or parking related matters. The proposal is therefore considered to accord with Policy 60 of LDP2.

Drainage and Flooding

- 53 In terms of flooding issues, the proposal raises no issues and is not subject to any known constraints. In terms of surface water issues, the applicant is proposing to dispose of surface water into an existing Scottish Water surface water sewer, which is separate from the foul sewer.
- 54 It is proposed that surface water arising from hard surfaces, including roofs and driveways will be conveyed by gravity via filter drains and permeable paving to the existing surface water sewer at the northern end of the site. The technical details of the system, including the discharge rates will need to be agreed with Scottish Water through their technical approval process, and the potential grant of this planning application will not prejudice Scottish Water's own assessment. A condition is recommended to seek clarification from the applicant once a final approval on the design has been agreed with Scottish Water (Condition 6). The proposals are therefore considered to accord with Policy 53 of LDP2.

Waste Collection

- 55 The presentation of waste and recycling bins will be at the public road. Internal storage areas are proposed, which are considered acceptable.

Open Space

- 56 The Council has produced statutory SPG on Open space provision for new developments. This proposal is small in terms of its number of units (4) and it would be unreasonable to require areas of public open space as part of this development, onsite play provision or off-site contributions in lieu of onsite provision. A small pond area has been included within the development at the northern end of the site which will remain private but will add degree of wild space to the development. Clarification on the planting within this area will be sought via condition, as well the long-term maintenance regime of this area (Condition 8).

Natural Heritage and Biodiversity

- 57 A general ecology survey of the application site and up to 200m of the site has been undertaken by a suitably qualified consultant. This survey assessed the habitat and protentional for protected species including badger, bats, otters, pine martens, red squirrels and reptiles, and an assessment of the likelihood of their presence undertaken. Local wildlife was also surveyed. In addition to the ecology survey, two other separate surveys and associated reports have been undertaken and prepared in relation to bats, and breeding birds.
- 58 The outcome of the surveys is that it is not likely that any European Protected Species (EPS) licences will be required, and that the impact on both protected and local wildlife can be adequately mitigated against through the use of conditions. The ecology report also suggests some additional biodiversity enhancements, and these will be delivered through conditions (Conditions 3, 4 and 5).
- 59 Subject to these conditional requirements, the proposal is considered to be in line with the biodiversity requirements of both Policy 3 of the NPF4 and Policy 41 of the LDP2.

Impact on Existing Trees

- 60 To the southwest of the site, within the graveyard of the church is a mature copper beech. Although this tree is not subject to a tree preservation order it is considered to be of exceptional quality. This tree has been inspected, and the development proposed will not directly impact on the tree and the wall of the graveyard will provide a natural protection from the development proposed.
- 61 In terms of other trees within, and along the boundaries of the site a tree survey has been undertaken which has established 11 individual trees, and 6 small group of multi stemmed trees. The survey indicated that 1 individually tagged tree will be removed, as well as all the groups of trees – which include woody bushes and shrubs. Any value attached to the trees being removed would be linked to bio-diversity interests (which has been assessed), and their visual

amenity value is low. The two trees which have been identified of visual amenity value are located within the graveyard and are not other threat by the development.

- 62 As part of the development, compensatory planting will be agreed to mitigate for the loss of the trees (Condition 7), and subject to this the proposal is considered to be consistent with Policy 40 of the LDP2 in respect of tree issues.

Graveyard Implications

- 63 With the representations, a number of concerns have been raised in relation to the compatibility of new housing in close proximity of a graveyard, which has recent burials and is frequently visited by friends and families of the deceased. This is an extremely sensitive and emotional issue, however graveyards across Perth and Kinross are often located in close proximity to housing – some historic, and some more recent additions. In planning terms, both are considered to be compatible with one another and it would be a reasonable exception that the occupiers of the dwellings would be respectful to their neighbours.

Overhead lines

- 64 There are several electricity and utility overhead lines crossing the site. It will be the applicant's responsibility to address the required relocation of these with the appropriate regulatory bodies. The potential grant of a planning application will not prejudice the technical process for this.

Embedding Low and Zero Carbon Generating Technology

- 65 Policy 32 of the LDP2 states that all proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards, and that this will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement, and this is secured by condition. 11.

Developer Contributions

- 66 The proposal is for less than 5 dwellings, so there is no requirement for any affordable housing provision. In terms of Primary Education, the local primary school (St Madoes) is currently not operating at over its 80% capacity so there is no requirement for developer contributions in relation to education.
- 67 There will however be a requirement for developer contributions in relation to Transport Infrastructure (£14,628) and this will be required to be secured prior to the release of the decision notice. This could either be via upfront payment or via s75 legal agreement. This would therefore be in accordance with Policy 5 Infrastructure Contributions of LDP2.

Economic Impact

- 68 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

- 69 A minor variation to the application took place during the consideration of the application, which involved the addition of a small pond at the northern end of the site. Due to the minor nature of the variation, there was no requirement for any re-neighbour notifications.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 A legal agreement may be required if the applicant opts to delay payment of the required Transport Infrastructure contributions.

DIRECTION BY SCOTTISH MINISTERS

- 71 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

- 72 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, the LDP2 and statutory SPGs. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

RECOMMENDATION

Delegated Approval, subject to the settlement of Developer Obligations and the following conditions:

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. 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

3. All recommendations and mitigation measures contained in Section 6 of the ecology survey, approved as plan no 31 shall be implemented on full.

Reason: In the interests of protecting and promoting biodiversity

4. All recommendations and mitigation measures contained in Section 6 of the breeding bird survey, approved as plan no 26 shall be implemented on full.

Reason: In the interests of protecting and promoting biodiversity

5. All recommendations and mitigation measures contained in Section 7 of the bat survey, approved as plan no 26 shall be implemented on full.

Reason: In the interests of protecting and promoting biodiversity

6. Prior to the commencement of the development hereby approved, precise details of the final surface water design solution shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure the site is adequately drained

7. Prior to the commencement of the development hereby approved, details of the proposed landscaping and planting scheme shall be submitted to and approved in writing by the Council as Planning Authority. These details shall include specific reference to a) the bio-diversity requirements of Conditions 3-5, b) appropriate compensatory planting to mitigate for the tree removals, and the proposed landscaping along the eastern boundary adjacent to graveyard wall. The approved details shall be implemented progressively as the development proceeds and completed in full prior to the occupation of the last dwelling. Any planting which fails within the first 5 years shall be replaced within the next available season on a 'like for like' basis, in line with the approved details.

Reason: in order to promote visual amenity and bio-diversity interests, and to ensure access to the listed wall.

8. Prior to the commencement of the development hereby approved, precise details of the long-term maintenance of the pond area shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In the interest of proper site planning.

9. The southern most balcony on Plot 4 on the rear elevation, and the balcony to the rear of Plot 1 are not approved. Prior to the commencement of the development hereby approved, amended elevations for both plots which replaces the balconies with a regular window shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure that residential amenity is protected.

10. Prior to the commencement of the development hereby approved, the developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted to and approved 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: In order to protect and preserve local archaeology interests.

11. Prior to the commencement of the development hereby approved, a statement shall be submitted to and approved in writing by the Council which 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 approved details shall thereafter be implemented.

Reason: In order to comply with Policy 32 of the adopted Perth and Kinross Local Development Plan 2 (2019)

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. 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.

2. 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.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

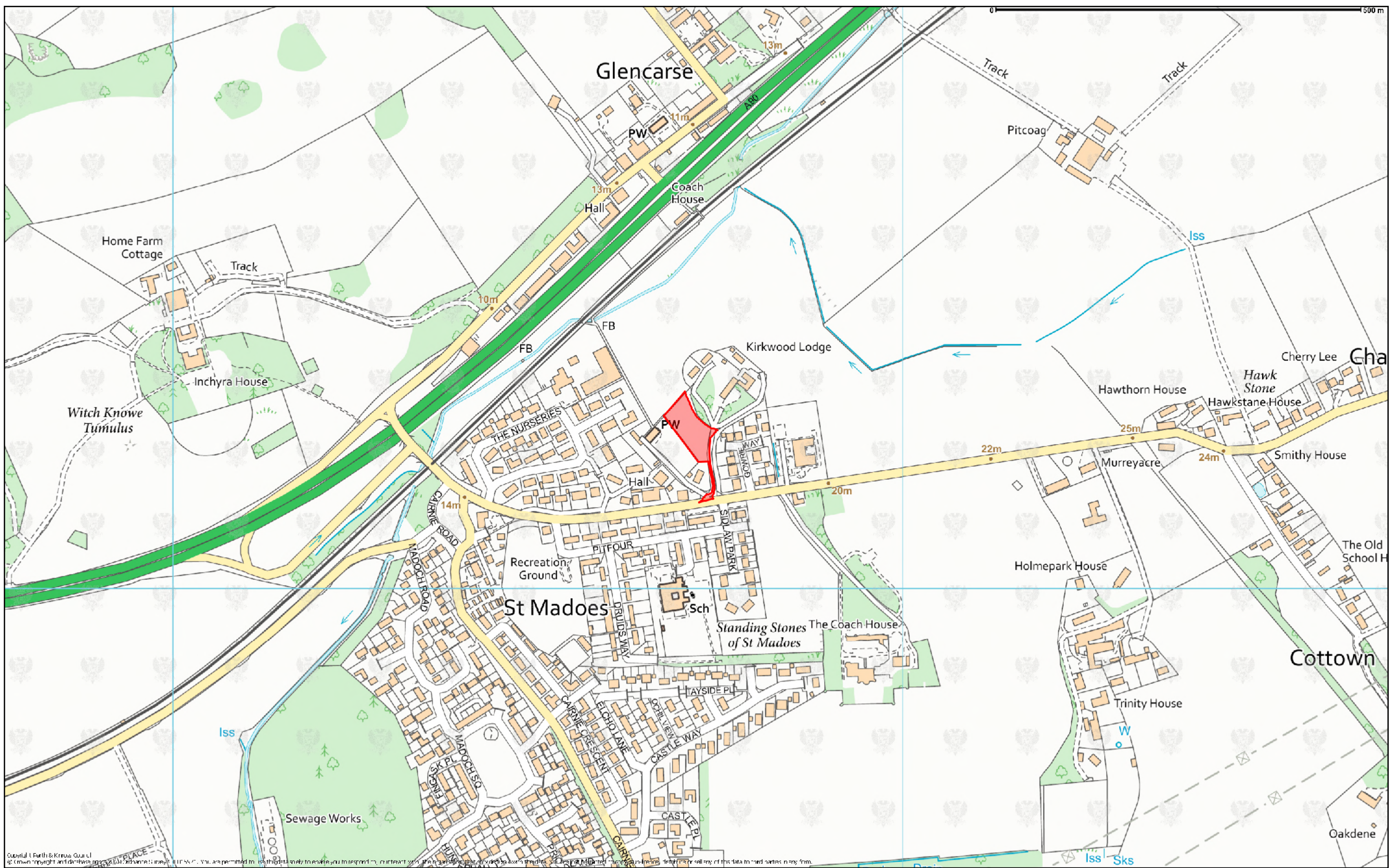
Background Papers: 19 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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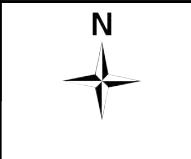
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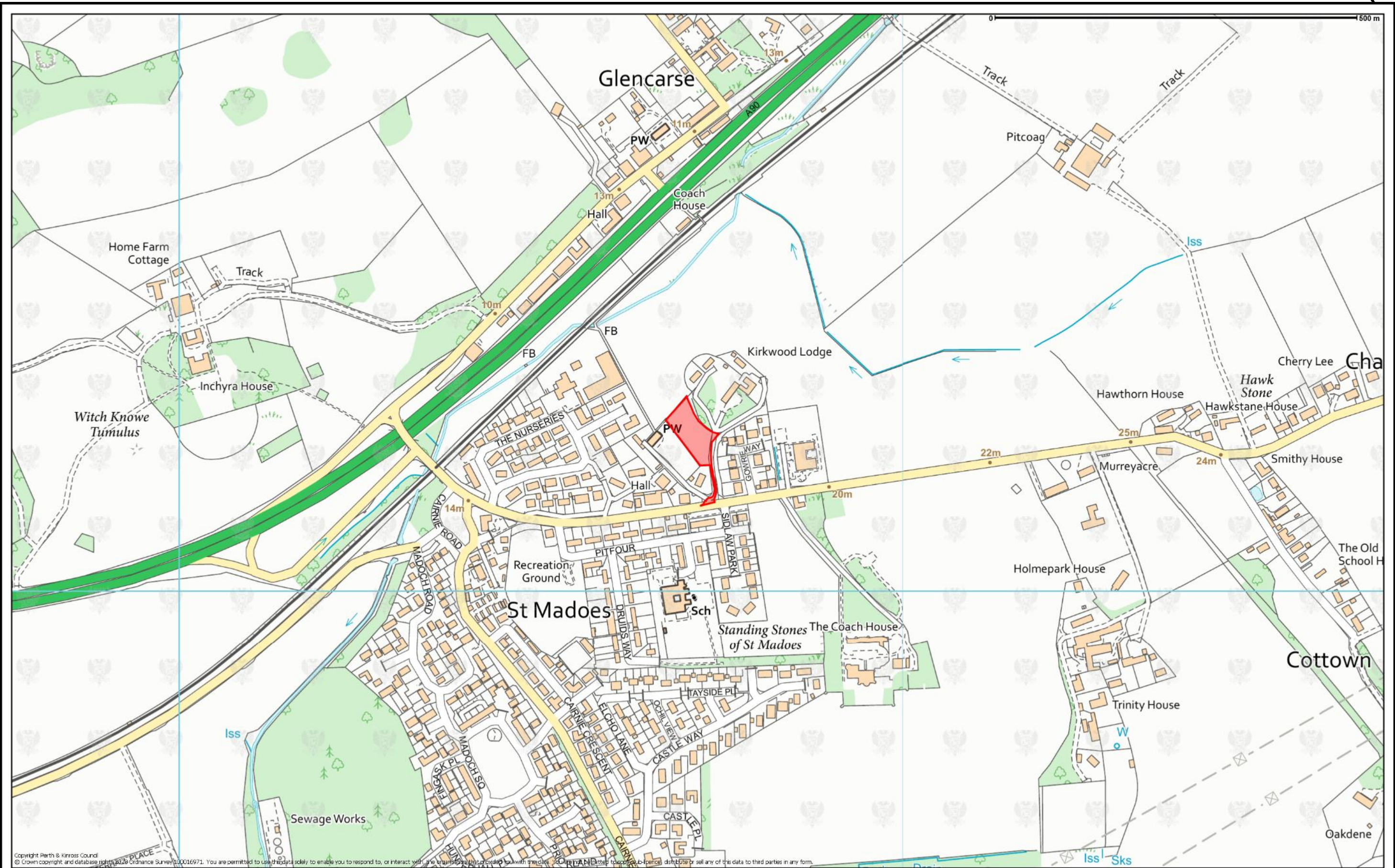
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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



22/01815/FLL
Erection of 4 dwellinghouses, Land 50 Metres East Of St Madoes Church, St Madoes





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Planning and Placemaking Committee - 13 December 2023
 Scale 1:5000



22/01815/FLL
 Erection of 4 dwellinghouses, Land 50 Metres East Of St Madoes Church, St Madoes



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/354)

PROPOSAL:	Erection of 5 holiday accommodation units
LOCATION:	Land at Old Hotel Gardens, Kinloch Rannoch

Ref. No: [22/02191/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 site is located within the settlement boundary of Kinloch Rannoch. It was formerly part of a development site for 5 dwellings, two of which have been constructed to the northwest. The site is otherwise bound by the public road (inc bridge) to the north/east, to the south is a riverside path/woodland and to the west is agricultural land.
- 2 The proposal is to erect 5 holiday accommodation units and associated works within the site. A number of non-native and low-quality trees are to be felled to accommodate the development with replacement planting proposed. Car parking and turning will be provided spurred off the existing access track.
- 3 This application is a variation of a withdrawn submission to address concerns raised regarding the density of the development and proximity to trees.

Pre-Application Consultation

- 4 Pre application Reference: No pre-application enquiry
- 5 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

- 6 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 7 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.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 9 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 6: Forestry, Woodland and Trees
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Building
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 22: Flood Risk and Water Management
 - Policy 30: Tourism

Perth and Kinross Local Development Plan 2

- 10 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.
- 11 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 17: Residential Areas
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 47: River Tay Catchment Area

- Policy 52: New Development and Flooding
- Policy 53: Water environment and drainage
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

12

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

13

Non-Statutory Guidance.

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

14

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

15

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport

National Roads Development Guide 2014

16

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.

Site History

17

[06/01257/FUL](#) Full Planning Permission was approved On 10 August 2006 for erection of 3 dwellinghouses

- 18 [22/01398/FLL](#) Full Planning Permission application was withdrawn On 29 November 2022 for erection of 5 holiday accommodation units

CONSULTATIONS

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

External

Scottish Water

- 20 No objection to proposal general capacity and connection issues noted related to public water.

Scottish Environment Protection Agency

- 21 No objection to the proposal on flood risk grounds.

NatureScot

- 22 No comment on this proposal but no objection was received in relation to previous application on the site which was withdrawn.

Internal

Structures And Flooding

- 23 No objection comments noted on flood risk, drainage and foul connections, conditions required.

Environmental Health (Noise Odour)

- 24 No objection to proposal, conditions required in relation to noise and odour.

Biodiversity/Tree Officer

- 25 No objection to proposal, conditions required in relation to trees and biodiversity.

Commercial Waste Team

- 26 No objection to proposal, bin storage area provided adjacent to public road.

Transportation And Development

- 27 No objection to proposal conditions required related to access track upgrade.

Representations

28 69 representations were received, with 47 objections and the remainder in support. The main issues raised within the representations are:

Objections

- Contrary to development plan policy
- Excessive height
- Inappropriate housing density
- Inappropriate land use
- Inappropriate design
- Lack or loss of car parking
- Loss of open space
- Loss of trees
- Impact on protected species/biodiversity
- Flood risk
- Overlooking
- Loss of sunlight or daylight
- Noise pollution
- Light pollution
- Out of character with the area
- Over intensive development
- Detrimental impact on visual amenity
- Road safety concerns
- Traffic congestion
- Over provision of holiday accommodation
- Lack of local housing
- lack of local staff

Support

- Good design
- Need for holiday accommodation
- Enhances character of area
- Results in environmental improvements
- Supports economic development
- employment provision

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

ADDITIONAL STATEMENTS

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

APPRAISAL

- 29 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 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.
- 30 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

- 31 The site is located within the settlement boundary of Kinloch Rannoch. The applicable policy is Policy 17 Residential Areas which supports proposals for residential and compatible uses where existing residential amenity will be protected. The policy states that encouragement will be given proposals related to business, homeworking, tourism or leisure activities.
- 32 Policy 30 Tourism of NPF4 applies and seeks to encourage, promote and facilitate sustainable tourism development. The policy notes a number of criteria which include contribution to the local economy, compatibility with the surrounding area and opportunities for sustainable transport.
- 33 The site is located centrally within the village where there are a mix of uses which include a hotel, café and shop. The principle of providing holiday accommodation within settlements is supported and tourism uses in the right locations is supported by NPF4. As such, the proposal accords with NPF4 Policy 30 Tourism, and LDP2 Policy 17 Residential Areas.

Holiday Use

- 34 There have been a number of representations raising the lack of affordable housing in Kinloch Rannoch however it should be noted that this proposal does not result in the loss of existing housing stock and refusing the application would not necessarily mean that the developer would bring forward a housing scheme for the site.

Design and Layout

- 35 The scheme has been reduced in scale from the previous withdrawn application with the lodge footprints and terraces reduced which in turn has removed the hot tubs. There is also a decrease in the amount of hardstanding.
- 36 The lodges are arranged off a single access. To the north one lodge will follow the existing building line as the dwellings to the west, the remaining four lodges will be sited to the south of the site. The lodges are two styles with the same overall design and finishes. The gable ends will have large amounts of glazing contained within projecting eaves.
- 37 The site is within the centre of Kinloch Rannoch and whilst the area is dominated by traditional buildings and finishes there is a mix of materials – render, stone, slate. It is considered that the lodges finish materials burnt umber timber and profiled sheeting roof are not unusual palette which feature in rural areas and would complement the traditional surrounding materials.
- 38 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 39 The site lies centrally within Kinloch Rannoch where there are a mix of uses. The site shares a boundary and access with two dwellings.
- 40 The lodges have been positioned so that the one closest to the existing dwellings has only one narrow ground floor window on the west elevation (which faces the blank gable end of the dwelling). The south elevation of the lodge has an upper floor window with Juliet balcony which is contained within a roof overhang. As the windows face directly south, they will overlook the access and parking area. This lodge is on the same building line as the existing dwellings and with the south facing aspect of this unit the development will not cause overshadowing or loss of daylight.
- 41 The units are for holiday use and will be conditioned as such (Condition 3). In this case the plots are not required to provide the same level of amenity space as residential use. The units have outdoor space which is commensurate with the use and the site arrangement affords a level of privacy between units.

- 42 As the development is for holiday accommodation units, there may be a requirement for this development to be licenced under the Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022. If a licence is required, noise conditions will form part of the licence. If a licence is not required, the applicant should ensure that there is good management in place to control noise generating activities, including user noise to ensure that residential amenity of the neighbouring residential property is not affected.
- 43 Conditions are rerecommended to cover any potential plant noise and screening of external lighting. (Condition 4 and 5)
- 44 The proposal is therefore considered to accord with the relevant policies of the LDP2 and NPF4 where they relate to respecting residential amenity.

Visual Amenity

- 45 The trees to the east of the site are to be retained and will provide screening and containment of the site to the public road. The units will be visible for a short distance along the pedestrian path to the south along the river, but the site is contained within the village so it won't be an unusual feature.

Roads and Access

- 46 The proposal provides 10 car parking spaces within the site for the five properties, the level of car parking is acceptable. A link towards the river side path to the edge of the red line boundary. The final link to the path will be subject to future and further discussions with the neighbouring landowner.
- 47 The access route to the public road has been included within the site. It was originally stated that the access track would not be upgraded and that no works are proposed, however, the plans show that the access track will be the full width of the bellmouth. The current track is narrower than the bellmouth. It has been confirmed that the access track will need to be upgraded due to construction and thereafter will be provided as per the wider width shown on the submitted plans. This will be further secured through a condition. (Condition 11 and 12)
- 48 The applicant has provided a location for waste containers to be placed within the property boundary for collection, thus avoiding blocking the footway with containers.
- 49 As such, the current proposal is acceptable in terms of roads and access and accords with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 50 The development sits out with river and surface water flooding risk areas as shown on SEPA flood maps.
- 51 SEPA have consider the proposal and note that the lodges appear to be sufficiently elevated above the flood plain and are unlikely to be at medium or high risk of flooding. They are also satisfied that flood-free access and egress is achievable.
- 52 The Flood Team have also made comment on the site in relation to flooding, surface water and foul drainage. Conditions will therefore be added to agree the detailed SUDs and connection to the public system for wastewater. (Conditions 13 and 14)
- 53 Subject to these conditions the proposal is considered to comply with the requirements of Policies 52 and 53 of LDP2 and Policy 22 of NPF4.

Natural Heritage and Biodiversity

- 54 The site is located within the Loch Rannoch and Glen Lyon NSA and the River Tay Special Area of Conservation (SAC) lies to the south. It is considered by NatureScot that the scale and location of the proposal it will not have an adverse effect on the integrity of the NSA designation. In relation to the SAC the foul water arising from the development will connect to the public drainage system and the development is also set back from the river with a riparian buffer between the planning application boundary and the SAC.
- 55 A total of 34 individual trees and two groups of trees were recorded. The majority are located in a large group towards the east of the site, with a number of trees running along the boundary with the road. Trees are also present in groups along the west and south boundaries.
- 56 The largest and oldest trees on site are three oak and a single sycamore, these stand in a short line immediately adjacent to the abutment of the bridge. They are of large size and stature and form the dominant landscape specimens, these are to be retained. A holly and you are also in full maturity, the holly is proposed for removal, but the yew is to be retained. A short line of eight, closely spaced sitka spruce stand on the west boundary. These are fully mature, with tall, single trunks and a large, combined canopy. They are reaching the end of their natural life span and as such have a relatively limited future life expectancy, these will be removed. The remaining trees comprise a mix of species and age class. This includes an outgrown hedge of beech and elm along the north boundary (to be removed).
- 57 The application has been supported by a Tree Protection Plan and Arboricultural Method Statement to demonstrate that the development can be undertaken without damage to the tree groups to be retained. The Tree Officer is content

with the method statement submitted but notes a number of conditions which include a pre-start meeting. (Conditions 6 - 9)

- 58 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive. (Covered by condition 9 and an informative)
- 59 Biodiversity enhancements are detailed along with replacement/compensatory tree planting in a landscaping plan. As the enhancements have been noted as potential locations in the plan a condition will be added to ensure that these are formally agreed. (Condition 15)
- 60 It is considered that, subject to the recommended conditions and informatives, the proposal accords with the intent of NPF4 Policies 3: Biodiversity, Policy 4: Natural Places, and 6: Forestry, Woodland and Trees, and LDP Policies Policy 38B: Environment and Conservation: National Designations, 40B: Forestry, Woodland and Trees: Trees, Woodland and Development and 41: Biodiversity.

Waste Collection

- 61 A bin storage area with path links to the lodges has been provided to the north of the site adjacent to the B846.

Conservation Considerations

- 62 The site sits a lower level to the bridge which is Category B Listed and there is a tree belt to the east which is to be retained. Therefore, the principal view of the bridge from street level will be largely unaltered.
- 63 The proposal is considered due to the site levels and retained tree cover to not detrimentally impact the setting of the listed bridge. The proposal is therefore complying with the heritage policies of LDP2 and NPF4.

Developer Contributions

- 64 There are no developer contributions required for this site.

Economic Impact

- 65 The development of the site will increase the range of visitor accommodation and result in local spending.

VARIATION OF APPLICATION UNDER SECTION 32A

- 66 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

67 None required.

DIRECTION BY SCOTTISH MINISTERS

68 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

69 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

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 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 building.

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

5. 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.

6. Prior to the commencement of development a pre-start meeting shall be held with Perth & Kinross Council Enforcement Officer (Trees), and the applicants Arboricultural Consultant & Site Manager to examine completion of pre-emptive tree-works/tree removals, tree protection measures, and agree site management/storage areas/use of non-dig techniques and proprietary ground protection systems. The measures as agreed shall be fully implemented as part of the planning permission.

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

7. The development shall be undertaken in full compliance with the Tree Protection Plan & Arb Method Statement by Hinshelwood Arboricultural Consultants dated September 2023 submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

8. Prior to the commencement of development, a reporting schedule for the Arb Consultant shall be submitted to and agreed in writing by Council as Planning Authority.

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

9. Tree works shall be undertaken in accordance with BS 3998: 2010 Recommendations for Tree Work. Tree works to take cognisance of nesting season and avoid disturbance to nesting birds.

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

10. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in writing. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:
- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
 - (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods
 - (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
 - (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

11. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radii kerbing, of Type A Road construction detail. The Type A Road construction detail shall continue to the entrance for a minimum distance of 3 metres.

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

12. Prior to commencement of any development on site, a detailed design for the private access from the public road to the car parking shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, providing details of its widening and surface finishing. The improves for the private access, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the occupation of the first unit.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road is provided timeously in the interest of the amenity of the residents.

13. 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 the Flood Team. 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.

14. The development shall be connected to the existing sewer network within the B846 subject to levels. If a connection cannot be secured details of a private drainage solution including septic tank will be required to be submitted and agreed with the Council as Planning Authority prior to the commencement of development.

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

15. Prior to the commencement of development, a Biodiversity Enhancement Plan shall be submitted to and agreed in writing by Council as Planning Authority. The plan as agreed shall be fully implemented as part of the planning permission.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None Required

D 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.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The 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.
6. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.
7. 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.
8. 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 a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

9. 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 Environmental Protection Agency.

10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
[https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood Risk Flood Risk Assessments adopted March21.pdf?m=637647027940470000](https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000)

Background Papers: 69 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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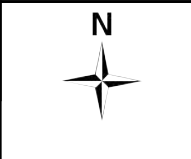
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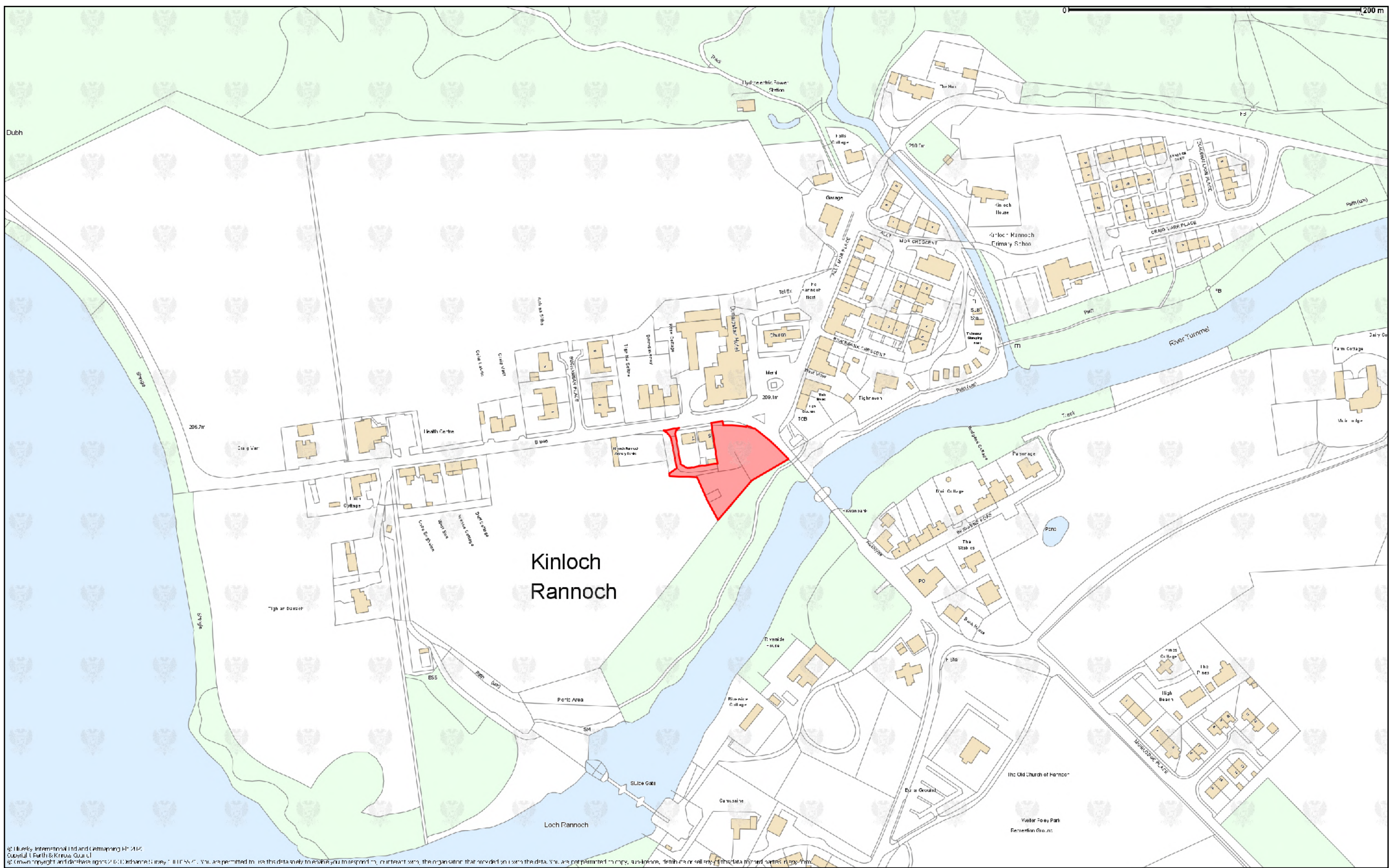
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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



22/02191/FLL
Erection of 5 holiday accommodation units at Land At Old Hotel Gardens, Kinloch Rannoch

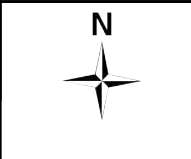




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Planning and Placemaking Committee - 13 December 2023
Scale 1:2500



22/02191/FLL
Erection of 5 holiday accommodation units at Land At Old Hotel Gardens, Kinloch Rannoch



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/355)

PROPOSAL:	Change of use of vacant land to form EV charging hub and hydrogen refuelling station including provision of amenity kiosk, charging apparatus and associated works
LOCATION:	Land to the west of 5 Broxden Avenue, Perth

Ref. No: [23/00192/FLL](#)
 Ward No: P10- Perth City South

Summary

This report recommends approval of the application subject to the settlement of necessary developer obligations relating to transportation as the development is considered to comply with the relevant provisions of NPF4 which is the most up to date policy position in relation to the provision of renewable energies and therefore justifies a departure from LDP2.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for the development of Plots 1 and 5 within the identified employment site 'E2 Broxden' located to the southwest of Perth, within the area associated with the Broxden Junction Services. It lies to the immediate west of the Travelodge hotel, which forms part of the wider provision and mix of services located off Broxden Avenue, including Broxden Manor Harvester restaurant, a MacDonald's drive through restaurant, in addition to the Perth Park & Ride facility and BP refuelling station located beyond.
- 2 The site lies at an important strategic transport intersection within Perth providing excellent transport connections to the Edinburgh, Glasgow and the south, Inverness to the north, as well as Dundee and Aberdeen to the north east. Accordingly, the character of the immediate surrounding area is typical to that of an established services area adjacent to the surrounding trunk road network.
- 3 The proposal is for an Electric Vehicle (EV) charging hub on Plot 1, to include 26 parking spaces with rapid charging infrastructure. The application also proposes the creation of a hydrogen refuelling facility with associated infrastructure on Plot 5. The EV changing hub and hydrogen refuelling facility will be operated by SSE Utility Solutions Limited, providing a sustainable, green energy hub aimed at tackling climate change through the provision of electric and hydrogen fuelling options for a range of zero emission vehicles.

- 4 There are two other applications under consideration with the E2 zoning 23/00193/FLL proposes the erection of a new office facility (Class 4) with associated car parking on Plot 2 and two cafés / restaurant (Class 3) units with additional drive through lanes on Plots 3 & 4. 23/00504/FLM proposes a mixed-use development comprising erection of 3 café/restaurant units (Class 3) with drive thru facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works.

Pre-Application Consultation

- 5 Pre application Reference: No preapplication discussion.
- 6 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

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 8 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.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 13: Sustainable Transport
- Policy 22: Flood Risk and Water Management
- Policy 26: Business and Industry
- Policy 27: Retail

Perth and Kinross Local Development Plan 2

- 11 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 1A: Placemaking
- Policy 1B: Placemaking
- Policy 52: New Development and Flooding
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

12

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

13

Non-Statutory Guidance.

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

14

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

15

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

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport

National Roads Development Guide 2014

16

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

Site History

- 17 [11/00010/PAN](#) On 12 October 2011 for Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure
- 18 [12/01692/IPM](#) was Approved On 29 August 2013 for Mixed use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure (in principle)
- 19 [21/00197/IPM](#) was Approved On 11 June 2021 for S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM

CONSULTATIONS

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

External

Health And Safety Executive

- 21 No objection to proposal, informative will be added to advise that a Hazardous Substance Consent may be required due to the hydrogen element of the proposal.

Transport Scotland

- 22 No objection to proposal, conditions required in relation to construction vehicle specification, wheel wash facilities, barriers, travel plan, lighting and drainage connections.

Internal

Structures And Flooding

- 23 No objection to proposal, additional information requested and condition regarding connection of surface water required.

Transportation And Development

- 24 No objection to proposal, standard Traffic Management Scheme condition required.

Development Contributions Officer

- 25 Contribution required in relation to transport infrastructure.

Representations

26 9 representations were received, all in objection to the proposals. The main issues raised within the representations are:

- Flood Risk
- Road Safety

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

ADDITIONAL STATEMENTS

27

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
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 – Transport Assessment, Drainage assessment

APPRAISAL

28 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 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.

29 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 policy.

Principle

30 This site lies within the E2 zoned core employment land allocation. The applicable policy is Policy 7: Employment and Mixed Used Areas: 7A Business and Industrial which sets out the use of these areas for Classes 4, 5 & 6 uses. It is important to retain employment land particularly this site which is serviced. Policy 7A (e) notes an exception for service facilities to serve the area and the

agent notes compliance with criteria however it is not the case as the proposal is likely to draw outside trade.

- 31 National Planning Framework 4 is the most up to date policy position and places a strong emphasis on tackling climate change and supporting renewable technologies (Policies 1, 2, 11 and 13). Policy 11 specifically supports the development of renewable energy, low carbon and zero emissions technologies, including hydrogen and carbon capture, encouraging the co-location of these technologies.
- 32 Policy 26 Business and Industry of NPF4 is also applicable as the site is zoned for core employment uses (Class 4, 5 and 6). This policy is not as restrictive as Policy 7 of LDP2 in that it states that other employment uses (not business/industry) will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.
- 33 The character of the Broxden site is a services area with the wider site around the zoned employment area characterised by a range of uses including a hotel, restaurant, service station and the park and ride. In addition, the proposal comprises of 0.4 Ha of the wider 4 Ha zoned site and would not prejudice the primary function of the area and is a compatible use with both the zoned site and the wider adjacent uses. The provision of rapid and fast charging facilities is critical to facilitate a transition toward sustainable, lower emissions travel as advocated by NPF4.
- 34 A small commercial kiosk is proposed within Plot 5, which will act as an ancillary function, providing amenities to the primary adjacent sustainable refuelling uses. This will provide an area to purchase refreshments whilst the customer's vehicle is recharging / refuelling. Owing to the scale of the facility and direct linkage to the main sustainable refuelling facilities, it is maintained there would be no detrimental impacts posed to the retailing functions of the town centre or other identified centres within the city in respect of NPF4 Policy 27.
- 35 The site itself is an established and attractive employment land location at Broxden and has great access to the strategic road network. However, it is noted that this application takes advantage of its strengths, is for a complimentary use, and appears otherwise to be a suitable location for this type of proposal. Whilst it is contrary to the Development Plan it complies with NPF4 which provides the most up to date policy position.

Design and Layout

- 36 The proposal comprises of a limited scale of development, with only a small number of structures and apparatus to be erected to serve the EV charging hub and hydrogen refuelling station. This includes canopies for the charging stations, a small amenity kiosk and charging dispensary.

- 37 The finishes will be timber cladding with muted roofing materials. A sympathetic landscaping scheme will also be provided around the perimeter, incorporating trees and planting to soften the functional elements of the proposal.
- 38 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 39 The site is within a wider area characterised by business uses, the nearest dwellings to the site are in excess of 300m. Due to the intervening distance the proposal is not considered to detrimentally impact residential amenity.
- 40 The proposal is therefore considered to accord with the relevant policies of the LDP2 and NPF4 where they relate to respecting residential amenity.

Roads and Access

- 41 Vehicular access to the site will be taken from Broxden Avenue via a mini roundabout to the east. A new internal road will be created to serve the site each of providing vehicular access. The proposal will also extend the footpath network into the site allowing for pedestrian and cycle access. This will connect to a recently completed section of road to the east, approved under Planning Permission Ref: 20/01148/FLL, as enabling works to provide access to serve this area of allocated land.
- 42 The site is within close proximity to the trunk road network and the site could encourage increased trips on an off the road network increasing movements on Broxden roundabout.
- 43 The supporting information confirms that drivers charging their EV will likely do so as part of their normal daily journeys and will, therefore, not be 'new' trips on the road network which is accepted by Transport Scotland. Nevertheless, it is also accepted in the supporting Technical Note that there will be an element of pass-by and diverted trips which could have an impact on the surrounding road network.
- 44 To ensure a robust assessment, the pass-by and diverted trip generation for the EV charging hub has been considered as 80% usage of the total available EV / HV charging space during the AM and PM peak periods. This equates to 22 arrivals and 22 departures in the AM and PM peak periods. The Technical Note assumes a 10% reduction in trip generation to account for the high likelihood of shared / linked trips between the different land uses within the proposed development.

- 45 Transport Scotland request conditions to cover the construction process and operation of the site. (Conditions 2 -7) As such, the current proposal is acceptable in terms of roads and access and accords with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 46 There is no known risk of surface water flooding on the site during a 0.5% AP flood event, nor is there a history of incidences of flooding on the site. There is no increase in land use vulnerability with the proposed development. Finally, the site is not at risk from fluvial or coastal flooding due to its location inland and raised significantly from the nearest watercourse.
- 47 A Drainage Assessment has been submitted in support of this application. The report confirms that the site will connect to the existing public water supply and the public sewer infrastructure to the east of the site.
- 48 The Surface water run-off from the roof area will drain via a stone filter trench to a new attenuation tank within each plot. Surface water from the roads and parking areas within the development will shed to porous paving, gullies or grass swales, which will flow to the filter trenches and to the attenuation tanks within each plot. The tanks will discharge at a restricted rate via an outlet control manhole and disconnection chamber to new surface water sewers. The new sewers will tie into the existing surface water sewer network to the east of the site.
- 49 The Flood Team have reviewed the information submitted and agree with the basis of the strategy provided, the climate change uplift used in the micro drainage calculation has now been updated to 39% as per NPF4.
- 50 The attenuation tank/s are now designed to accommodate the necessary volume so that discharge is restricted to 1 l/sec, which is minimum practically achievable rate, for all return periods up to 200yr +CC. The Flood Team acknowledge that this is marginally higher than the calculated 2yr greenfield run-off rate, however as the rate is throttled to this figure for all subsequent return periods, they believe this is a practical solution. A plan showing overland flow routes expected should a flood event exceed the 200yr CC design standard has been provided.
- 51 The surface water discharge line ties into the Perth Flood Protection Scheme storage pond to the East of the development. A condition will be added to confirm the arrangement for this discharge and/or agreement from Scottish Water regarding the connection to their system. (Condition 8).
- 52 Subject to these conditions the proposal is considered to comply with the requirements of Policies 52 and 53 of LDP2 and Policy 22 of NPF4.

Developer Contributions

- 53 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 54 The site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance)
- 55 The application form indicates a Class 1 (food) kiosk will be delivered as part of the proposals. Par 6.8 of the guidance states that the 'retail' rate will apply to any trading space, and the 'employment' rate to non-trading space. The trading space has been stated as 40sqm and non-trading space as 17sqm. A contribution of £6,398 is required and it is anticipated that this will be paid upfront rather than secured by legal agreement.

Economic Impact

- 56 The development will contribute to renewable and sustainable transport targets.

VARIATION OF APPLICATION UNDER SECTION 32A

- 57 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 58 It is anticipated that the contribution will be paid upfront rather than via Section 75 legal agreement.

DIRECTION BY SCOTTISH MINISTERS

- 59 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

- 60 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, but contrary to the adopted Local Development Plan 2 (2019) as the site is zoned for core employment uses. In this case as NPF4 represents the most up to date policy position where hydrogen is noted as particular area of support Policy 11 Energy and as stated in Policy 26 Business and Industry (c) other employment uses will be supported where they do not prejudice the primary function of the area and are compatible with the business industrial character of the area. It is

considered therefore that the small scale of the development and compatible use in a justifiable location provides adequate justification to outweigh the departure from LDP2.

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

RECOMMENDATION

Delegated Approval, subject to the settlement of Developer Obligations and the following 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. Prior to the occupation or use of any part of the development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Council as Planning Authority, after in consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

4. Prior to the commencement of development details of a barrier along the boundary of the trunk road to prevent access to the trunk road shall be submitted to and agreed in writing by of a type approved by the Council as Planning Authority, after in consultation with Transport Scotland as the Trunk Road Authority. The barrier as agreed shall be provided completed prior to the use of the development and shall be maintained by the developer or subsequent owner of the land. along the boundary of the site with the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

5. Prior to the commencement of any works development on site, details of the lighting within the site shall be submitted for the approval of the Council as Planning Authority, after in consultation with Transport Scotland as the Trunk Road Authority. Thereafter the lighting as approved shall be implemented prior to bringing into use of the development.

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

6. There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

7. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site including confirmation that all vehicles transporting construction material to and from the proposed development shall be sheeted.

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

Reason: In the interest of proper site management.

- 8. Prior to the commencement of development confirmation of the surface water discharge line connection shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with the Flood Team. This shall consist of the original arrangement for this discharge and/or agreement from Scottish Water regarding the connection to their system. The connection as agreed shall be implemented as part of the development the site and operational prior to the use of the development hereby approved.

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

B JUSTIFICATION

The proposal is in not accordance with LDP2 but complies with NPF4 and is considered to be a justified minor departure from LPD2.

C PROCEDURAL NOTES

- 1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
- 2. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

- 1. 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.

2. 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.
3. 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 Environmental Protection Agency.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

5. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>

Background Papers: 9 letters of representation

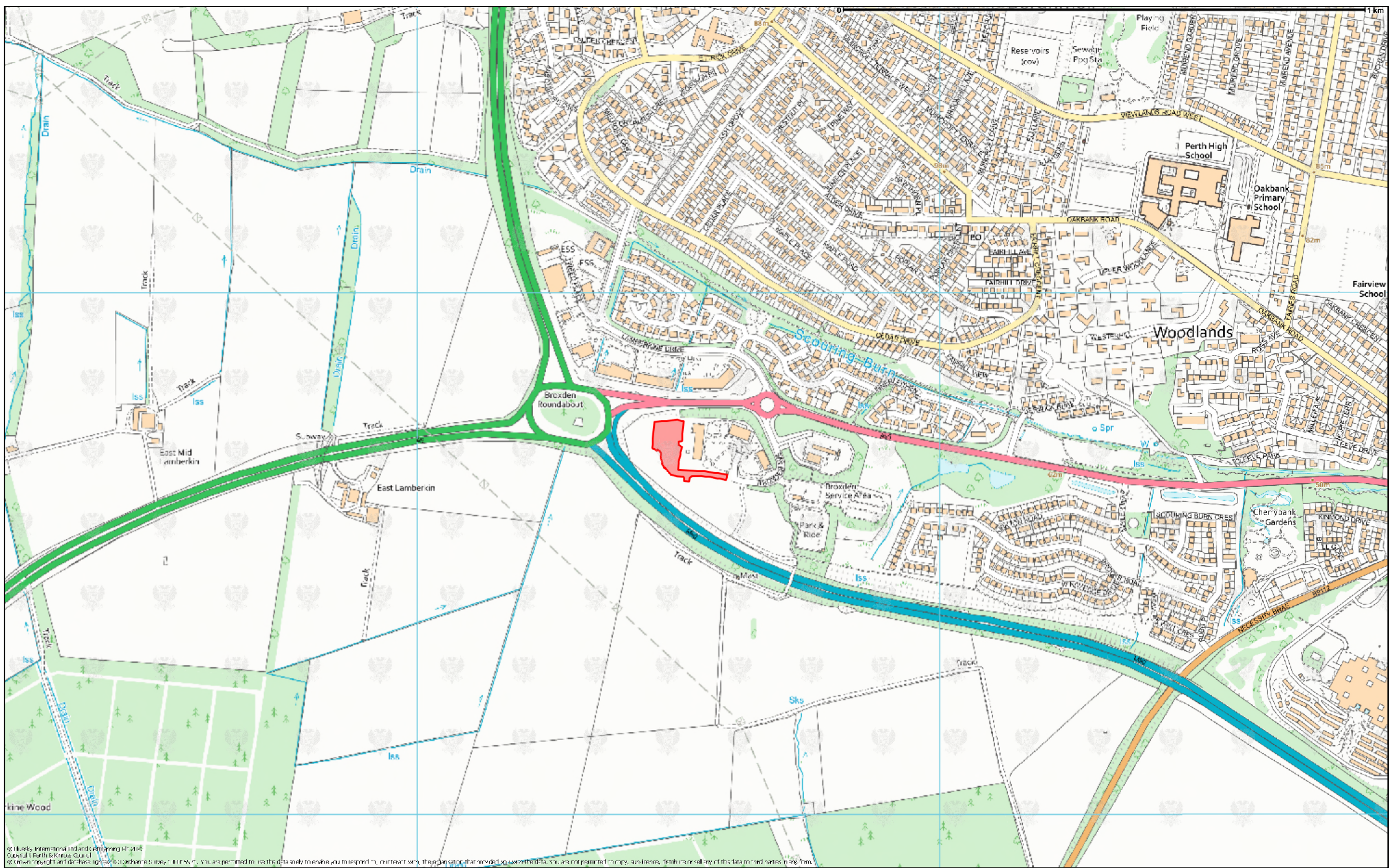
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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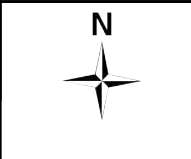
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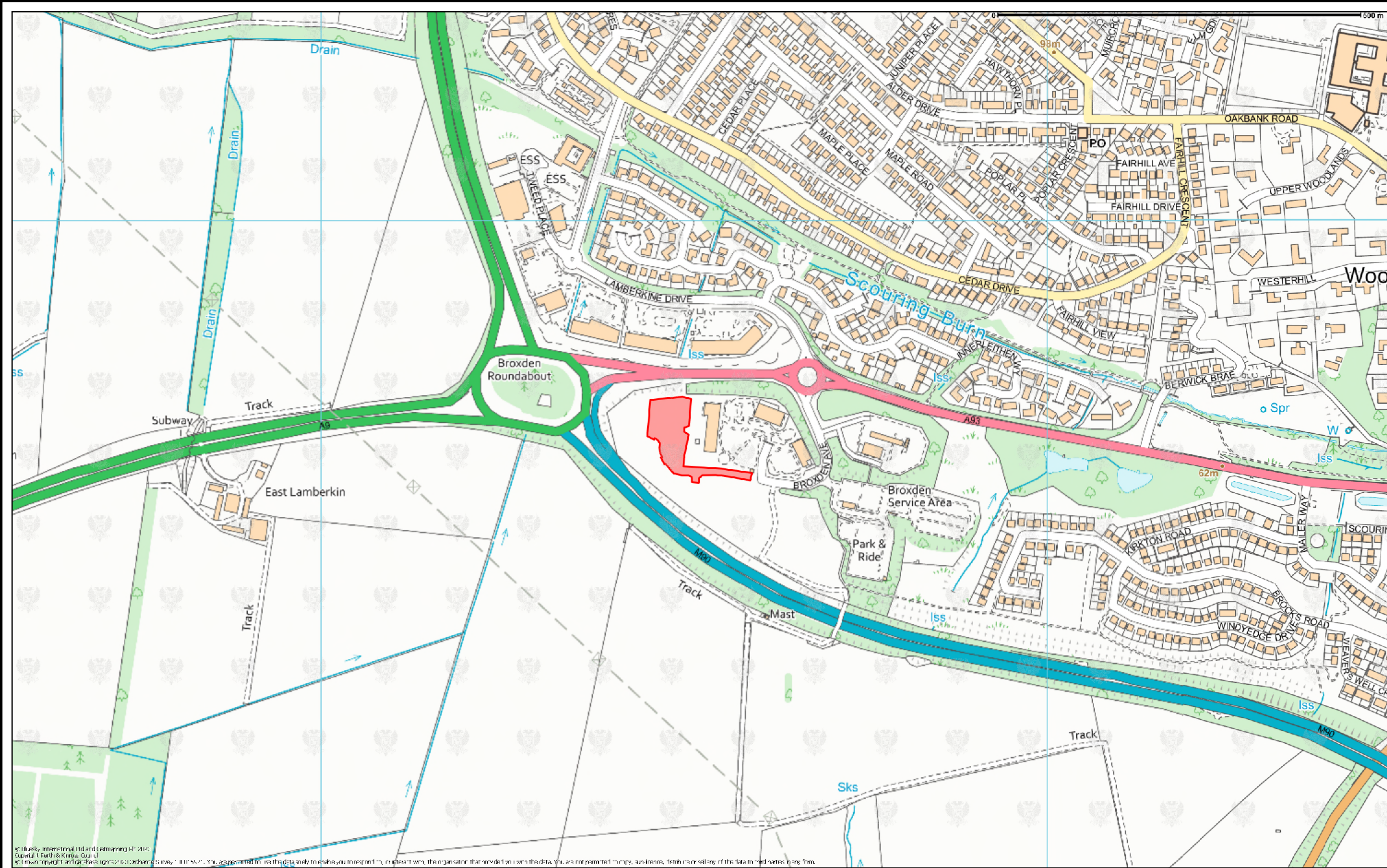
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Planning and Placemaking Committee - 13 December 2023
Scale 1:7000



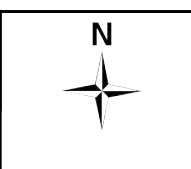
23/00192/FLL
Change of use of vacant land to form EV charging hub and hydrogen refuelling station including provision of amenity kiosk, charging apparatus and associated works, Land 60m West Of 5 Broxden Avenue, Perth PH2 0PX





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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



23/00192/FLL
Change of use of vacant land to form EV charging hub and hydrogen refuelling station including provision of amenity kiosk, charging apparatus and associated works, Land 60m West Of 5 Broxden Avenue, Perth PH2 0PX



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/356)

PROPOSAL:	Erection of a dwellinghouse
LOCATION:	Land 20 metres north of The Orchard, Lochty, Almondbank

Ref. No: [23/01095/FLL](#)
 Ward No: P9- Almond And Earn

Summary

This report recommends approval of a detailed planning application for a change of house type on a consented residential site at Lochty on the western edge of Perth. 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 planning application seeks to obtain a detailed planning permission for a change of house type on a consented residential plot within the Lochty area at the western edge of Perth.
- 2 The site is rectangular shaped and was formerly garden ground which was part of a residential property named 'Ellengowan', which is immediately to the north of the site. A number of planning permissions have been granted on the site since 2002 – all relating to the erection of a single dwelling, with the most recent being a 2018 detailed planning application (18/00115/FLL). That permission has commenced by virtue of a material start occurring within the prescribed timescales, however progression on building out that permission has ceased.
- 3 It is understood that the site has recently been sold, and this planning application seeks approval for amendments to the approved house type which are considered to be material changes from the previously approved details.
- 4 As per the earlier permissions, the proposed house will provide two levels of accommodation with the upper level contained within the roof space through the combination of dormers and rooflights – three dormers are proposed on the front elevation (east), and 4 to the rear (west). The principal changes from the 2018 permission are a slightly larger floor area, an increase in ridge line, and changes to the style and number of dormer windows. A short section of an existing

southern boundary hedge is now proposed for removal, when it was previously being retained.

- 5 All other matters such as vehicular access arrangements, parking provision, bin/recycling collections and drainage remain unaltered from the extant permission.

Pre-Application Consultation

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

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

National Planning Framework 4

- 8 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.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Biodiversity
- Policy 14: Design, Quality and Place

Perth and Kinross Local Development Plan 2 (2019)

- 10 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. As was the case for the previous planning applications, the site is located within the settlement boundary of Perth, where the following policies are applicable,
 - Policy 1: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 17: Residential Areas
 - Policy 41: Biodiversity
 - Policy 53: Water Environment and Drainage

Statutory Supplementary Planning Guidance (SPG)

- 11 The following statutory SPGs are applicable to this proposal,
- Developer Contributions and Affordable Housing (2020)
 - Placemaking Guide (2020)

NATIONAL POLICY AND GUIDANCE

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

Of relevance to this proposal are:

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding

National Roads Development Guide 2014

- 14 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.

OTHER PKC POLICIES

- 15 The following non-statutory planning guidance are applicable to the proposal:
- Planning for Nature (2020)

SITE HISTORY

- 16 02/00403/OUT - Erection of one dwellinghouse approved (in outline) was approved on 11 June 2002
- 17 09/00221/OUT - Erection of a dwellinghouse (in outline) was Approved On 8 May 2009

- 18 12/00760/IPL - Renewal of planning consent (09/00221/OUT) for the erection of a dwellinghouse (in principle) was approved on 25 June 2012
- 19 13/01899/AML - Approval of matters specified in conditions (12/00760/IPL) Erection of a dwellinghouse was approved on 15 January 2014
- 20 17/00957/FLL - Full Planning Permission for Erection of a dwellinghouse was approved on 4 August 2017
- 21 18/00115/FLL - Full Planning Permission for Erection of a dwellinghouse was Approved on 21 February 2018, and this permission has commenced.

CONSULTATIONS

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

External

Scottish Water: No objection in terms of public capacity issues.

Transport Scotland: No response in terms of the impact on the A85(T). The proposed access arrangements with the trunk road are however not being altered from previous permissions.

Internal

Transportation and Development: The level of onsite parking provision (3) meets with the standards of the National Roads Development Guide.

Environmental Health: No objection in terms of a potential private water supply occurring, if a public connection is not viable or practicable.

Structures and Flooding: No objection to the proposal in terms of flooding or drainage, subject to conditions concerning surface water disposal.

Development Contributions Officer: No requirement for any additional developer contributions.

Community Waste Advisor: No response received.

REPRESENTATIONS

- 23 Nineteen representations were received, of which 17 are objecting to the proposal and two are offering support. In terms of the objectors, the main issues raised within their representations are:

- Proposal is contrary to the Development Plan

- Impact on visual amenity
- Impact on residential amenity
- Impact on biodiversity
- Impact on road and pedestrian safety

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

- 24 In terms of the letters of support, these suggest that the proposal would enhance the area and would result in environmental improvements from the site's current condition.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)/ Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Ecology Survey

APPRAISAL

- 25 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 LDP2 and statutory SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 26 In terms of other material considerations, this involves considerations of the Council's other non-statutory policies and supplementary guidance, namely Planning for Nature as well as the site's recent planning history – which is a significant material consideration.

Policy

- 27 The principle of a residential dwelling on this site has been firmly established by the previous planning permissions which have been granted and in the case of the 2018 permission, commenced. It would be unreasonable, unjustified and ultimately undefendable for the Council to opt to reassess the acceptability of the principle of erecting a single dwelling on the site again.
- 28 It is therefore the settled position of the Council, that the sole consideration for this proposal is ultimately whether or not the proposed house type is acceptable

from a visual and residential amenity perspective, and there are relevant policies relating to these issues in all parts of the Development Plan.

- 29 In terms of the NPF4, Policy 14 (Design, Quality and Place) looks to ensure that all new developments have a high standard of design, whilst Policies 1 (Placemaking) and 17 (Residential Areas) of the LDP2 look to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment and protect existing visual and residential amenity of the area concerned.
- 30 The Placemaking SPG promotes good design principles for all new developments and looks to protect both visual and residential amenity by ensuring that both the proposed design is appropriate for its setting, and that existing environs are considered.

Visual Amenity, Design and Layout

- 31 The proposal which has been brought forward is comparable to the 2017 planning permission in terms of its general appearance and proportions (from the front), its overall height, its wall to roof ratios and its relationship to the boundaries of the plot – which at the time, were considered to be acceptable. The current proposal does make a distinct change in the style of dormers with smaller windows proposed from those consented in 2017 and 2018, however what is proposed would not necessarily look out of character with the area and are not visually offensive.
- 32 The same applies to the increase in the numbers of dormers on both the front and rear elevations, which has also changed from the previous permissions. The additional number of dormers on both elevations would change the appearance of the dwelling, but not to a level which would make the resultant dwelling appear visually incongruous, especially when viewed from the A85 when traveling eastwards. It is also noted that the property of 'Ellengowan' has a number of dormers on its principal elevation, albeit of a different style than what is proposed here.
- 33 All other design and layout matters are acceptable, subject to some minor changes secured through condition (Condition 6) and the proposal is considered to comply with the Placemaking and Design policies contained in all parts of the Development Plan.

Residential Amenity

- 34 The proposed change of house type does not introduce any new issues in terms of the impact on existing neighbours which have not been previously considered, either in 2017 or 2018.
- 35 The principal area of interaction at first floor level would be between the proposed rear dormers, and part of the private garden area of 'Ellengowan' to the

north of the site. Both the 2017 and the 2018 permissions would have resulted in some degree of interaction due to the physical relationship of the proposed house and the garden ground of 'Ellengowan', but avoiding any visual interaction in a settlement is an unrealistic expectation. A more sensible approach is to ensure that any impacts are reasonable (and of a level of what might be expected), and in this case to ensure that any impact is comparable to what already is likely to occur by virtue of the extant planning permission.

- 36 It is noted that one of the proposed dormers would be several metres closer to the northern boundary than the consented arrangement, which could potentially increase the degree of overlooking, and result in a greater loss of privacy to the affected property from what has been approved.
- 37 The dormer in question serves a bedroom which has another dormer on the same elevation, so there is no reason why a minor amendment could not be made to change the north most dormer on the rear elevation to a roof light, which would in turn reduce the ability of the user to look sideways. This would also bring the relationship and impact on the neighbour to the north to something similar of the 2018 permission. Condition 6 relates to this.
- 38 In terms of the interaction with the residential property to the south, it is noted that two side windows are proposed at ground floor close to the boundary. Along the boundary presently is a mature hedge, with a 1.8m fence on the neighbour's side. The applicant has indicated that this fence will remain, but the hedge is to be removed. It is understood that an agreement has been reached between the two parties to remove the hedge, which has been affecting the property to the south and with the fence, is challenging to maintain. Subject to the fence being retained, the interaction between the existing and proposed will be mitigated by the existing fence and there would be scope for a more suitable replacement along the boundary which benefits both parties. Condition 4 relates to this.
- 39 Lastly, a concern has been raised that the additional height of the dwelling would impact adversely on light entering the ground floor windows of 'Ellengowan', and shadows would affect both the property and some areas of the garden ground. The Council's Placemaking Guide makes reference to this issue, and in most cases the use of a 25-degree rule is used as a good starting point to establish whether or not further light / shadow assessments are required. The key principles of the test comprise drawing a line at 25 degrees towards a proposed development starting at the mid-point of the ground floor window. An officer's assessment of this, showed a marginal 'breach' of the 25-degree line, so it is not considered necessary to seek any further assessment.
- 40 Accordingly, subject to the imposition of conditions the proposal is considered to be in accordance with Policies 1 and 17 of the LDP2, and the guidance provided within the Placemaking Guide 2020.

Roads and Access

- 41 The proposed change of house type raises no new issues concerning parking provision or access related matters. Standard conditions which are similar to those previously attached to the extant planning permission are again recommended (Condition 5).

Drainage and Flooding

- 42 The proposed change of house type raises no new issues concerning drainage or flooding matters. A standard condition requiring all surface water to be disposed of in a manner which does not shed onto neighbouring land is recommended (Condition 3). The proposal is therefore considered to comply with Policy 53 Water Environment and Drainage of LDP2.

Waste Collection

- 43 The proposed change of house type raises no new issues concerning waste or recycling provision, and collection will take place at the road end.

Conservation Considerations

- 44 The proposal has no implications in terms of impacting on listed buildings, conservation areas or local archaeology.

Natural Heritage and Biodiversity

- 45 The proposed change of house type raises no new issues concerning ecological issues. The planning application has been supported with an updated ecology report to take into account some concerns over Great Crested Newts on the site and the survey, and conclusions and recommendations are all in order. The proposal is therefore consistent with Policy 3 of the NPF4, Policy 41 of the LDP2 and the guidance offered by the Planning Guidance on Planning for Nature.

Southern Hedge

- 46 Both the 2017 and the 2018 planning permissions sought to retain the southern hedge in its entirety through conditions. The applicant has indicated they wish to remove the hedge for the eastern ½ of the southern boundary, and that the construction of both the 2018 permission and the proposed would require its removal. With an existing fence providing mitigation for residential amenity, the removal of a small portion of the hedge is considered acceptable – subject to some degree of compensatory planting within the wider garden area. Condition 4 relates to this.

Retaining Wall

- 47 The proposed dwelling will encroach to within 1m of the boundaries of the site. To the north of the site is an existing retaining wall. It would be the applicant's responsibility to ensure that their development does not compromise the structure integrity of the wall and comply with all the relevant building regulations through the submission of a competent and approvable Building Warrant submission. An informative note is recommended to highlight this position (Informative 3).

Water Supply

- 48 Scottish Water have indicated that there is sufficient capacity within the public system to service this development. In the unlikely event that a connection was not a viable or practical option, any new private supply will have to comply with the relevant private water regulations. An informative note to this effect is recommended (Informative 5).

Developer Contributions

- 49 A developer contribution in relation to Transport Infrastructure was paid in relation to 17/00957/FLL. As the number of residential units across the site is not increasing from the extant permission, then there is no requirement for any additional contributions.

Economic Impact

- 50 The proposal would have little impact on the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

- 51 The applicant opted to make some minor changes to their design statement during the course of the planning application, however these changes did not affect the key principles of the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required.

DIRECTION BY SCOTTISH MINISTERS

- 53 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

- 54 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, the LDP2 and statutory SPGs. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.

RECOMMENDATION

Approve the planning application, subject to the following conditions,

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. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable a Sustainable Urban Drainage System to meet the requirements of best management practices. Prior to the commencement of the development hereby approved, precise details of the surface water drainage system shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full and completed before the first occupation of the dwelling.

Reason: In order to ensure the site is adequately drained.

- 4.. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments and new compensatory planting to offset the loss of the portion of the southern boundary hedge shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full and completed before the first occupation of the dwelling. In the event of any planting failing within 5 years it shall be replaced on a 'like for like' basis within the next available planting season.

Reason: In order to clarify the terms of this planning permission, and to protect visual and residential amenity.

5. Visibility splays shall be maintained on each side of the access to the satisfaction of the local Planning Authority, after consultation with Transport Scotland. For the avoidance of doubt, these splays are the triangles of ground bounded on 2 sides by the first 2.4metres of the centreline of the vehicular access (the set back dimension) and the nearside trunk road carriageway measured 120metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05metres and 2.00metres positioned at the set back dimension to an object height of between 0.26metres and 1.05metres anywhere along the y dimension.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

6. The north most dormer window on the rear (west) elevation is not approved. Prior to the commencement of the development hereby approved, an amended rear elevation which replaces the dormer with a rooflight shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full, and the rear elevation shall remain unaltered thereafter.

Reason: In order to protect existing residential amenity.

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

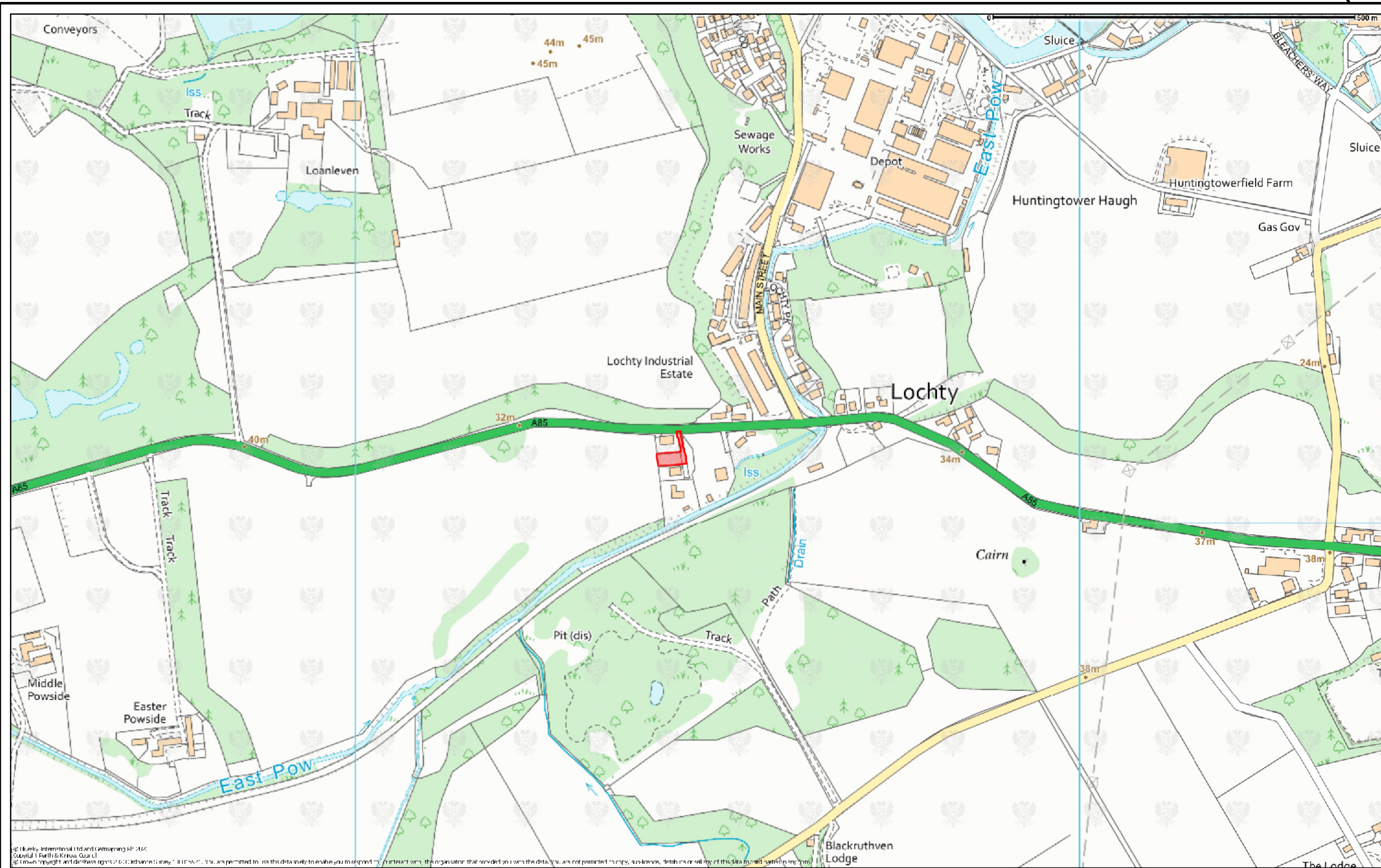
1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. 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.

3. No work shall be commenced until an application for building warrant has been submitted and approved. The applicant should undertake their own due diligence concerning the impact on the existing retaining wall along the northern boundary.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
6. In terms of Condition 3, the applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#) and the SUDS Manual (C753) as it contains advice relevant to your development.

Background Papers: 19 letters of representation
 Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

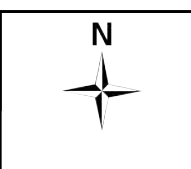
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Planning and Placemaking Committee - 13 December 2023
 Scale 1:5000



23/01095/FLL
 Erection of a dwellinghouse, Land 20m North of the Orchard , Lochty, Almondbank



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/357)

PROPOSAL:	Part change of use of agricultural building and land to form dog agility/training facility, formation of parking, erection of fencing, installation of lighting and associated works (in retrospect)
LOCATION:	Land north of Glenheart Farm, Glenlomond, Kinross

Ref. No: [23/01000/FLL](#)
 Ward No: P8- Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application has been submitted in retrospect for the part change of use of agricultural building and land to form dog agility/training facility, formation of parking, erection of fencing, installation of lighting and associated works. The site lies partly in the settlement of Glenlomond with the external area located on agricultural land adjacent to the settlement boundary.
- 2 The business began operating in 2020 and due to increased demand, by 2022 expanded as detailed in this application. The applicant did not realise at that time, that planning permission was required. The Enforcement Team investigated this matter in April/May 2023. The response to the investigation is the submission of these proposals in retrospect.
- 3 The applicant provides indoor and outdoor training. The facility operates 14:00 to 21:00 Monday to Thursday, and 09:00 to 14:00 on Friday, with no operation at the weekends.
- 4 The access to the site is through the village of Glenlomond with a parking and turning area provided within the site.

Pre-Application Consultation

- 5 Pre application Reference: No pre-application enquiry

- 6 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

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 8 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.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 29: Rural Development

Perth and Kinross Local Development Plan 2

- 11 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 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 17: Residential Areas
- Policy 53: Water environment and Drainage
- Policy 55: Artificial light
- Policy 56: Noise

- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

12 Non-Statutory Guidance.

- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

13 The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport

National Roads Development Guide 2014

15 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.

Site History

16 No recent site history

CONSULTATIONS

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

External

Environmental Health (Noise Odour)

- 18 No objection to proposal subject to conditions to control noise, odour, hours of operation/deliveries and lighting.

Transportation And Development

- 19 No objection to proposal after assessment on trip data.

Representations

- 20 127 representations were received, of which 16 were objections, with the remainder in support. The main issues raised within the representations are:

Objection Comments

- Light Pollution
- Noise Pollution – barking, owners shouting instructions.
- Road Safety Concerns – increased traffic, inappropriate speeds in village, mostly single-track road, no streetlights on the road
- Traffic Congestion
- Pedestrian safety – no pavements
- Out of character with the area
- Adverse effect on visual amenity
- Inappropriate land use
- Overlooking
- Contrary to development plan policy
- Biodiversity concerns – Tawny owls, bats, and moth species.

Support Comments

- Supports economic development – visiting local shops and restaurants before/after training sessions
- Enhances character of area
- Adequate onsite parking and classes are staggered to minimise traffic meeting on the roads, keeps classes small to minimise impact on traffic.
- Employment provision
- Roads in the area are very easy to access, well signposted with speed limits
- Results in Environmental Improvements

- 21 These issues are addressed in the Appraisal section of the report. There have been a number of additional comments which are not material planning considerations for example loss of views over Lomond Hills, providing mental and physical benefits, making the countryside more accessible to all, and, supporting young entrepreneur.

- 22 An additional point was raised that all owners of the road were not notified however the applicant did within the land ownership forms state that they did not know all owners and therefore an advert was placed in the press as per legislative requirements.
- 23 The letters also raise a concern about an additional area of land out with the redline site being utilised for additional training. The agent has confirmed that this area is personal to the applicant's family and that apparatus associated with that has been removed to ensure clarity.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
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 – Noise Assessment, Noise Management Plan, Waste Management Plan, Trip Assessment

APPRAISAL

- 24 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 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.
- 25 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 policy.

Principle

- 26 The proposal is for the establishment of a new rural business (in retrospect). The buildings and car parking are within the settlement boundary of Glenlmond, the outdoor area lies out with but adjacent to the settlement boundary. The proposal is considered under Policy 17 Residential Areas with the area out with the settlement assessed against Policy 6 Settlement Boundaries of LDP2. Policy 29 Rural Development is the most applicable policy of NPF4.

- 27 Policy 17 Residential Areas supports business proposals where they are compatible with the amenity and character of the area and where residential amenity is protected. Policy 6 settlement boundaries states that built development should be contained within the boundary.
- 28 The elements of the proposal contained within the settlement boundary comply in principle with Policy 17. The use of the land out with the boundary is considered under Policy 6 where there are a number of criteria where development can be supported. This policy also specifically notes a restriction on built development however the development out with are the engineering works to create an arena which is not technically built development. The applicable criteria of policy 6 is a) which states that developments out with will be permitted where they are in accordance with Policy 8 Rural Business and Diversification. As the arena supplements a proposal within the settlement and has a low impact and well contained within the landscape it is considered to be an acceptable development and not a departure from the policy.
- 29 Policy 8 of the LDP2 supports rural businesses involving diversification of an existing business or be related to an existing site-specific resource or opportunity. Policy 8 is supported by Policy 29: Rural Development of NPF4 which seeks to encourage rural economic activity of certain types. These include related to this proposal land use businesses and the reuse of a redundant or unused building. NPF4 goes on to state that rural development should be appropriately scaled, sited and designed to be in keeping with the character of the area. They also require contributing towards local living and take account of transport needs.
- 30 The proposal therefore complies with the rural business policies of both LDP2 and NPF4 as a compatible and appropriately scaled diversification of the existing onsite business and incorporates retail of a scale which would be appropriate in the rural area.

Design and Layout

- 31 No new buildings or alterations to existing buildings is required to enable this change of use proposal. No new access is required.
- 32 The only works (engineering) to affect the proposal are formation of drainage below ground to ease drainage of the outdoor dog agility training arena and the application of a porous all-weather astro-turf grass to surface the outdoor dog agility training arena and lighting. The arena would be delineated and enclosed by a 1.2m post and timber fence boundary.
- 33 The existing farm building is partially used to house the indoor dog training and agility arena. An existing toilet and running water point is available, with no new works required.

- 34 As such, the proposal accords with NPF4 Policy 14 Design, quality and place, and LDP2 Policies 1A and 1B Placemaking and the supplementary placemaking guidance.

Residential Amenity

- 35 There are residential properties neighbouring the agricultural field, in which the outdoor arena is located and the closest out with the applicant's ownership is Glenlmond House which is approximately 90 metres away.
- 36 The applicant originally submitted a Noise Management Plan (NMP) which was not adequate enough in detail to evidence good management procedures/controls for all operations/sources of noise from the facility. A subsequent revised NMP was then submitted to concerns.
- 37 The revised NMP includes controls, hours of operations, details of three available sessions (Group Agility, Group Puppies and Individual 1-2-1) and numbers per session, complaints procedures, A code of conduct is also included that all users of the facility have to adhere to, and non-compliance may result in access to the facility being refused. The plan along with operating restrictions/controls will be conditioned as part of the permission (Condition 1 – 6)
- 38 The applicant is also proposing to install flood lights at the corners of the outdoor dog training and agility arena. (Condition 7 and 8)
- 39 The proposal is therefore considered to accord with policies 55: Artificial light and 56: Noise of LDP2 and NPF4 where they relate to respecting residential amenity.

Roads and Access

- 40 The applicant advises that a maximum of 8 people with dogs, or 8 dogs will be in attendance at the site at any one time for each hourly session. It is noted that residents have concerns with the number of vehicles that will be travelling through the village to gain access to the site. The applicant makes reference to two other dog training facilities, both being in rural locations. It should be noted that neither of these applications pass residential properties from the point of leaving a classified road public road to gain access to the site. The application at Glenheart Farm, passes a number of residential properties at Wester Balgedie and Glenlmond.
- 41 The vast majority of the letters of support from customers, are travelling a distance to the site and the use of alternative modes, will not be possible. However, with most facilities like this in rural areas this would not be unexpected. Given the level of comments from members of the public regarding concerns with the level of vehicles arriving and departing the site along through the village of Glenlmond, Transport Planning requested further details regarding the

attendance within the sessions to better understand the impacts of the development.

- 42 The applicant has advised that on a worst-case scenario there will be 528 weekly movements to and from the site, but with the current customer profile, this is more likely to be 264 vehicle movements to and from the site, or in short 132 vehicles to the site. Whilst the public road network may be able to accommodate the level of vehicles, it is understood that the residents of Glenlomond have concerns with the vehicles passing through the private village to and from the site.
- 43 The road through the village is within private ownership, as detailed in letters of representation. A number of issues have been raised around access rights, title deeds, maintenance and repairs. These are issues out with the planning remit and owners of the road may wish to pursue these issues separately as a civil matter.
- 44 The applicant has advised that no commercial deliveries in van or other large vehicles are anticipated with the site as the business owner will manage her own deliveries via her own private vehicle, however, a commercial waste contractor will be visiting the site as part of the waste management strategy to remove dog waste from the site on a fortnightly basis.
- 45 As such, the current proposal is acceptable in terms of roads and access and accords with NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 46 The development sits out with river and surface water flooding risk areas as shown on SEPA flood maps.
- 47 There are no new foul drainage proposals, and no new foul drainage infrastructure is required. Some new ground drainage externally would seek to improve ground conditions, thereby satisfying Policy 53 Water Environment and Drainage of LDP2.

Waste Collection

- 48 A waste management plan has been submitted. The applicant will provide a 500L waste bin within the car parking area for dog waste. Users will be encouraged to bring their own dog waste bags, but the applicant will also be able to provide on-site where necessary. Owners will be responsible for cleaning up after their dog and putting waste only in the bin provided. The 500L bin will be emptied by commercial waste contractors bi-weekly. Clients will be encouraged to take home any recyclable materials.

Developer Contributions

- 49 The proposal does not require any developer contributions.

Economic Impact

- 50 The business will contribute positively to the local economy in providing rural employment.

VARIATION OF APPLICATION UNDER SECTION 32A

- 51 This application was not varied prior to determination. Additional information was submitted in relation to noise, trips generation and odour but this did not after the original submission.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required

DIRECTION BY SCOTTISH MINISTERS

- 53 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

- 54 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

Conditions and Reasons for Recommendation

1. The hours of operation shall be restricted to between 1400 hours and 2100 hours Monday to Thursday and 0900 and 1400 hours Friday only.

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

2. The maximum number of dogs per session at any given time shall be 8.

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

3. The submitted and approved Noise Management Plan 'Glenheart Dog Training & Agility- Glenheart Farm' V1.1 dated September 2023 undertaken by Ellendale Environmental plan ref 12 ,which includes hours of operation, maximum dog numbers and measures that will be implemented to adequately control and minimise noise from the premises, including the complaint investigation procedure, shall be fully implemented, and adhered to. The Plan shall be reviewed on a regular basis and/or following receipt of a justified complaint or at the request of the Planning Authority in consultation with Environmental Health.

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

4. In the event, that justified complaints for noise are received by the Council as Planning Authority in consultation with Environmental Health, within 14 days of written request by the Council as Planning Authority, the applicant shall at their own expense employ a consultant to carry out an assessment of noise from the development, with the appointment and methodology to be approved in writing by the Planning Authority. Thereafter, recommendations/mitigation measures along with timescales for implementation will be incorporated into a revised Noise Management Plan (NMP) and submitted to the Planning Authority within 28 days of the assessment.

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

5. The submitted and approved Waste Management Plan dated November 2023 (plan ref 14) shall be implemented to adequately control and minimise odour from the premises. The Plan shall be reviewed on a regular basis and/or following receipt of a justified odour complaint or at the request of the Planning Authority in consultation with Environmental Health.

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

6. Servicing or maintenance at the site shall be carried out between 0700 and 1900 Monday to Friday only.

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

7. 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.

8. Floodlighting associated with the arena shall be switched off during the hours of 2200 to 0800 hours.

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

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

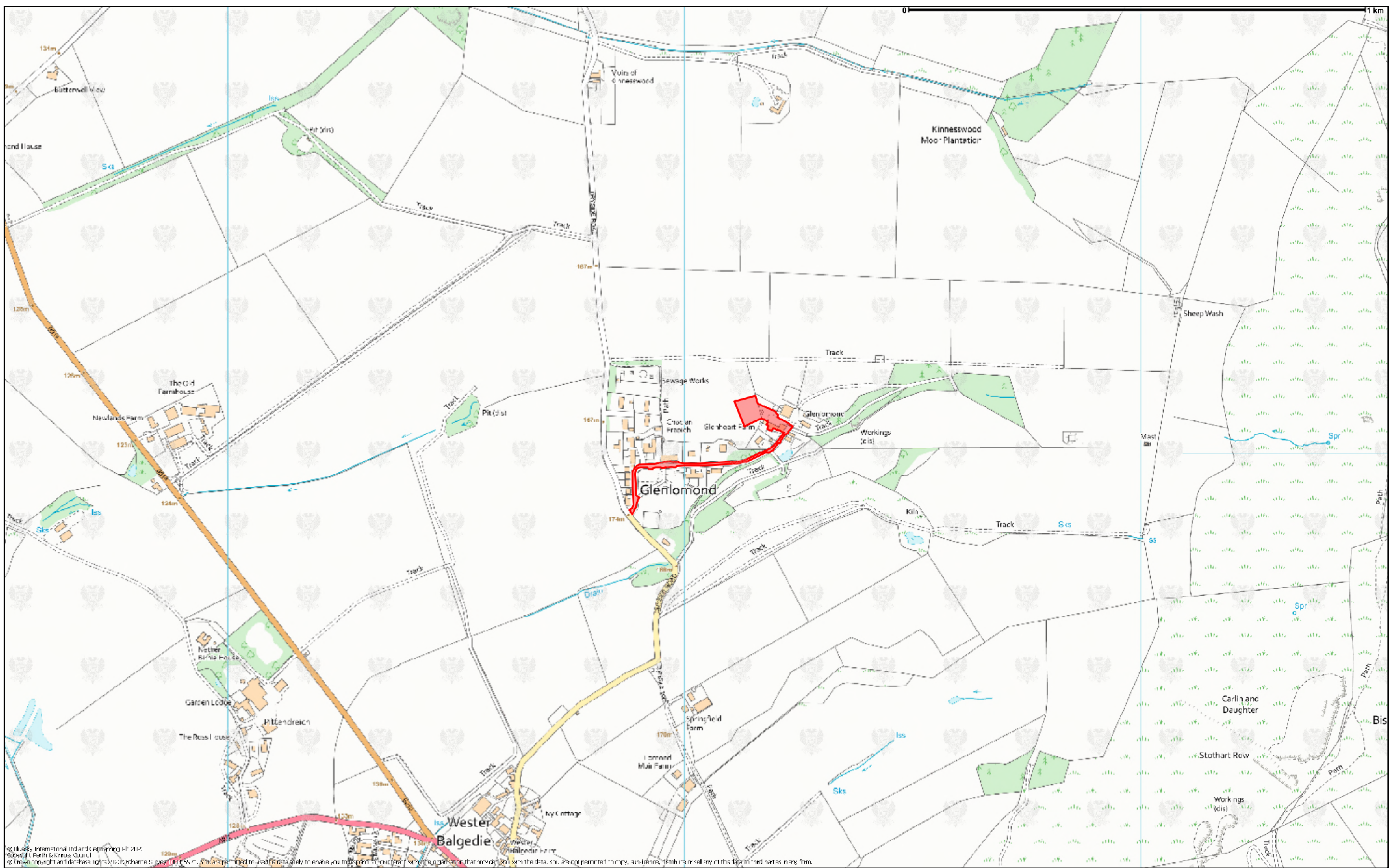
Background Papers: 127 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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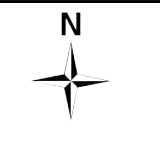
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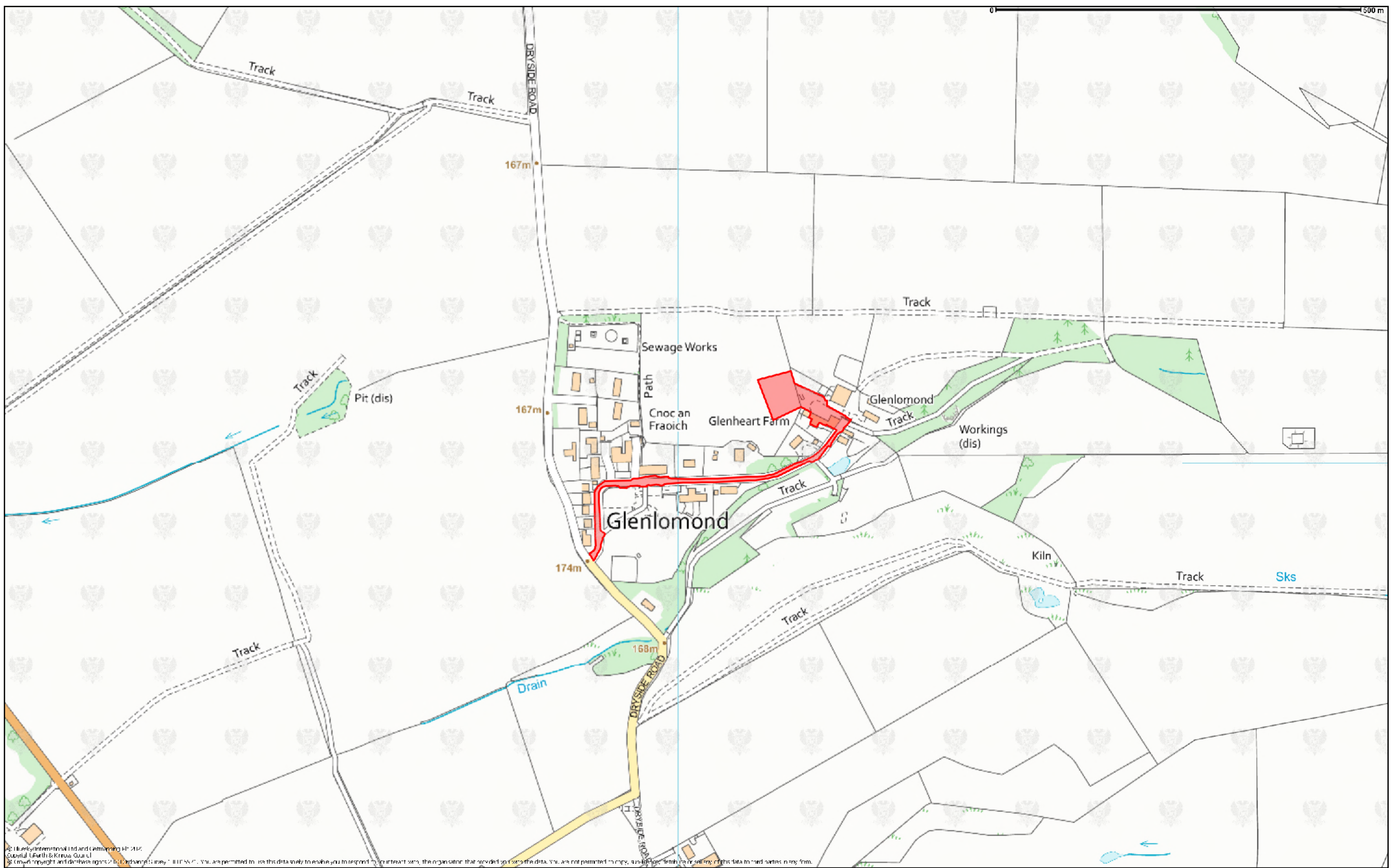
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Planning and Placemaking Committee - 13 December 2023
Scale 1:8000



23/01000/FLL
Part change of use of agricultural building and land to form dog agility/training facility, formation of parking, erection of fencing, installation of lighting and associated works (in retrospect) at Land North Of Glenheart Farm Glenlomond, Kinross, KY13 9HF

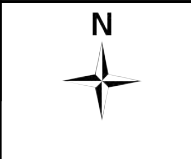




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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



23/01000/FLL
Part change of use of agricultural building and land to form dog agility/training facility, formation of parking, erection of fencing, installation of lighting and associated works (in retrospect) at Land North Of Glenheart Farm Glenlomond, Kinross, KY13 9HF



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/358)

PROPOSAL:	Removal of existing bridge and erection of a replacement footbridge
LOCATION:	Pitlochry Railway Station, Station Road, Pitlochry

Ref. No: [23/01278/LBC](#)
 Ward No: P4- Highland

Summary

This report recommends approval of a Listed Building Consent application for firstly, the removal of an existing footbridge and secondly the erection of a new replacement footbridge at Pitlochry Railway Station, Pitlochry. 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. The recommendation is also considered to be in accordance with the requirements of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks to obtain Listed Building Consent (LBC) for the removal of an existing footbridge at Pitlochry Railway Station, and the erection of a new one. The station is category A listed, which includes the main building, Platform 2 building, the platforms, footbridge, signal box and a water foundation. The site is also located with the Conservation Area of Pitlochry.
- 2 The existing footbridge at the station does not have step-free access, making it difficult for persons with reduced mobility to move readily between the station platforms. Currently there is no accessible solution for entry to Platform 2, which is on the non-station side loop platform. As a result of this, the station is currently incapable of meeting the definition of providing an accessible route for rail users.
- 3 Network Rail (the applicant) has explored a range of options to provide step-free access to both platforms at the station including modification of the existing footbridge, moving the existing footbridge, erection of a ramped bridge, formation of a new underpass, use of the existing routes or the erection of an accessible bridge, with lifts, at the station.
- 4 As a result of that option analysis, Network Rail's preferred option is a new accessible bridge which would replace the existing stepped footbridge that links platform 1 and 2, and which would be sited immediately west of the existing

bridge. The new bridge would be of a lattice design including lift towers on each platform with easy access wide door openings suitable for wheelchair users, and generous internal width to allow for wheelchair rotation. Each lift tower will include full light panel in the lift car roof, rain canopy above the entrance and an intercom for emergencies. The height of the lift towers will be approx. 8.2m from platform level and will rise approx. 2.7m above the centre walkway area creating a 'H' appearance. The central walkway element of the bridge would be approx. 5.1m above the railway, 4.1m above the platforms and approx. 6.2m above the platform level. Overall, the bridge will span approx. 20m across between the two platforms.

- 5 In terms of the existing footbridge, Network Rail have indicated that it is their intention to carefully dismantle the bridge, with a view of having it removed and made available for re-use off site, however a final destination has yet to be determined. The existing footbridge would remain, until such time as a contract for replacement bridge (and the dismantling of the existing) has been signed. There is a potential for the need for a temporary bridge to be installed during the construction phase, to ensure that continued use of the station can continue during the construction phase.
- 6 The proposed accessibility improvement at Pitlochry is part of a wider project to address accessibility for passengers along the Highland Mainline, which in addition to Pitlochry includes improvements at Aviemore, Kingussie and Nairn – all of which are listed buildings. The proposals at Nairn and Kingussie have already been approved by the Highland Council, and also involves the removal of the existing listed footbridges with replacements of a similar design of the one proposed here. In addition to the accessibility improvements to the station, the replacement footbridge bridge would be compatible with an electrified network across Scotland which is advancing through a phased upgrade of the overall network.

Procedural Clarification

- 7 This application relates to an application for LBC only, for both the removal of the existing building and then the erection of the new one. The assessment and associated considerations of this application is therefore solely based on the impact on the listed building(s) only, both physically and insofar as their settings are concerned. It should however be noted that the terms of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations (2017), do however remain relevant.
- 8 To clarify the procedure for dealing with the typical 'planning' aspects of the development under the terms of the Planning Act, Network Rail have made a submission to the Council seeking the 'Prior Approval' of the new bridge under Class 29 of the Town and Countryside Planning (General Permitted Development) (Scotland) Order 1992. This class authorises specific development under certain circumstances without the need for a formal planning application.

- 9 Such instances include the erection of bridges, that are authorised by
- (a) a local or private Act of Parliament or of the Scottish Parliament or
 - (b) an order approved by both Houses of Parliament or by the Scottish Parliament, and when detailed plans and specifications are subject to 'Prior Approval' by the Council.
- 10 The Council has opted not to make a final decision on the 'Prior Approval' request, until such time as this LBC application has been determined as the acceptability of the proposal in terms of its impact on the existing listed buildings are a significant design consideration. In the event that this application is approved, it would be the intention of the Council to provide formal confirmation of the acceptance of the parallel 'Prior Approval' request for the new bridge under Class 29.

Pre-Application Consultation

- 11 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.
- 12 Notwithstanding this, the applicant has undertaken pre-application consultation with both the Council, and the local community and evidence of this has been submitted in support of the planning application.

Environmental Impact Assessment (EIA)

- 13 Whilst acknowledging the sensitive nature of the development, and the public interest this development is not of the scale which requirements an assessment through the EIA Regulations. The development has been screened for EIA, with the outcome being the development is not considered to be an EIA development.

DEVELOPMENT PLAN

- 14 The Development Plan for the area comprises National Planning Framework 4, Perth and Kinross Local Development Plan 2 (2019) and Statutory supplementary Planning Guidance.

National Planning Framework 4

- 15 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.
- 16 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

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

- Policy 7: Historic assets and places
- Policy 13: Sustainable Transport
- Policy 14: Design Quality and Place

Perth and Kinross Local Development Plan 2

18 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance. Of relevance to this application is Policy 27, which relates to Listed Buildings

Statutory Supplementary Planning Guidance (SPG).

19 The following statutory SPG are applicable to this proposal,

- Placemaking Guide 2020

NATIONAL POLICY AND GUIDANCE

20 The Scottish Government expresses its planning policies through the Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars. Of relevant to this application are,

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 68 Design Statements
- PAN 75 Planning for Transport

In addition to these documents, the following documents published by Historic Environment Scotland are directly applicable to this proposal,

- Managing change in the Historic Environment, Setting (2016)
- Managing change in the Historic Environment, Accessibility (2010)
- Managing change in the Historic Environment, Demolition of Listed Buildings (2019)
- Historic Environment policy for Scotland (2019)
- Interim Guidance on the principles of Listed Building Consent (2019)

22 The following published national strategies are also applicable and are referenced elsewhere in this report.

- Scottish Governments Strategic Transport Projects Review 2
- Going Forward – Scotland's Accessible Travel Framework

- Scotland’s Railway Strategic Business Plan
- Transport Scotland National Transport Strategy
- Transport Scotland's Rail Services Decarbonisation Action Plan

OTHER PKC POLICIES

23 There are no other PKC policies of specific relevance.

SITE HISTORY

24 Nonrelevant to this proposal.

CONSULTATIONS

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

External

26 **Historic Environment Scotland:** No objection to the proposal in terms of the impact on the listed building(s), and their settings.

Internal

Conservation Team: There is reasonable justification that the proposal is essential to delivering significant benefits to economic growth for the wider community.

REPRESENTATIONS

27 Twenty-six letters of representations have been received, all of which are objecting to the proposal. The principal concerns raised within the representations is the impact that the development would have on the listed building, and the settings of others.

This issue is addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

28

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Assessment of (heritage) Significance

APPRAISAL

- 29 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 LDP2, and statutory SPGs. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 30 In terms of other material considerations, this involves consideration of the requirements of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Sections 14(2) and 58 places a duty on planning authorities in determining LBC applications to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy

- 31 There are relevant policies contained in all parts of the Development Plan.
- 32 Within the NPF4, Policy 7 (Historic assets and Places) looks to protect and enhance the historic environment and places and offers to enable positive changes. The policy states that proposals (affecting historic assets and places) will be informed by national policy and guidance on managing change in the historic environment. Policy 13 (Sustainable Transport) looks to ensure that due consideration is given to the accessibility (of the proposal) for users of all abilities.
- 33 Within the LDP2, *Policy 27 (Listed Buildings)* requires proposals which affect listed buildings to respect the buildings character, appearance and setting and where demolition is proposed, the onus is on the applicants to demonstrate evidence which shows that,
- (a) the building is not of special interest; or
 - (b) the building is incapable of repair; or
 - (c) the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - (d) the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

Policy 1B(e) of the LDP2 states that all new proposals should be accessible and inclusive places for people, which are easily navigable particularly on foot, bicycle and public transport.

- 34 In terms of the Placemaking Guide 2020, this requires all proposals to ensure that the impact on listed buildings and their settings are fully considered as part of the design process.

Impact on Listed Building(s)

- 35 The project for the replacement footbridge at Pitlochry Station has been subject to lengthy discussions with both Historic Environment Scotland (HES) and the Council, with a heavy initial focus on understanding the need for a new bridge, understanding what alternate options have been explored, and then ultimately discussions concerning the best location and design of the new bridge – all with the intention to ensure that all efforts have been made to retain the listed building, and that the new replacement bridge minimises the impact to a level where the historic setting is protected.
- 36 As an alternative to removing the existing bridge and / or an entirely new bridge, the following five alternative accessibility solutions have been considered by Network Rail,
1. A new underpass served by lifts and a secondary access, comprising ramps, at either side.
 2. Utilising the existing path from the north of the main station building to the underbridge UB064 to the south-east of the platforms.
 3. Modifying the existing, listed, footbridge
 4. Ramps with a new footbridge
 5. Replacement of existing footbridge
 - North of the Signal Box
 - West of the Existing Footbridge
- 37 All these alternative options have been discounted, and the full details of the attributes and constraints of each option are discussed in more detail in the Design Options report provided as Appendix B of the Design and Access Statement. Notwithstanding this optional assessment process which has discounted other potential options to address the accessibility issue, there remains a need to assess the proposal as submitted in terms of its impact on the listed building(s), both physically and their settings.

Historic Environment Scotland's Position

- 38 As the proposal directly affects a category 'A' listed building physically, as well as the setting of other structures which are part of the listing, HES are a statutory consultee on this application, and they have responded to that consultation with detailed comments. As a statutory consultee and the national agency and the lead public body to care and protect Scotland's historic environment, their views and opinions are a significant consideration in assessing this application.

The key comments made by HES in their formal response to the Council are summarised below,

- HES are of the view that the existing bridge has architectural merit in its own right and makes a positive contribution to the group of historic buildings that

collectively forms Pitlochry Station, and the Council agrees with this position.

- After consideration of the supporting information, HES accept the justification for replacing the existing lattice-arched historic footbridge at Pitlochry with a new accessible footbridge and are content with the detail of the new details - including the bridge external colour.
- In terms of the positioning of the new footbridge, this would be located closer to Pitlochry Station building than previously proposed. The more distant location was chosen to minimise impacts on the setting of the station building. The amended design, while still large, would sit more comfortably in the immediate vicinity of the station buildings. On balance, given the benefit to station users, HES are content with the proposed location of the replacement.
- HES have confirmed that they have been involved in detailed discussions with Network Rail about the design of new accessible footbridges for 2-track historic railway stations across Scotland. As a result of those discussions, Network Rail have significantly amended their original proposal by reducing the proposed height of the lift towers, incorporating a diamond lattice pattern into the bridge and stair parapets, and giving the bridge deck a slight curve. HES consider that these features would help the proposed bridge to sit more comfortably in the context of Pitlochry, and other historic stations than the previous designs.
- HES welcome Network Rail's intention to re-locate the existing bridge. If reasonably possible, HSE advise that details of its new location should be submitted the Council before dismantling work commences, and a condition is attached which ensures that the existing bridge is not removed until a contract has been let for installing the new bridge

39 The bridge which is to be removed is described within the HES list description as *'an outstanding example of a traditional railway station, demonstrating specific characteristics of the Highland Railway Company station building of the late 19th century'*. It is the case that the buildings on the site are of greater significance as a 'group' than what they perhaps might be individually or when looked at in isolation, which means that the loss of anyone building or structure at the station would inevitably have an adverse impact on the significance of the group.

40 To consider further the degree of 'significance' of that impact on the group as a result of the existing bridge's removal, a 'Assessment of Significance' has been carried out by Turley Heritage and is available to view online.

41 That report suggests that the bridge is considered to be of medium significance, relative to the high significance of the main station building. The report makes reference to the list description notes which describes the existing bridge as a "standard Highland Railway lattice girder and cast-iron footbridge".

Perth and Kinross Position

- 42 Notwithstanding HES position and comments, it is the view of the Council that while the existing bridge may not be a rare building type and may be typical (or common) structure of its time, the permanent loss of the footbridge would have a significant adverse impact on the special historic interest of the station, which then means that a justification for demolition needs to be established which accords with specific guidance and criteria set out in HES own guidance “Managing Change in the Historic Environment: Demolition of Listed Buildings” (2019), and it is perhaps unfortunate that HES have not specifically cross referenced the content of this document with the submission made by Network Rail.
- 43 This document, states that demolition may be considered acceptable where it is “essential to delivering significant benefits to economic growth or the wider community”.
- 44 This tends to only be considered where the proposal relates to a national or regional strategy or development proposal. Network Rail have set out a clear case for the requirement of the new bridge and the benefits that would be delivered both in relation to the potential electrification of the line and accessibility.
- 45 The position set out in the HES guidance is also echoed in Policy 7 of the NPF4 which states that Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. The considerations listed in this policy match those of the HES guidance, insofar as asking the question as to whether demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- 46 In support of this application, additional information has been submitted by the applicant to demonstrate that the proposal fits with national strategies (transport related or otherwise), and how other sensitive sites are being advanced at other Scottish locations.
- 47 In terms of national planning strategies, Policy 13 of the NPF4 deals with sustainable Transport, and suggests within the policy preamble that the national spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making the best use of existing infrastructure and service. The policy goes on to state that consideration should be given to the accessibility for users of all abilities, which is a significant key consideration for this proposal.
- 48 Transport Scotland National Transport Strategy 2 (NTS2) sets out an ambitious vision for Scotland’s transport system for the next 20- years. Within this vision is reducing the inequalities by ensuring public transport will be easy to use for all. NTS2 recognises that disabled passengers have the same rights as every other

passenger (or citizen) to equal access to employment and health and social care facilities and to participate in learning, social, leisure and cultural activities in order to live life as full as they wish to. However, barriers to travel can create considerable problems for disabled people and the key barriers include:

- being able to access public transport interchanges;
- being able to access public transport vehicles;
- being able to interchange between all modes.

The proposal at Pitlochry will help address these key barriers at this location.

- 49 Going Forward – Scotland’s Accessible Travel Framework (SAFT) was created by the Scottish Government from conversations between disabled people, their representatives and people who work in transport across Scotland, identifies the steps the Scottish Government needs to take to implement the United Nations Convention on the Rights of Persons with Disabilities.
- 50 The purpose of the SAFT, among other things, is to support disabled people’s rights by removing barriers and improving access to travel. To achieve this, the SAFT acknowledges that disabled people need to get from where they live to reach public transport services unobstructed, access those services with whatever support and help are necessary, enjoy the journey in comfort and safety and complete the journey satisfactorily. The proposal at Pitlochry will help users with accessibility issues to travel more freely and safely, and in an a more enjoyable manner.
- 60 Scotland’s Railway Strategic Business Plan (SBP) determines the outputs that Scotland’s Railway will deliver in exchange for funding received from Scottish Ministers, and access charges received from train operators, for the period between April 2024 and March 2029. In terms of accessibility, the SBP indicates Scotland’s Railway is developing an Accessibility Strategy that considers the passenger rail experience with the goal of eliminating barriers within and around stations to unlock the rail network for more people. The proposal at Pitlochry will help to break the existing accessibility barriers at Pitlochry and will unlock Pitlochry to users with accessibility issues.
- 61 Recommendation 19 of the Scottish Government Strategic Transport Projects Review 2 (STPR2) is for “infrastructure to provide access for all at railway stations” and indicates that implementing measures to improve the accessibility of Scotland’s railway stations can help ensure that everyone can use the transport system with as few barriers as possible, as this would encourage greater use of rail and a switch from the car. The STPR2 states examples include step-free routes and platform access to passenger trains, and it recommends a review of station accessibility across Scotland to identify barriers and improve access for all to the rail network, prioritising those stations that have particular problems. The proposal at Pitlochry aligns with this recommendation.

- 62 Lastly, Transport Scotland's Rail Services Decarbonisation Action Plan builds on the Scottish Government's substantial efforts to reduce emissions in transport, while helping contribute to a green economic recovery following the health pandemic. This action plan focusses on decarbonising transport through modal shift to rail, and decarbonising rail traction energy through the removal of diesel passenger trains from the Scottish network by 2035. Pitlochry Station forms part of the rail network that the Plan aims to decarbonise through provision of an electrified network by 2035. The ability of the rail network to be electrified at Pitlochry by a higher clearance of footbridge, aligns with the aim of this plan and aspirations to meet the 2035 target.
- 63 The applicants are proposing to replace 4 footbridges at stations along the Highland Mainline (including Pitlochry). All have similar issues to those at Pitlochry in relation to listed buildings, and the design of the replacement bridges have subject to discussions with the relevant Local Planning Authorities, key stakeholders and HES. LBC for both the removal of, and then a replacement footbridge have already granted for both Nairn and Kingussie Railway Stations, both of which are B listed and the replacements where of the same design as the one proposed at Pitlochry.

Summary

- 64 While it would be preferable to retain the existing bridge in situ until there is confirmation of the technical need for its removal due to electrification, the existing bridge is very close to the proposed new bridge which would result in visual clutter. This would in itself have an adverse impact on the existing building group with two bridges in such close proximity. A more reasonable approach would be to ensure the existing bridge is retained until such time as the required contacts for both the new bridge and the dismantling (if separate) have been advanced, and signed and this is recommended as a condition (Condition 3).
- 65 It is unfortunate that no destination has yet been agreed for the relocation of the bridge, but details of the new location, methodology for its dismantling as well as the timing of the removal being linked to the contract for the new bridge are controllable through conditions (Conditions 2 and 3).
- 66 A draft methodology for the dismantling of the existing bridge has been suggested by Network Rail, which is reasonable, but a final specification which has been agreed with the preferred contractor is required. Agreement on the re-siting of the existing letterbox, which is fixed to the bridge would also be controllable via conditions (Conditions 2, 3 and 4).
- 67 Subject to these conditions, it is the view of the Council that reasonable efforts have been made to keep the existing building and / or adapt it to make it fit for purpose and to provide the necessary accessibility requirements, and that the collective proposal is supported by various national strategies. The proposal will assist in making this part of Scotland's rail network transport more available for everyone, which in turn will offer significant community benefits to both the local and wider community of the area.

- 68 The Council has taken on board the views of HES and have separately considered the specific requirements of HES Managing Change in the Historic Environment which would lead to a justifiable case for demolition, and these requirements have been met. The requirement of the PLBCA, and the policy implications of the Development Plan have also been considered and the approval recommendation raises no conflict.

Temporary Bridge

- 69 It may be necessary to have a temporary bridge installed at the station during the construction phase to maintain passenger access between platforms. In principle this raises no particular issues, however it is recommended that details of any temporary bridge (including its timeline for erection, use and dismantling) are subject to approval by the Council.

Natural Heritage and Biodiversity

- 70 The requirements of the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) are applicable to LBC applications, as well as planning applications. It is unlikely that any protected species will be affected by the proposal, however standard informative notes are recommended to highlight Network Rail's responsibilities.

Economic Impact

- 71 The improvement in accessible facilities at Pitlochry Railway Station could have a positive impact on the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

- 72 The application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 73 None required.

DIRECTION BY SCOTTISH MINISTERS

- 74 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

- 75 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, the LDP2 and statutory

SPG Account has been taken account of the relevant material considerations, including the requirements of the PLBCA and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval.

RECOMMENDATION

Approve the application, subject to the following conditions

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

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

2. Prior to the commencement of the development hereby approved or any other works to the listed building, precise details of the methodology for the dismantling of the existing bridge shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure that the structural integrity of the bridge is not compromised by the dismantling.

3. The removal of the existing bridge shall not take place until such time as the following have been submitted to and approved in writing by the Council as Planning Authority,
 - a) Details of a signed contract for erection of the new bridge
 - b) Details of a signed contract for the dismantling of the existing bridge (if separate from above)
 - c) Confirmation of the location of the existing bridge, or details of the means of temporary storage

The approved details shall thereafter be implemented in full, as the development processes.

Reason: In order to clarify the terms of this consent.

4. Prior to the commencement of the development hereby approved or any other works to the listed building, details of the proposed re-siting of the existing letter box shall be submitted to and approved by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason: In order to ensure that the historic feature retained

5. Prior to the commencement of the development hereby approved or any other works to the listed building, precise details of the colour palette for the new bridge shall be submitted to and approved in writing by the Council as Planning Authority.

Reason: In order to protect the setting of the adjacent listed building(s)

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan. The decision has also been made in accordance with the requirements Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

C PROCEDURAL NOTES

None

D INFORMATIVES

This listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

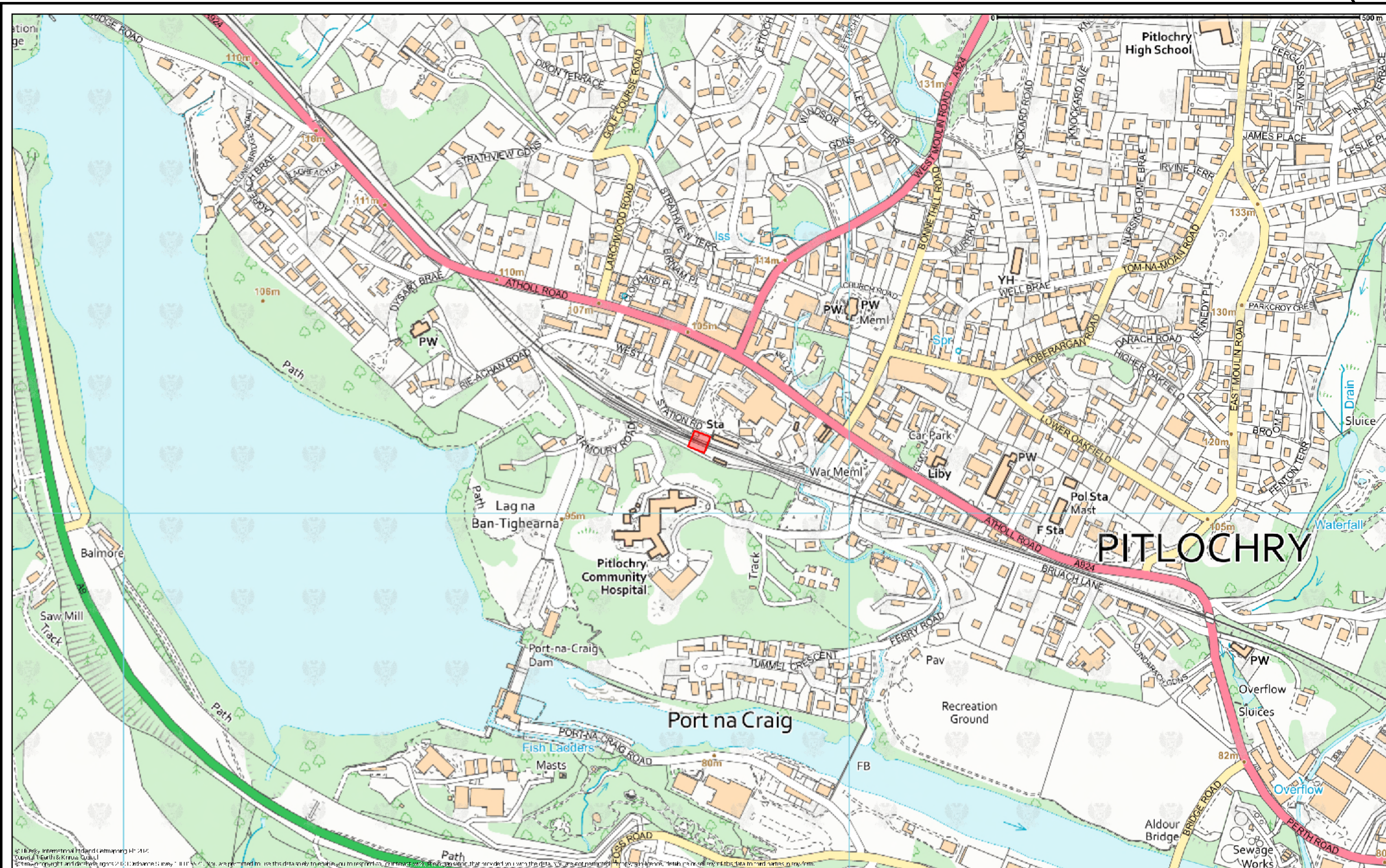
Background Papers: Twenty-Six letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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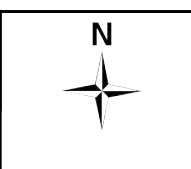
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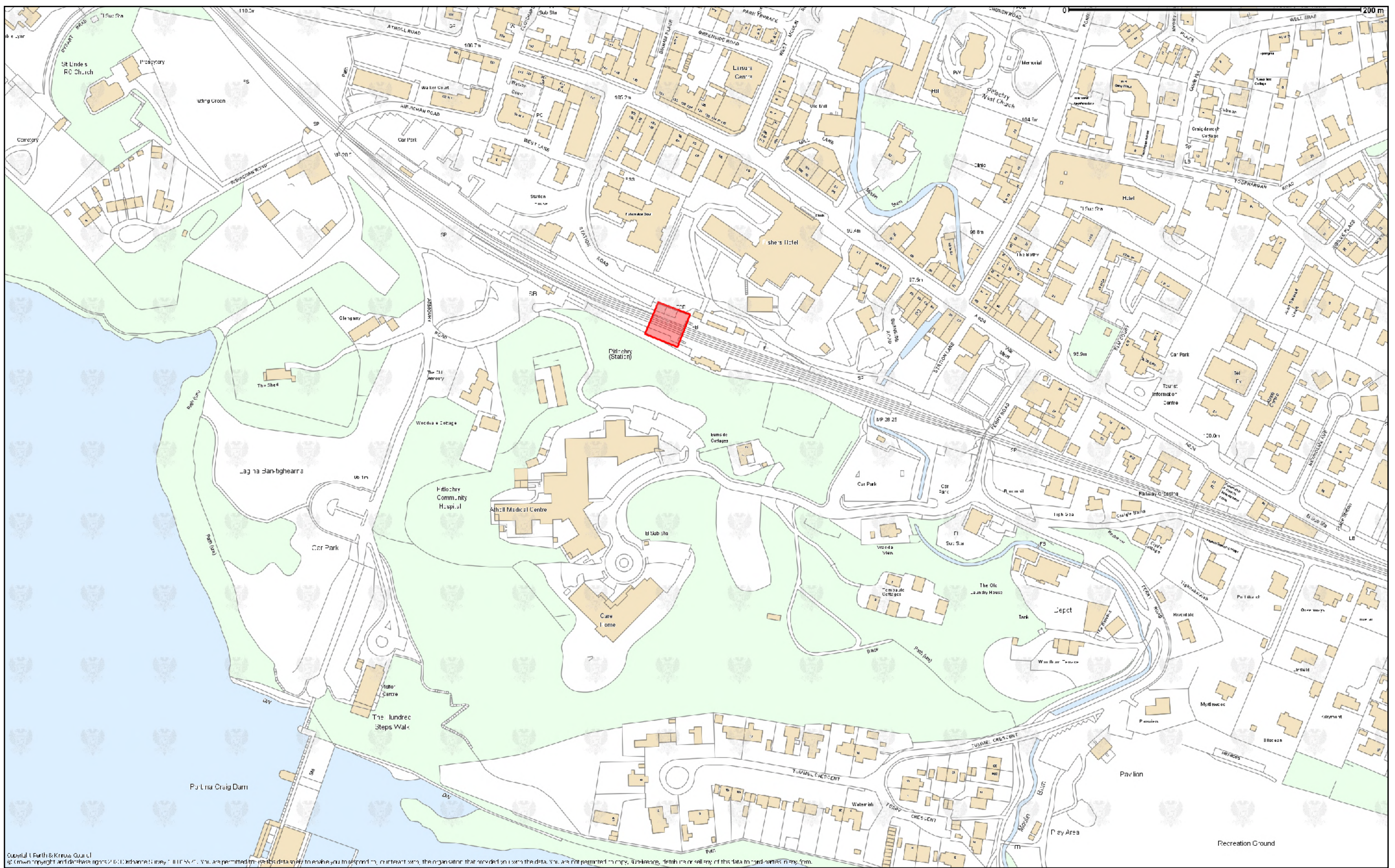
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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



23/01278/LBC
Removal of existing bridge and erection of a replacement footbridge at Pitlochry Railway Station, Station Road, Pitlochry

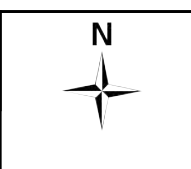




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Planning and Placemaking Committee - 13 December 2023
 Scale 1:2500



23/01278/LBC
 Removal of existing bridge and erection of a replacement footbridge at Pitlochry Railway Station, Station Road, Pitlochry



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 23/359)

PROPOSAL:	Part change of use of flat to form short-term let accommodation unit (in retrospect)
LOCATION:	Flat G Fiscals House 3 South Street Perth PH2 8NJ

Ref. No: [23/01025/FLL](#)

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 This application seeks retrospective approval for the change of use of a ground floor one-bedroom flat to short term let accommodation unit within a Category B listed residential building on South Street in Perth City Centre. The flat shares a communal street entrance door with seven other flats, and benefits from an off-street basement car parking space beneath. The application form indicates that the short-term let use commenced in July 2022.
- 2 The site is within the Perth City Centre Secondary Uses Area, Perth Central Conservation Area, and the River Tay SAC Catchment.
- 3 The proposal has attracted more than six objections from members of the public and is therefore required to be considered at Planning and Placemaking Committee.

Pre-Application Consultation

- 4 Pre application Reference: None
- 5 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

- 6 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 7 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 peoples lives by making sustainable, liveable and productive spaces.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 9 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 7: Historic Assets and Places
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 27: City, Town, Local and Commercial Centres
 - Policy 30: Tourism

Perth and Kinross Local Development Plan 2019

- 10 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.
- 11 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 11: Perth City Centre Secondary Uses Area
 - Policy 27A: Listed Buildings
 - Policy 28A: Conservation Areas: New Development
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

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

OTHER POLICIES

12 Non Statutory Guidance

- [Non-Statutory Planning Guidance – Change of Use of Residential Property to Short-Term Let](#) (Approved on 1 November 2023)

NATIONAL GUIDANCE

- 13 The Scottish Government expresses its planning policies and guidance through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management

Site History

- 15 **02/00534/PPLB** was Approved On 22 August 2002 for Conversion, alterations and extension to form 12 flats and associated car parking.

CONSULTATIONS

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

Internal

Conservation Team

- 17 No objection.

Development Contributions Officer

- 18 No comments to make.

Communities Housing Strategy

- 19 The proposal for a change of use of a flatted dwelling from residential use to a short-term let in the city centre of Perth.

- 20 NPF4 Policy 30: states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

- 21 The Local Housing Strategy 2022-27 includes an action to develop planning policy through the Local Development Plan 3 where appropriate for STL Control Areas. The postcode district level of saturation of potential short-term lets for PH2 is 1.1% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.

Environmental Health (Noise Odour)

- 22 No objection, subject to informative drawing attention to Short Term Let licensing.

Representations

- 23 9 representations were received. The main issues raised within the representations are:
- Proposed use is contrary to several requirements of the Title Deeds
 - Noise and disturbance to neighbours both to date and in future
 - Anti-social behaviour, misuse of bins and smoking in communal areas has occurred already
 - Reduced safety and security to other occupants as a result of high turnover of guests who are unknown to existing residents
 - Economic contribution of long-term residents is greater than that of guests, including where the accommodation is vacant at certain times of the year
 - Loss of city centre housing, impacting on the regeneration and enhancement of the central area.
 - The applicant has claimed without evidence that sustainable drainage of surface water would be provided.
 - Would set a precedent for other properties to be converted to short term lets.
 - Adverse impact on established hospitality businesses locally
 - Adverse impact on sense of community.
- 24 These issues are addressed in the Appraisal section of the report. The content of title deeds for a particular property are not a planning matter. Each planning application is assessed on its own merits against Development Plan policy and other material considerations. As such, a particular decision does not set a legal precedent for other decisions.

ADDITIONAL STATEMENTS

25

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

APPRAISAL

- 26 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 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, as identified elsewhere in this report.
- 27 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 28 The proposal seeks to retrospectively change the use of an existing flat in Perth City Centre to a short term let. The primary policy in this instance is NPF4 Policy 30(e): Tourism, as there are no specific LDP2 policies relating to Short-Term Let accommodation, particularly where changes of use of existing properties are concerned. As such, LDP2 Placemaking Policies 1A and 1B, and 11: Perth City Centre Secondary Uses Area have relevance for a proposal of this nature, and seek to promote a mix of appropriate uses, whilst respecting the character and amenity of the place, and creating safe, accessible, inclusive places for people. NPF4 Policy 27: City, Town, Local and Commercial Centres is also relevant as it promotes proposals which increase the mix of uses in city centres and enhance and improve the vitality and viability of such centres.

- 29 Specifically, NPF4 Policy 30(e): Tourism states that Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 30 The postcode district level of saturation of potential short-term lets for PH2 is below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.
- 31 In respect of criterion (i) of NPF4 Policy 30(e), the proposed use of the property as a short term let is not significantly different from a flat in terms of its physical appearance, the extent of guest footfall or noise emanating from the property, so long as good management practices are in place.
- 32 The high turnover of guests both to date and in future is likely higher than typical private rented or owner-occupied accommodation, and this can have an impact on noise and disturbance to neighbours. However, in this instance, the application site's city centre location with its mix of uses, the fact that South Street is one of the busier city centre streets in terms of vehicle movements and associated noise, and the close proximity of the flat entrance to the main building entrance door is such that the levels of activity associated with short term let accommodation do not adversely impact the amenity or character of the area.
- 33 In respect of criterion (ii) of NPF4 Policy 30(e), the proposal has resulted in the loss of a flat to short term let accommodation in an urban location. Whilst it is acknowledged that representations have raised concern regarding this, the change of use appears to have occurred without cumulative detriment to local residential housing availability, as evidenced by the Housing Strategy Team response for the PH2 postcode. In addition, it is considered that the proposal may contribute positively, albeit to a limited extent, to the tourism market in this part of Perth and Kinross, with local businesses and tourism nodes benefiting from the custom of guests and indeed the operators. Representations have suggested that the economic benefits of retaining typical residential occupancy of the flat would exceed that of short term let use. However, the limited extent of short term let uses as a proportion of the total potential housing stock in the PH2 postcode, combined with the different nature of tourist spend and variety of businesses supported relative to a typical residence is such that the proposal does not raise economic concern in this instance.
- 34 It is further considered that the modest number of short term let accommodation units in the city centre does not undermine the viability of established local

accommodation businesses such as bed and breakfasts and hotels, and instead adds variety to the existing offering.

- 35 The proposal therefore accords in principle with NPF4 Policy 30(e): Tourism, and the intent of NPF4 Policy 27: City, Town, Local and Commercial Centres, and LDP2 Policies 1A: Placemaking and 11: Perth City Centre Secondary Uses Area.

Residential Amenity

- 36 NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A: Placemaking, and 11: Perth City Centre Secondary Uses Area supports proposals, including a mix of uses, which are compatible with the amenity and character of the surrounding area, and consistent with the six qualities of successful places. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns, and that the primary avenue to regulate such matters is via the separate licensing regime.
- 37 In this instance, there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the licence.
- 38 As set out in a recent appeal decision from the DPEA elsewhere in Perth and Kinross at Birnam (ref: PPA-340-2155), management guidelines cannot be relied upon as a means to restrict or control the adverse impacts on neighbouring properties and harm to amenity. Furthermore, harm to amenity could arise even if there is effective control, due to the frequent turnover of guests, and this has been raised in representations. In this instance, the immediate area has a mix of uses, and the property is situated on one of the busiest through routes for vehicles through the city centre. It is considered that the proposed retrospective use as a short-term let is compatible with the established character and is unlikely to increase noise and disturbance to a harmful extent.
- 39 Representations have also raised concern that existing residents' sense of community would be impacted, and that anti-social behaviour has occurred. The proposal seeks to change the use of one flat within a building containing eight flats which are served by the same entrance door. This proposal, in a mixed-use city centre location is unlikely to adversely impact community in the same way as a proposal in a predominantly residential area. In terms of anti-social behaviour, such matters should be directed towards the Licensing Team and the Police.
- 40 As such, the proposal accords with the intent of NPF4 Policy 14(c): Design, Quality and Place and LDP2 Policies 1A: Placemaking and 11: Perth City Centre Secondary Uses Area in respect of residential amenity.

Conservation Considerations and Visual Amenity

- 41 As no external works are proposed, the change of use has no direct impact on the physical appearance of this listed building. The site context within a mixed-use area is such that the retrospective introduction of a short term let accommodation unit does not adversely impact the character of the area, including the Perth Central Conservation Area. This element of the proposal is therefore acceptable in respect of LDP2 Policies 1A: Placemaking, 27A: Listed Buildings, 28A: Conservation Areas, and NPF4 Policies 7: Historic Assets and Places, and 14: Design, Quality and Place.

Roads and Access

- 42 The proposals raise no access or parking concerns, as off-street parking is available beneath the flat and public paid parking is available nearby. The application site is also within convenient distance of public transport options in the form of city centre bus stops and Perth railway station. In these respects, the proposal accords with NPF4 Policy 13: Sustainable Transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 43 There are no drainage or flooding concerns associated with the proposal. One representation has pointed out that a checkbox relating to sustainable drainage of surface water was ticked on the application form but that no evidence of this was provided with the application. However, no additional drainage arrangements are required for a proposed change of use of this nature.

Waste Collection

- 44 The waste collection arrangements are likely to be similar to the previous use as a flat and as such no concern is raised.

Other Material Considerations

- 45 Planning Guidance short-term lets (STLs) has recently been produced due to concerns expressed over the impact of STLs on services, local business staffing and expansion, as well as housing affordability. The Guidance was formally adopted by the Council on 1 November 2023 following consultation during Summer 2023. The adopted Guidance forms the most up-to-date indication of Council policy intent on the matter, and as such is a material consideration in addition to other policy factors and supplementary guidance in the assessment of the proposals.
- 46 The Guidance acknowledges that while short-term lets can bring economic benefits to the host and local areas, this must be balanced against the impact the loss of that residential property has on the availability of housing for local people,

affordable housing in particular, and the potential for adverse impacts on residential amenity where an increased proportion of the housing stock becomes short-term lets.

- 47 Six considerations have been outlined within the Guidance to assist in the application of the policy framework set out in NPF4. The considerations include location, larger residential properties, refurbishment of long-term empty properties, local amenity and character, business diversification, and the relationship between loss of residential accommodation and local economic benefits. The location consideration contains reference to three area types: city and town centres; mixed-use areas within settlements; and predominantly residential areas.
- 48 In this instance, the application site is within a mixed-use city centre location along South Street which contains commercial, retail, food and drink, and hospitality establishments interspersed with residences. The effect of the proposal on local amenity and character of this area should therefore be considered, in addition to the loss of residential accommodation and local economic benefits which may accrue from the proposal.
- 49 As set out elsewhere in this report, the proposal is compatible with the character of this city centre location and does not raise concern in terms of residential amenity. The loss of residential accommodation is not considered to be detrimental to housing availability, and whilst the economic benefits are likely to be modest, this does not constitute grounds for concern in this instance.
- 50 As such, the proposal accords with the policy intent of the adopted Planning Guidance, in terms of residential amenity, local character and housing availability. This aligns with the officer assessment of the proposal against adopted Development Plan policies.

Developer Contributions

- 51 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

- 52 The economic impact of the proposal is likely to be limited to guest expenditure in the local economy.

VARIATION OF APPLICATION UNDER SECTION 32A

- 53 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 floor plan in the interest of accuracy.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

54 None required.

DIRECTION BY SCOTTISH MINISTERS

55 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

56 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.

57 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.

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. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.
2. 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 floor plan in the interest of accuracy.

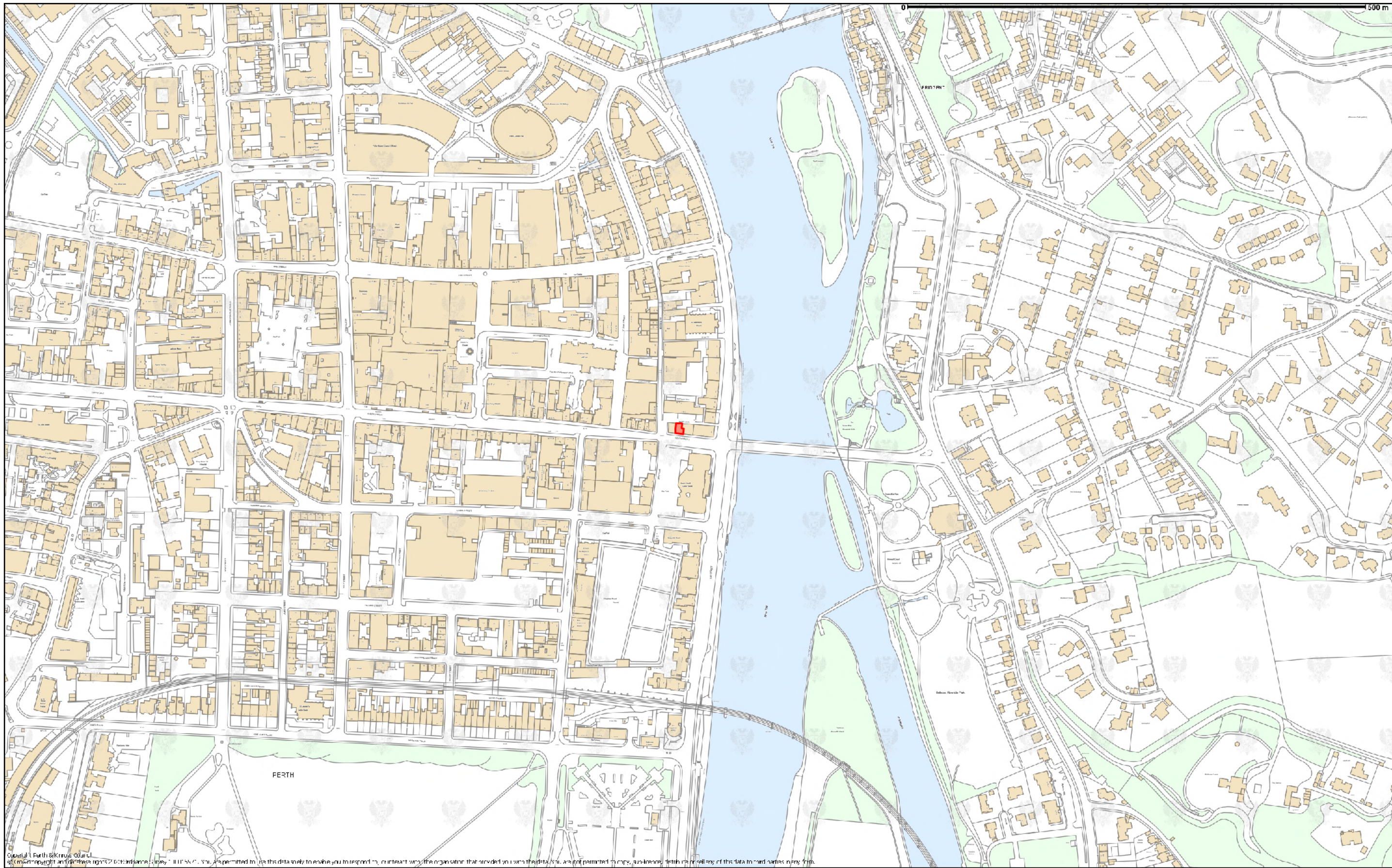
Background Papers: 9 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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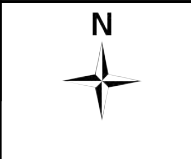
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Planning and Placemaking Committee - 13 December 2023
Scale 1:4000



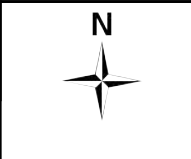
23/01025/FLL
Part change of use of flat to form short-term let accommodation unit (in retrospect) at Flat G, Fiscals House, 3 South Street Perth PH2 8NJ





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Planning and Placemaking Committee - 13 December 2023
Scale 1:2500



23/01025/FLL
Part change of use of flat to form short-term let accommodation unit (in retrospect) at Flat G, Fiscals House, 3 South Street Perth PH2 8NJ



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Pre-Application Report by Strategic Lead – Economy, Development and Planning
 (Report No. 23/360)

PROPOSAL:	Extension to battery energy storage system comprising of 144 additional battery units and associated works
LOCATION:	Land 130 metres south east of Coupar Angus Substation, Pleasance Road, Coupar Angus.

Ref. No: [23/00014/PAN](#)
 Ward No: **P2- Strathmore**

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for extension to battery energy storage system comprising of 144 additional battery units and associated works on land 130 metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 20 September 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for extension to battery energy storage system comprising of 144 additional battery units and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of uses scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 4 The PoAN (reference **23/00014/PAN**) confirmed that two public exhibitions will be held at The Red House Hotel, Station Road, Coupar Angus, PH13 9AL on 14 and 28 November 2023 between 4pm and 7pm. The Ward Councillors, Coupar Angus Community Council, Burrelton and District Community Council, Kettins Community Council, Blairgowrie and Rattray Community Council and Alyth Community Council have been notified. It was also noted that Spittalfield and District Community Council has been disbanded since Nov 2019. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 6 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.
- 7 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 8 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 7 Historic Assets and Places
 - Policy 11: Energy
 - 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 29: Rural Development

Perth and Kinross Local Development Plan 2019

- 9 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 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 33B: Renewable and Low Carbon Energy: Repowering and Extending Existing Facilities
- Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
- Policy 35: Electricity Transmission Infrastructure
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
- 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 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

OTHER POLICIES

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

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Airfield Safeguarding](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)

- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)

NATIONAL GUIDANCE

- 11 The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 12 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
- PAN 1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 73 Rural Diversification
 - PAN 75 Planning for Transport

PLANNING SITE HISTORY

- 13 [16/02230/FLL](#) Full Planning Permission was Approved on 9 March 2017 for Erection of switchroom facility and associated works.
- 14 [18/00015/PAN](#) On 4 January 2019 for Formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works.
- 15 [18/00016/PAN](#) On 6 February 2019 for Formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works.
- 16 [19/00513/FLM](#) Full Planning Permission Major was Approved on 24 September 2019 for Formation of a battery storage facility, vehicular access and associated works.

- 17 [21/00015/PAN](#) On 18 November 2021 for Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW.
- 18 [21/02234/SCRN](#) On 1 February 2022 for Ground mounted solar photovoltaic array.
- 19 [22/00003/PAN](#) application was Withdrawn on 4 February 2022 for Installation of a 49.9MW ground-mounted solar array and associated works.
- 20 [22/00195/FLM](#) Full Planning Permission Major was Approved On 1 June 2022 for Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW.
- 21 [22/00006/PAN](#) On 25 February 2022 for Installation of a 49.9MW ground-mounted solar array and associated works.
- 22 [22/01285/FLM](#) Full Planning Permission Major was Refused On 23 February 2023 for Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works.
- 23 [23/01294/FLM](#) Full Planning Permission Major for Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works.
- 24 [23/00015/PAN](#) On 3 October 2023 for Formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works.

CONSULTATIONS

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

External

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Health and Safety Executive
- Perth and Kinross Heritage Trust
- Coupar Angus Community Council
- Burrelton and District Community Council
- Kettins Community Council
- Blairgowrie and Rattray Community Council
- Alyth Community Council
- Asset Protection Team (formerly National Grid)
- Dundee Airport – Aerodrome Safeguarding

Internal

- Environmental Health (Noise/Odour)
- Community Greenspace including Access.
- Transportation and Development
- Structures and Flooding
- Biodiversity Officer
- Environmental Health (Contaminated Land)

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 25 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact (including Cumulative Impact)
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water Resources and Soils
 - g. Air Quality
 - h. Transport Implications
 - i. Tourism and Economy
 - j. Impact on Agriculture
 - k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 26 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Leisure/Economic Impact Assessment
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Landscape and Visual Impact Assessment
 - Tree and Woodland Survey
 - Habitat Survey
 - Archaeological Assessment
 - Sustainability Assessment
 - Noise and Light Assessment

CONCLUSION AND RECOMMENDATION

- 27 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in

respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

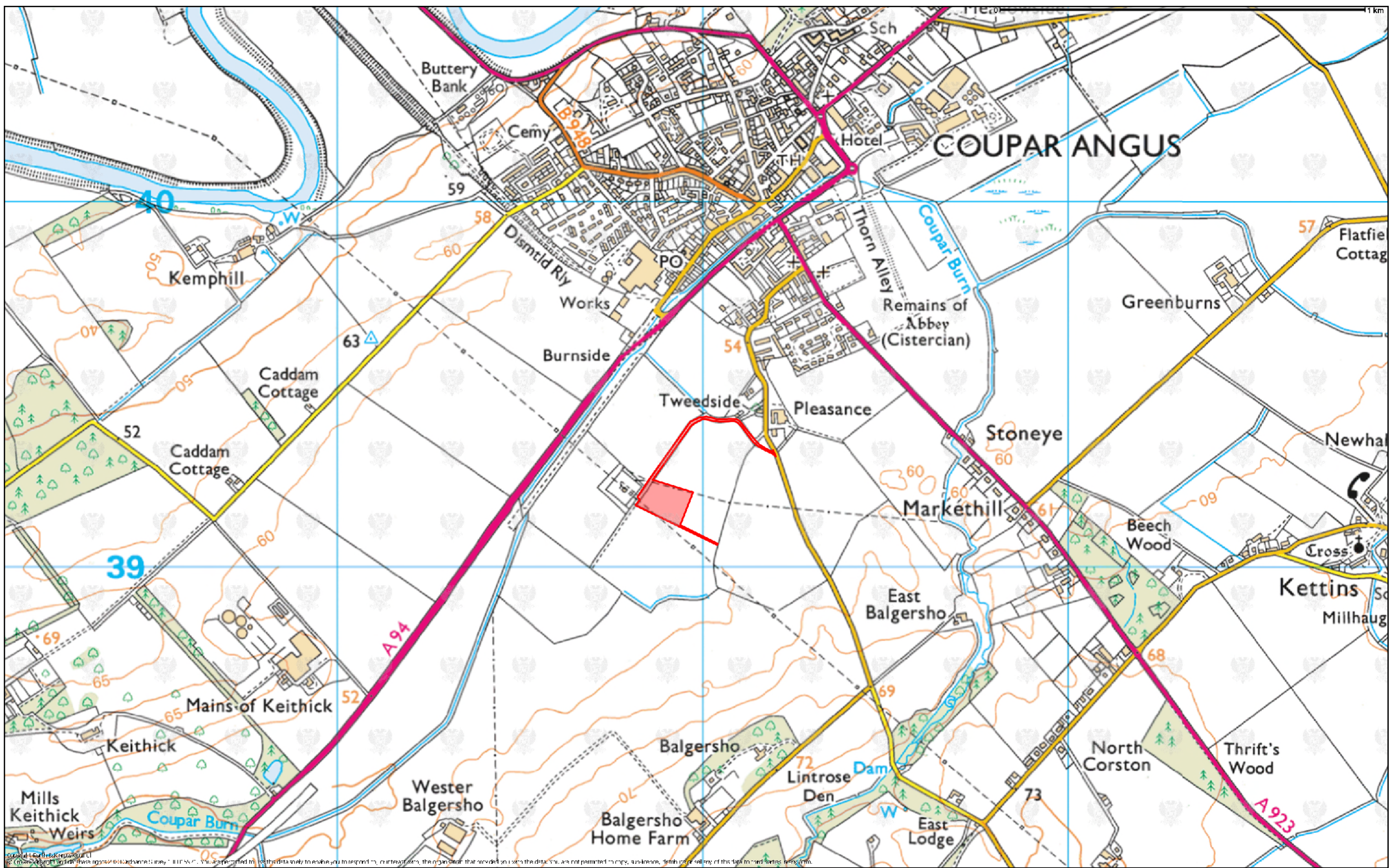
Background Papers: None
Contact Officer: Kirsty Strong
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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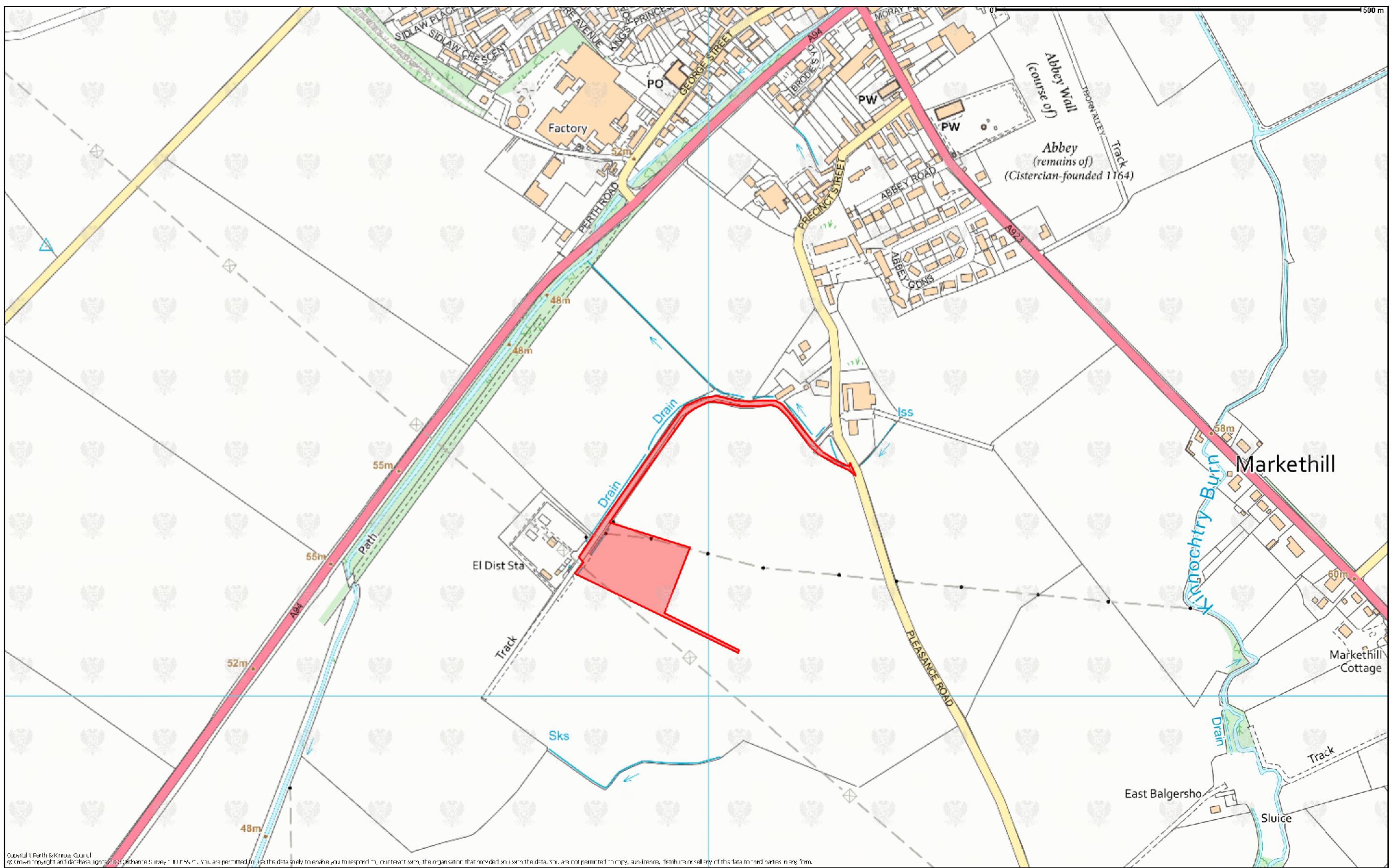
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Planning and Placemaking Committee - 13 December 2023
Scale 1:10000



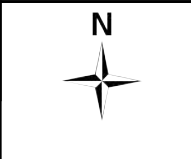
23/00014/PAN
Extension to battery energy storage system comprising of 144 additional battery units and associated works on Land 130 metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus





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Planning and Placemaking Committee - 13 December 2023
Scale 1:5000



23/00014/PAN
Extension to battery energy storage system comprising of 144 additional battery units and associated works on Land 130 metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Pre-Application Report by Strategic Lead – Economy, Development and Planning
 (Report No. 23/361)

PROPOSAL: Formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works

LOCATION: Land 800 metres east of Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [23/00015/PAN](#)

Ward No: **P2- Strathmore**

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works on land 800 metres East of Coupar Angus substation, Pleasance Road, Coupar Angus. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 22 September 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 4 The PoAN (reference **23/00015/PAN**) confirmed that two public exhibitions will be held at Strathmore Community Hub, Trades Lane, Coupar Angus, PH13 9DN. The events will be held on 24th October 2023 and 21st November 2023 between 4pm and 8pm. The Ward Councillors, Coupar Angus Community Council and Kettins Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 6 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.
- 7 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 8 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 3: Biodiversity
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 - Policy 5: Soils
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 20: Blue and Green Infrastructure
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 - Policy 23: Health and Safety
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2019

- 9 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;

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- Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
- Policy 35: Electricity Transmission Infrastructure
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
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- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
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- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

OTHER POLICIES

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

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Airfield Safeguarding](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)

NATIONAL GUIDANCE

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- 24 [23/00014/PAN](#) On 26 October 2023 for Extension to battery energy storage system comprising of 144 additional battery units and associated works.

CONSULTATIONS

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

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- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
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- Kettins Community Council
- Asset Protection Team (formerly National Grid)
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- Transportation and Development
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- Biodiversity Officer
- Environmental Health (Contaminated Land)

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology

- e. Landscape
- f. Water Resources and Soils
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- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

27 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment
- Noise and Light Assessment

CONCLUSION AND RECOMMENDATION

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

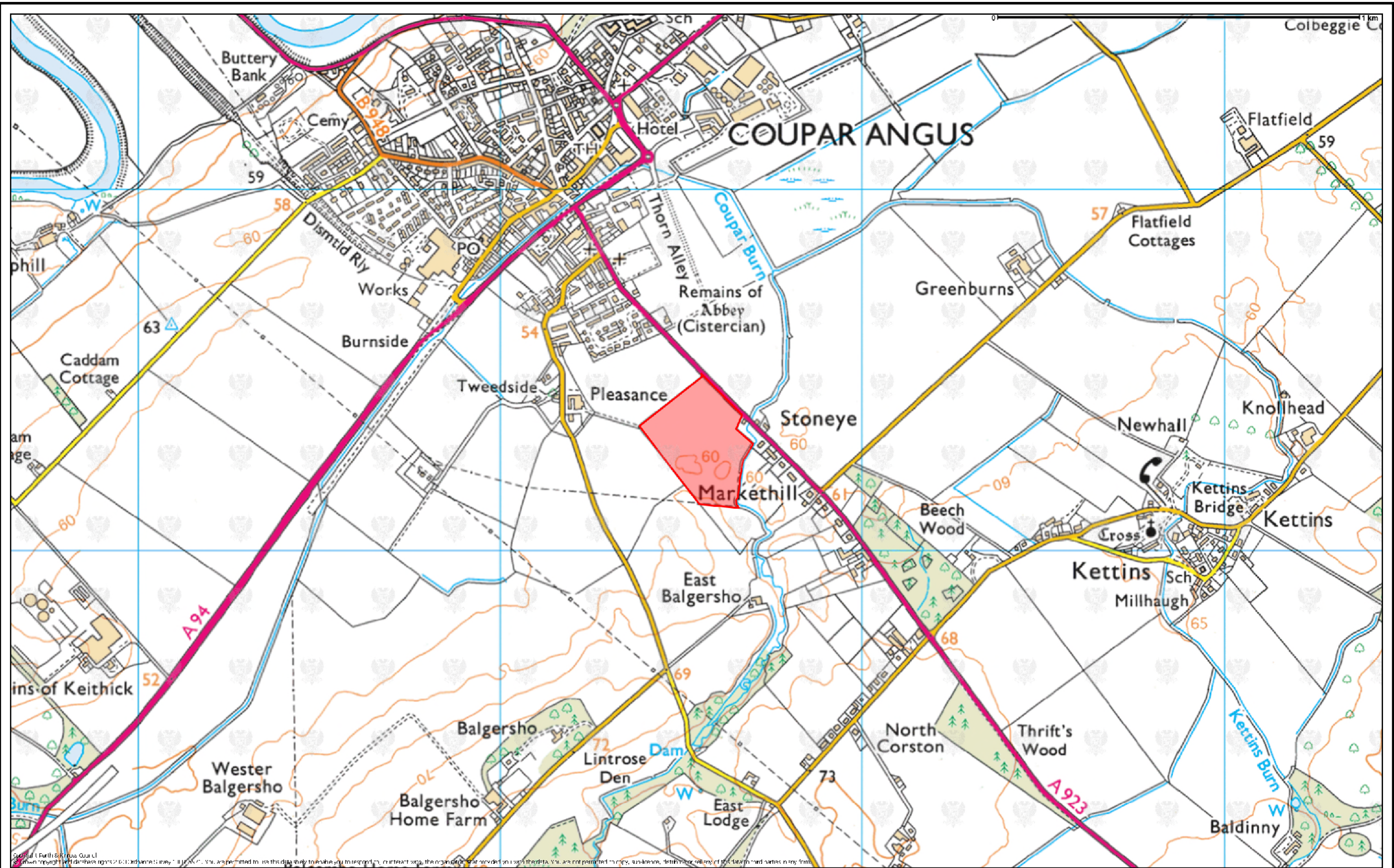
Background Papers: None
 Contact Officer: Kirsty Strong
 Date: 1 December 2023

DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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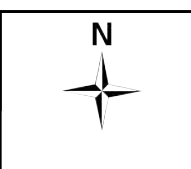
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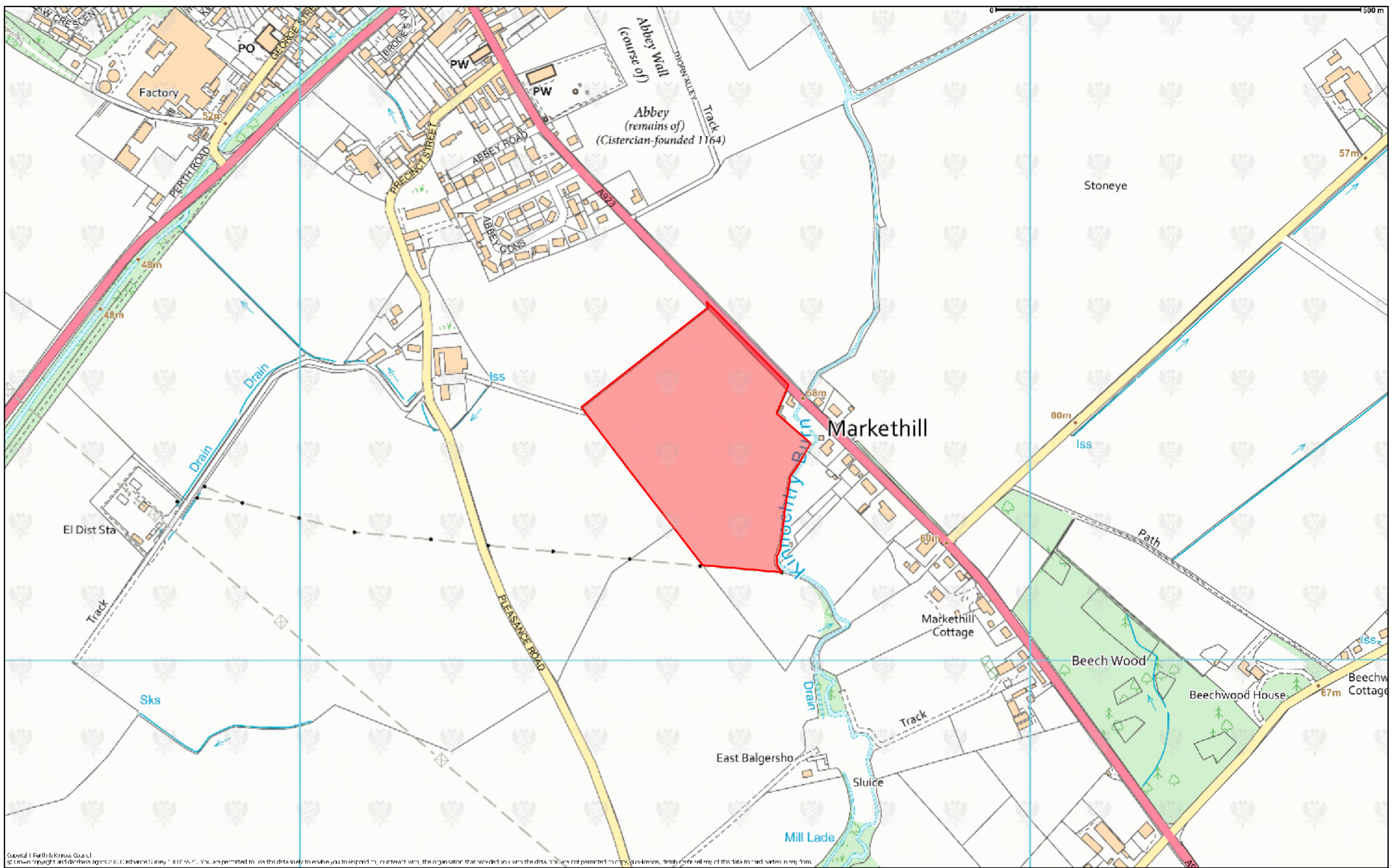
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Planning and Placemaking Committee - 13 December 2023
Scale 1:10000



23/00015/PAN
Formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works on land 800 Metres East of Coupar Angus Substation, Pleasance Road, Coupar Angus

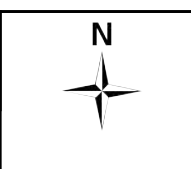




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Planning and Placemaking Committee - 13 December 2023
 Scale 1:5000



23/00015/PAN
 Formation of a battery energy storage facility, including welfare and storage units, ancillary structures, control room, switchgear room, steel enclosures containing inverters, security and deer fencing, landscaping and associated works on land 800 Metres East of Coupar Angus Substation, Pleasance Road, Coupar Angus



Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Pre-Application Report by Strategic Lead – Economy, Development and Planning
 (Report No. 23/362)

PROPOSAL:	Residential development (allocated site H61)
LOCATION:	Land 120 metres west of 10 Cairns Park, New Alyth

Ref. No: [23/00016/PAN](#)
 Ward No: **P2- Strathmore**

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for a residential development (allocated site H61) on land 120 Metres West of 10 Cairns Park, New Alyth, PH11 8PA. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 16 October 2023. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for residential development (allocated site H61). Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of uses scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal, it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 4 The PoAN (reference **23/00016/PAN**) confirmed that two public exhibitions will be held at Alyth Town Hall, Albert Street, Alyth, PH11 8AX on 2 and 21 November 2023 between 4pm and 7pm. The Ward Councillors and Alyth Community Council have been notified. The results of the community

consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

DEVELOPMENT PLAN

- 5 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 6 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.
- 7 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 8 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 14: Design, Quality and Place
- Policy 13: Sustainable Transport
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 21: Play, Recreation and Sport
- Policy 22: Flood Risk and Water Management
- Policy 24: Digital Infrastructure

Perth and Kinross Local Development Plan 2019

- 9 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.
- 10 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking

- Policy 1D: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 59: Digital Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

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

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)
- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Planning & Biodiversity](#)
- Perth and Kinross Community Plan 2013/2023
- Perth and Kinross Local Transport Strategy (2010)

NATIONAL GUIDANCE

- 12 The Scottish Government expresses its planning policies and guidance through the National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -
- PAN 1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 2/2010 Affordable Housing and Land Audits
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 73 Rural Diversification
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage

PLANNING SITE HISTORY

- 14 **99/00278/FUL** - Renewal of consent to erect 10 houses and associated roads and form amenity/play area at Land at East Cairns Farm, New Alyth, Blairgowrie approved on 18 March 1999.

CONSULTATIONS

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

External

- NatureScot
- Scottish Environment Protection Area
- Scottish Water
- Perth and Kinross Heritage Trust
- Alyth Community Council

Internal

- Environmental Health (Noise/Air quality)
- Planning and Housing Strategy
- Development Contributions Officer
- Community Greenspace including access.
- Transportation and Development
- Structures and Flooding
- Community Waste
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 16 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water Resources and Soils
 - g. Air Quality
 - h. Transport Implications
 - i. Tourism and Economy
 - j. Impact on Agriculture
 - k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 17 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Leisure/Economic Impact Assessment
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Landscape and Visual Impact Assessment
 - Tree and Woodland Survey
 - Habitat Survey
 - Archaeological Assessment
 - Sustainability Assessment
 - Noise Assessment/data
 - Air Quality Screening Assessment
 - Heritage Statement and Impact Assessment
 - Statement of Community Benefit
 - Construction Management Scheme or similar statement

CONCLUSION AND RECOMMENDATION

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

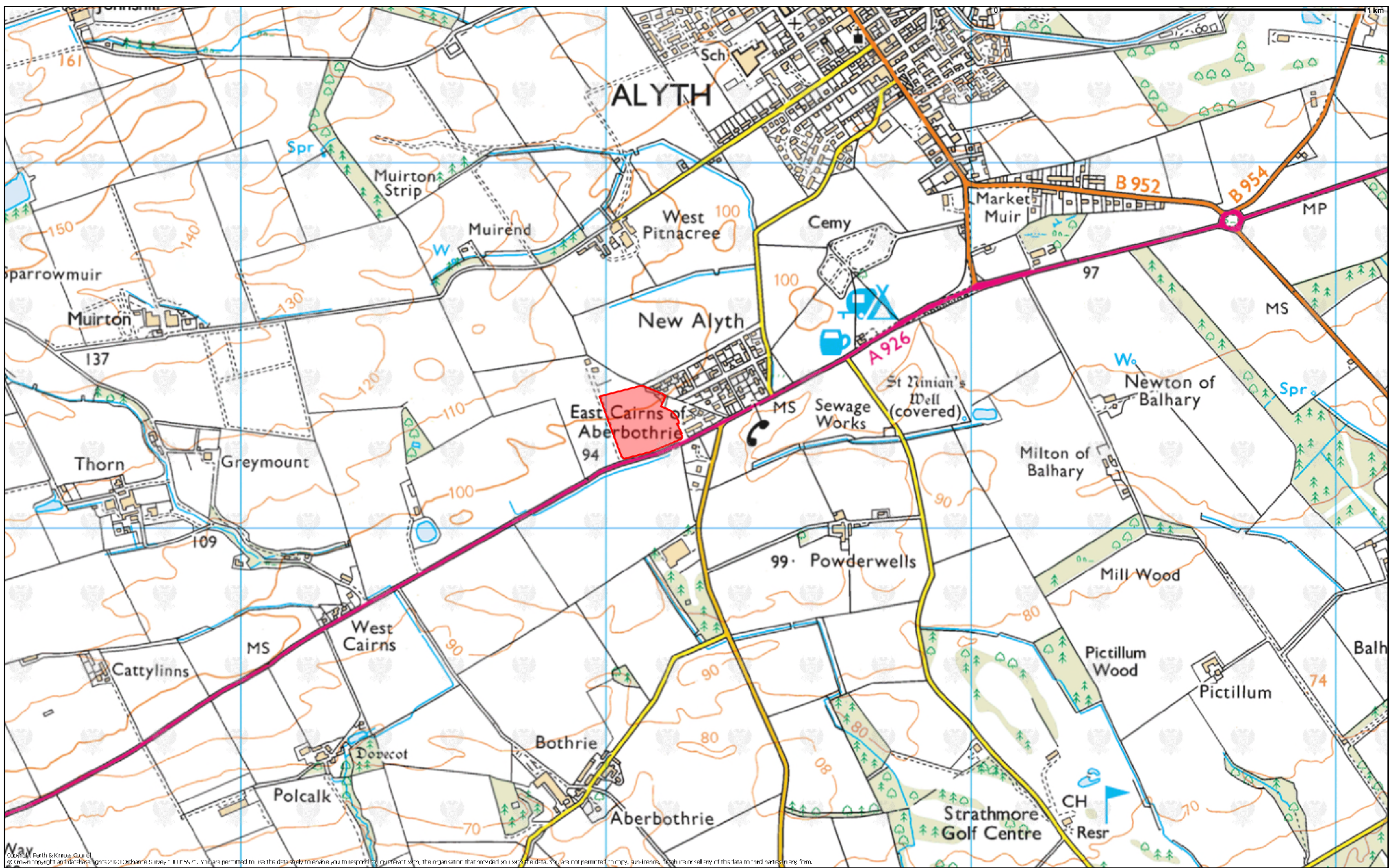
Background Papers: None
Contact Officer: Kirsty Strong
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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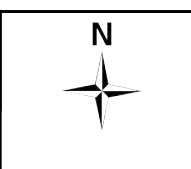
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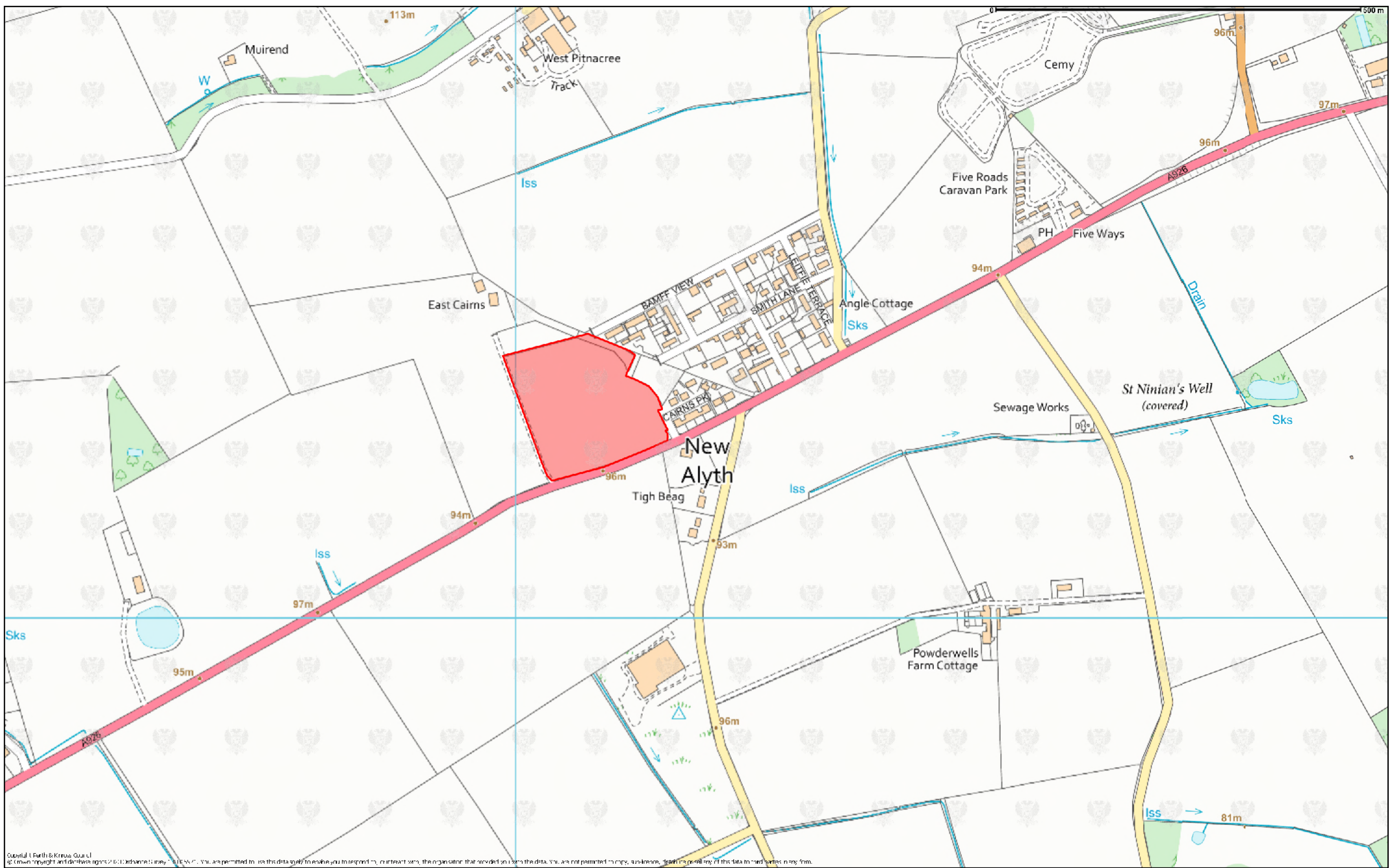
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Planning and Placemaking Committee - 13 December 2023
Scale 1:10000



23/00016/PAN
Residential development (allocated site H61) on land 120 metres West of 10 Cairns Park, New Alyth, PH11 8PA

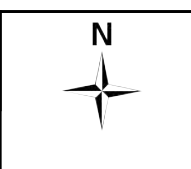




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 Scale 1:5000



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