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Council Building
2 High Street
Perth
PH1 5PH

31/07/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 09 August 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 Hugh Anderson
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, 09 August 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 12 JULY 2023 FOR APPROVAL** **5 - 20**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATION FOR DETERMINATION**
- 5(1) LOCAL APPLICATION**
- 5(1)(i) 23/00387/FLL - ERECTION OF A DWELLINGHOUSE AND GARAGE, LAND TO THE SOUTH OF 17 NETHERLEA, SCONE** **21 - 38**
Report of Handling by Head of Planning and Development (copy herewith 23/212)
- 6 PROPOSAL OF APPLICATION NOTICE (PAN)**
- 6(i) 23/00009/PAN - FORMATION OF AN ENERGY STORAGE FACILITY, INCLUDING STORAGE UNITS, ANCILLARY STRUCTURES, SUBSTATION COMPOUND CONTAINING TRANSFORMERS, ERECTION OF A CONTROL BUILDING, SECURITY AND DEER FENCING, LANDSCAPING AND ASSOCIATED WORKS ON LAND AT GREEN BURN WIND FARM, BRIDGE OF CALLY** **39 - 48**
Pre-Application Report by Head of Planning and Development (copy herewith 23/213)

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PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 12 July 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies C McLaren and M Williamson, Councillors H Anderson (Item 5(2)(i) onwards), B Brawn, A Forbes (Substituting for D Illingworth), I James, K Harvey (Item 5(2)(i) onwards), B Leishman, C Reid and R Watters and Provost X McDade (Substituting for Councillor D Cuthbert).

In Attendance: L Maclean, S Panton, L Reid, K Smith and P Williamson (all Communities); G Fogg, J Guild, M Pasternak and R Ramsay (all Corporate and Democratic Services).

Apologies: Councillors D Cuthbert and D Illingworth.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct, Bailie C McLaren declared a non-financial interest in Item 5(1)(i).

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 14 June 2023, be approved.

4. DEPUTATIONS

In terms of Standing Order 13, the Committee agreed to hear depositions in relation to the following planning application:

Planning Application No.
23/00753/FLL

Item No.
5(2)(i)

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE C MCLAREN LEFT THE CHAMBER AT THIS POINT.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **22/01290/FLM – Formation of a replacement poultry rearing farm comprising 4 rearing sheds, storage shed, office and staff welfare facility, fences and gates, formation of vehicular access road, hard standing areas, parking, SUDS, landscaping, installation of LPG tanks and associated works, land 200 metres north west of Innerpefferay, Crieff**

Resolved:

Grant, subject to the following conditions, terms and informatives:

General

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.

Contamination

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

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme

subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

Residential Amenity

4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

5. Should any aspect of the development result in verified noise complaint determined 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 arrange for a Noise Impact Assessment by a suitably qualified noise consultant with the scope and timescale submitted to and agreed in writing with the Council as Planning Authority in consultation with Environmental Health. Thereafter any agreed mitigation measures shall be implemented to ameliorate the nuisance.

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

6. The hereby approved Odour and Noise Management Plan, contained within the Planning Statement (drawing No 26) shall, be implemented in full and be strictly adhered to throughout the operational stage of the development to ensure the control of potential nuisances (including noise, odour, air quality (dust), flies and other pests) that, would be liable to arise at the site as a consequence of and/or in relation to, the operation of the poultry units

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

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

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

8. Audible vehicle reversing alarms shall be operated on the method that the warning is only emitted, if necessary, e.g., on an infrared signal which detects persons/hazards to the rear of the vehicle.

Reason – In order to minimise noise emissions and safeguard the residential amenity of the area.

9. Should any aspect of the development result in verified odour complaint determined 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 arrange for an Odour Impact Assessment (OIA) to be carried out by a suitably qualified consultant. The OIA findings shall be submitted for the written approval of the Council as Planning Authority, in consultation with Environmental Health and must draw conclusions and make recommendations as necessary. Thereafter any necessary measures to ameliorate the odour nuisance should be put in place, and a new or revised Operational Management Plan must be submitted to the council within a specified agreed timescale.

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

10. 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.

Roads and Access

11. 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. monitoring, reporting and implementation arrangements;
- n. arrangements for dealing with non-compliance; and
- o. 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.

12. Prior to the occupation of the development, the applicant shall provide 5 cycle parking spaces in accordance with the approved details (drawing number 23) to the satisfaction of the Council as Planning Authority.

Reason – To encourage active travel and meet advice within Scottish Planning Policy on transport.

13. No development in connection with the permission hereby granted shall commence unless both the vehicular accesses have been provided and surfaced in accordance with Perth & Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 10.5 metres. Once provided, the vehicular and pedestrian access shall thereafter be permanently retained as such.

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

14. Prior to the development hereby approved being completed or brought into use, whichever is the earlier, the access shall be constructed so that no surface water or surfacing aggregate is discharged onto the public road.
- Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

15. Prior to the commencement of the development hereby approved, full visibility splays of 75 metres along the channel line shall be provided to the left and right of the accesses, at a set-back of 2.4 metres measured 1.05m above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays greater than 1.05 metres in height shall be removed and relocated out with the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction above 1.05 metres of any kind shall be permitted within the visibility splays so formed.
Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

Landscape

16. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. All tree and hedgerow planting shall be of an appropriate native species. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
17. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number.
Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.
18. 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'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.
Reason – To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

Biodiversity

19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason – In order to prevent animals from being trapped within any open excavations.

20. Lighting will be designed and positioned in such a way as to prevent light spillage into adjacent watercourses and woodland.

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

Archaeology

21. 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.

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. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
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. 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. In accordance with 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.
8. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
 9. 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.
 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/ldp2floodrisk>
 11. 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.
 12. 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 relocate SUDS and revise access arrangements.

BAILIE C MCLAREN RETURNED TO THE CHAMBER.

COUNCILLOR H ANDERSON JOINED THE MEETING AT THIS POINT.

(2) Local Application

(i) 23/00753/FLL – Erection of 3 dwellinghouses and associated landscaping and access, Wester Balgedie Farm, Wester Balgedie, Kinross KY13 9HE

Mr K Milne, objector to the application, followed by Mr D Webster, applicant, and Mr R Willis, architect, addressed the Committee and answered Members' questions.

COUNCILLOR K HARVEY JOINED THE MEETING AT THIS POINT.

THERE FOLLOWED A RECESS AND THE COMMITTEE RECONVENED AT 10:25AM.

Motion (Councillors I Massie and C Reid)

Grant, subject the following conditions, terms and informatives:

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. The foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation associated with this development shall be undertaken in a phased manner:
 - (a) No development shall commence on the approved development site until the mitigating foul drainage infrastructure at the remote properties at 'Kinshiell', Main Street, Kinnesswood, has been installed,
 - (b) Following the installation of the foul drainage infrastructure at the remote property/properties, the development site shall only be occupied once the foul drainage infrastructure for the development site has been installed. For the avoidance of doubt the installed drainage infrastructure at the development site as approved shall be retained.

Reason – To ensure appropriate drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area thereby ensuring

compliance with Policy 46 A & B: Loch Leven Catchment Area of the Perth and Kinross Local Development Plan 2 (2019) and Enterprise and Infrastructure Committee Resolution of 28 August 2013.

4. Development shall not commence until the applicant has submitted approved CAR licence(s) under the Water Environment (Controlled Activities)(Scotland) Regulations 2011 for the drainage infrastructure associated with this project to the Council as Planning Authority and the Planning Authority has confirmed receipt of the documentation in writing.

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

5. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

6. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

7. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and

protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

8. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed
- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

9. Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

10. Prior to the commencement of the development hereby approved, a statement which demonstrates 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 shall be submitted to and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

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

11. 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.

12. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used, including a sample of the stained timber, shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In the interests of visual amenity; and in order to protect the character and the appearance of the Conservation Area.

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. 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 proposed drainage strategy and proposed site plan to include vehicular access to the septic tank.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The asserted right of way no. 47/11 that runs from Balgedie Toll to Dryside Road must not be obstructed during building works or on completion of the development.

7. 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.
8. The applicant should take account of Planning for Nature Guidance available on the Council's website at <https://www.pkc.gov.uk/ldp2biodiversity> when finalising landscaping proposals for the site.
9. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
10. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
11. 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.
12. 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.

Following a suggestion from Councillor R Watters regarding an additional condition requiring the applicant to submit sample finishings for the proposal to Development Management for approval, Councillors I Massie and C Reid agreed to incorporate this into the Motion.

Amendment 1 (Councillors B Brawn and H Anderson)

Refuse as the proposal is contrary to Policies 1A, 17 and 28(a) of the Perth and Kinross Local Development Plan 2 (2019), due to being situated within a Conservation Area.

Amendment 2 (Councillors I James and A Forbes)

Grant, subject to the conditions, terms and informatives as set out in Report 23/209, and not including an additional condition as incorporated into the Revised Motion.

In terms of Standing Order 21.5, a roll call vote was taken.

6 Members voted for the Amendment 1 as follows:

Councillors H Anderson, B Brawn, B Leishman and I Massie, Provost X McDade and Councillor G Stewart.

6 Members voted for Amendment 2 as follows:

Councillors A Forbes and I James, Bailie C McLaren, Councillors C Reid and R Watters and Bailie M Williamson.

In terms of Standing Order 21.2, the Convener exercised his casting vote. Amendment 1 carried and was put against the Revised Motion.

In terms of Standing Order 21.5, a roll call vote was taken.

10 Members voted for the Revised Motion as follows:

Councillors A Forbes, I James, B Leishman, I Massie, Provost X McDade, Bailie C McLaren, Councillors C Reid, G Stewart, R Watters and Bailie M Williamson.

2 Members voted for the Amendment as follows:

Councillors B Brawn and H Anderson.

Resolved:

In accordance with the Revised Motion.

Perth and Kinross Council
Planning and Placemaking Committee – 9 August 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/212)

PROPOSAL:	Erection of a dwellinghouse and garage
LOCATION:	Land to the south of 17 Netherlea, Scone

Ref. No: [23/00387/FLL](#)
 Ward No: P2 – Strathmore

Summary

This report recommends the approval of the application subject to the settlement of necessary developer obligations relating to education and 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.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site lies within the garden ground of an existing dwellinghouse, 17 Netherlea in the settlement boundary of Scone. The site is predominantly surrounded by residential properties with an undeveloped house plot to the south and woodland to the southwest.
- 2 The proposal is to subdivide the dwelling curtilage retaining the existing house and amenity space to the north with a new site formed to the south accessed from a new entrance to be created on the eastern boundary. The three bedroomed dwelling proposed is single storey with contemporary finishes and a detached single garage.

Pre-Application Consultation

- 3 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

- 4 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

- 5 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.
- 6 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 7 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 14: Design, quality and place
 - Policy 15: Local living and 20 minute neighbourhoods
 - Policy 16: Quality homes

Perth and Kinross Local Development Plan 2

- 8 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.
- 9 The principal relevant policies are, in summary:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 17: Residential Areas
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 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 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Planning Guidance

- 10 The following statutory SPGs are applicable,
- [Developer Contributions & Affordable Housing](#) (adopted in 2020)
 - [Placemaking](#) (adopted in 2020)

OTHER PKC POLICIES

Non-Statutory Guidance

- 11 There are no specific non-statutory guidance which is relevant to this proposal.

NATIONAL PLANNING 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.

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

National Roads Development Guide 2014

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

Site History

- 15 No recent site history

CONSULTATIONS

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

External

Scone And District Community Council

- 17 Objection on following grounds; inappropriate design, impact on wildlife, increase in traffic, overdevelopment, detrimental impact on residential amenity, inappropriate drainage.

Scottish Water

- 18 No objection. No surface water drainage permitted to combined sewer unless in exceptional circumstances. Applicant is required to submit a Pre-Development Enquiry to Scottish Water regarding their proposals.

Internal

Environmental Health (Noise Odour)

- 19 The proposal includes the provision of a single woodburning stove and associated flue and the addition of an informative regarding the operation of the stove is recommended.

Environmental Health (Contaminated Land)

- 20 There is a disused quarry next to the proposed site therefore a contaminated land condition required.

Transportation and Development

- 21 No objection to access and adequate parking and turning provided, conditions required related to construction traffic management and access type.

Development Contributions Officer

- 22 Contributions towards education and transport infrastructure required.

Representations

- 23 Four representations were received which includes a representation from the Community Council. The main issues raised within the representations are:

- Adverse effect on visual amenity
- Contrary to Development Plan policy
- Inappropriate housing density, which is out of character with the area
- Over intensive development
- Over looking
- Road safety concerns
- Inappropriate design
- Loss or impact on trees
- Surface water flooding
- Oak tree not in site
- Dwelling approved to the south not shown on plans so inaccurate

- 24 These issues are addressed in the Appraisal section of the report but it should be noted that the dwelling to the south is approved but has not been built therefore ordnance survey and other map producers won't have it recorded until it is completed.

ADDITIONAL STATEMENT

25

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- Tree Report

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.

Principle

27 The site is located within the settlement boundary of Scone zoned under Policy 17 Residential Areas. This policy supports infill residential development and seeks to protect existing residential areas from inappropriate uses.

28 NPF4 through Policy 16 Quality Homes supports the principle of residential development within settlements.

29 The principle of erecting a house on this infill plot within an existing settlement is acceptable subject to detailed consideration of Development Plan policies, and matters including but not limited to design, residential amenity and parking.

Design and Layout

30 The site area is approximately 825sq metres forming part of the amenity space of the property 17 Netherlea which sits within a generous plot. The subdivision leaves the existing dwelling in a plot of approx. 1700sq metres. The plot size provided for the new dwelling is comparable to a number of plots within the area.

31 The dwelling proposed is single storey (storage within roof space and an open vaulted ceiling) which results in a large footprint. The design of the building has a contemporary barn appearance with the use of metal roof sheeting and wall cladding in grey. Whilst these materials aren't prevalent within the area the

overall form and mass of the dwelling does relate to the surrounding bungalow character. In this case as the site is tucked away and well contained it is considered that there is an opportunity to support the more contemporary external finish. The development does not detail the measures to be installed in relation to low carbon technologies so this will be covered by conditions (Condition 4).

- 32 The entrance, access drive and vehicular parking are to the northeast linking to an existing access road with a private garden to the south. The proposed plot will have a new beech hedge to the north and the existing hedge to the east and west will be retained to complete the site.
- 33 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

- 34 The proposed position and orientation of the dwellinghouse will introduce windows within 9 metres of the boundary serving two bedrooms. In this case the dwelling is set an angle to the boundary so the windows would not directly face and furthermore the intervening distance to the property to the north is 30 metres.
- 35 The agent has indicated that the proposed boundary hedging would mature to provide screening and that there is a considerable intervening distance which would mitigate any impact. In this case it is likely that the occupiers of both properties would want a more substantial boundary between than planting which would take time to mature and a fence in this location would be acceptable in principle as it would be contained between two properties. As the windows serve only the ground floor this would be an acceptable solution and details on the boundary treatments will be sought via condition. (Condition 6)
- 36 The intervening distances between other dwellings adjacent to the east and south would be adequate to mitigate any impacts on residential amenity.
- 37 Environmental Health note that there is a disused quarry next to the proposed site. Although disused for a long time, the original size and depth of the quarry is unknown, as is the material used to infill the quarry after work there ceased. There is therefore the potential for localised ground gas production that could possibly impact on any property being built on the site. There is also the possibility of contaminants being present in the fill therefore a full ground risk assessment should be carried out prior to building commencing (Condition 5).
- 38 As such, this element of the proposal accords with NPF4 Policies 14 Design, quality and place and 16 Quality homes, and LDP2 Policy 17 Residential Areas and Policy 58 Contaminated Land.

Roads and Access

- 39 A new vehicular access to the site will be formed from existing road to the east. It is proposed to partially retain the existing hedge boundary with a section of the removed to allow for the new access. The site plan shows adequate parking and turning facilities within the site. The traffic movements associated with a single dwelling are not considered to significantly impact on overall traffic in the area. The access does lie in close proximity to trees and the access for construction is within a quiet residential street it is therefore considered reasonable that in addition to tree protection measures a condition is added to require a simplified construction traffic management scheme (CTMS) to be submitted and agreed. (Condition 7)
- 40 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

- 41 Scottish Water generally do not reserve capacity until a formal connection application is made to them. The Scottish Water response clearly states that sufficient capacity exists at their water works in terms of fresh water and waste water, and they have not objected to the proposal.
- 42 Notwithstanding this, Scottish Water do have a standard requirement for surface water run-off not be directed to the public sewers. The site plans demonstrate surface water drainage proposals within the site.
- 43 As such, it is considered that the proposal accords with the intent of NPF4 Policy 22 Flood risk and water management and LDP2 Water Environment and Drainage Policies 53B Foul Drainage, 53C Surface Water Drainage, and 53E Water Supply.

Natural Heritage and Biodiversity

- 44 There are a number of trees around the site boundary some of which are not in the control of the applicant. In particular adjacent to the access point are three oak trees which could be impacted by the construction of the access road. A report was requested to demonstrate how the site could be developed to retain and protect the trees as their root protection areas (RPAs) would fall within the driveway (Condition 3).
- 45 The report submitted recommends no dig construction techniques and a geocell modular driveway in the area of the tree RPAs with protective fencing around the trees. The agent has given further explanation regarding construction access, and the intention is to form the new access to allow a telescopic low excavator onto the site avoiding the tree canopy allowing deliveries to be moved from the

road over the hedge. This can be formally detailed within the CTMP condition (Condition 7).

- 46 The information submitted and methodology in relation to the trees is adequate in relation to Policy 6 Forestry, Woodland and Trees of NPF4 and Policy 40 Trees of LDP2

Developer Contributions

Primary Education

- 47 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Royal Douglas Memorial Primary School where a capacity constraint has been identified.

Transport Infrastructure

- 48 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. The site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance) and a contribution is required.

Economic Impact

- 49 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

- 50 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 51 It is expected that the contribution is paid upfront to allow the release of the decision however a Section 75 may be required to secure the payment.

DIRECTION BY SCOTTISH MINISTERS

- 52 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

- 53 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 of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 54 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Delegated Approval, subject to payment of Developer Obligations

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 commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction or as specified within the Tree Protection and Compensatory Planting Plan dated 30th June 2023 by BNTW-Scotland (plan ref 09). Prior to the commencement of any works on site the council shall be advised that tree protection measures are in place either by the submission of photographs or confirmed by site visit. Protection measures, once in place, shall remain in place for the duration of construction.

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

4. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
- a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason - To ensure the proposal complies with Policy 32.

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

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

6. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

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) arrangements to ensure that access for emergency service vehicles are not impeded; and
 - (d) 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. 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, of Type A Road construction detail.

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

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

1. Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

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. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
5. 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. 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.
7. 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.

8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works.

Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.

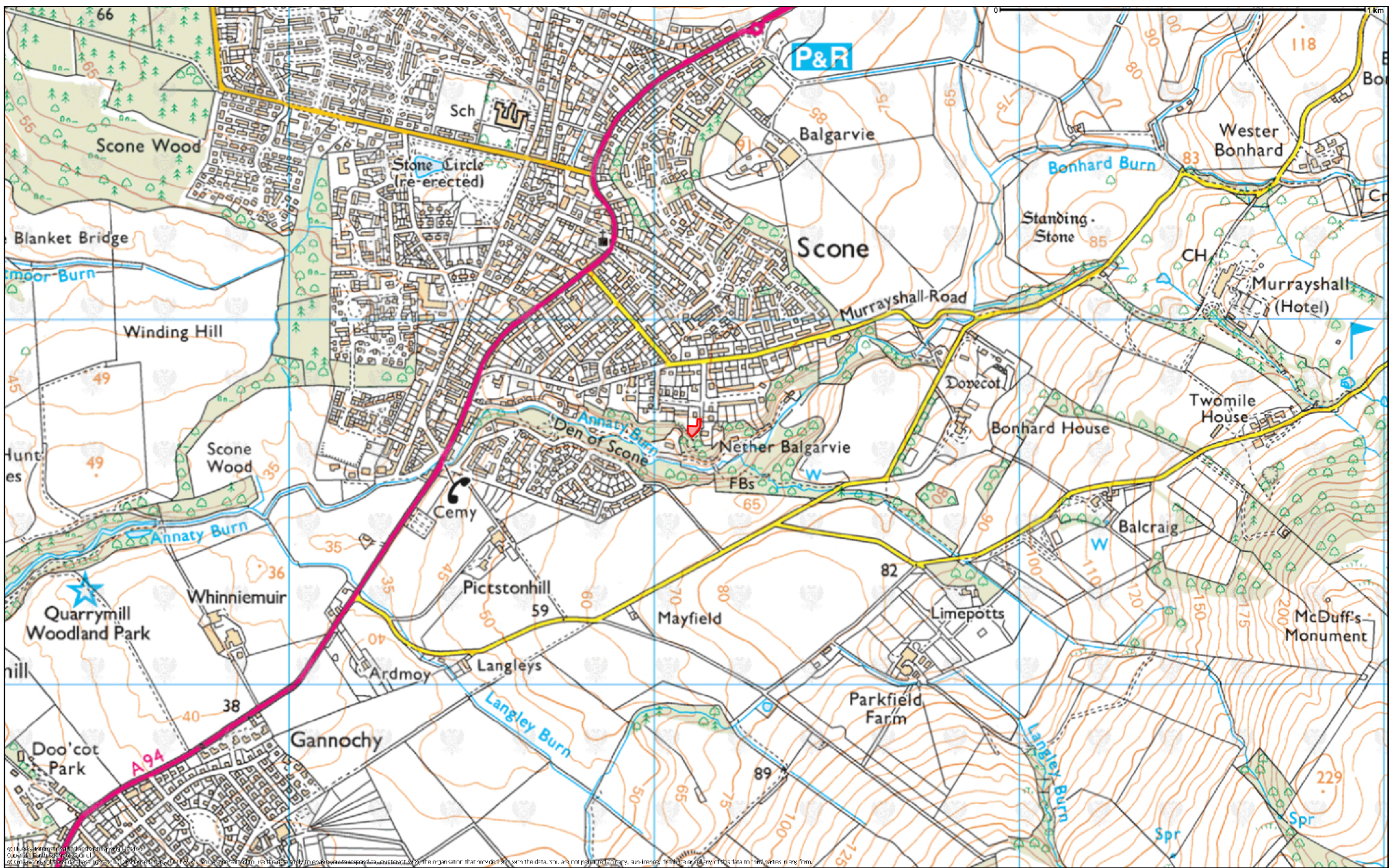
Background Papers: 4 letters of representation
Date: 28 July 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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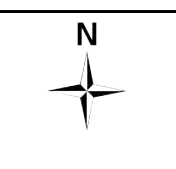
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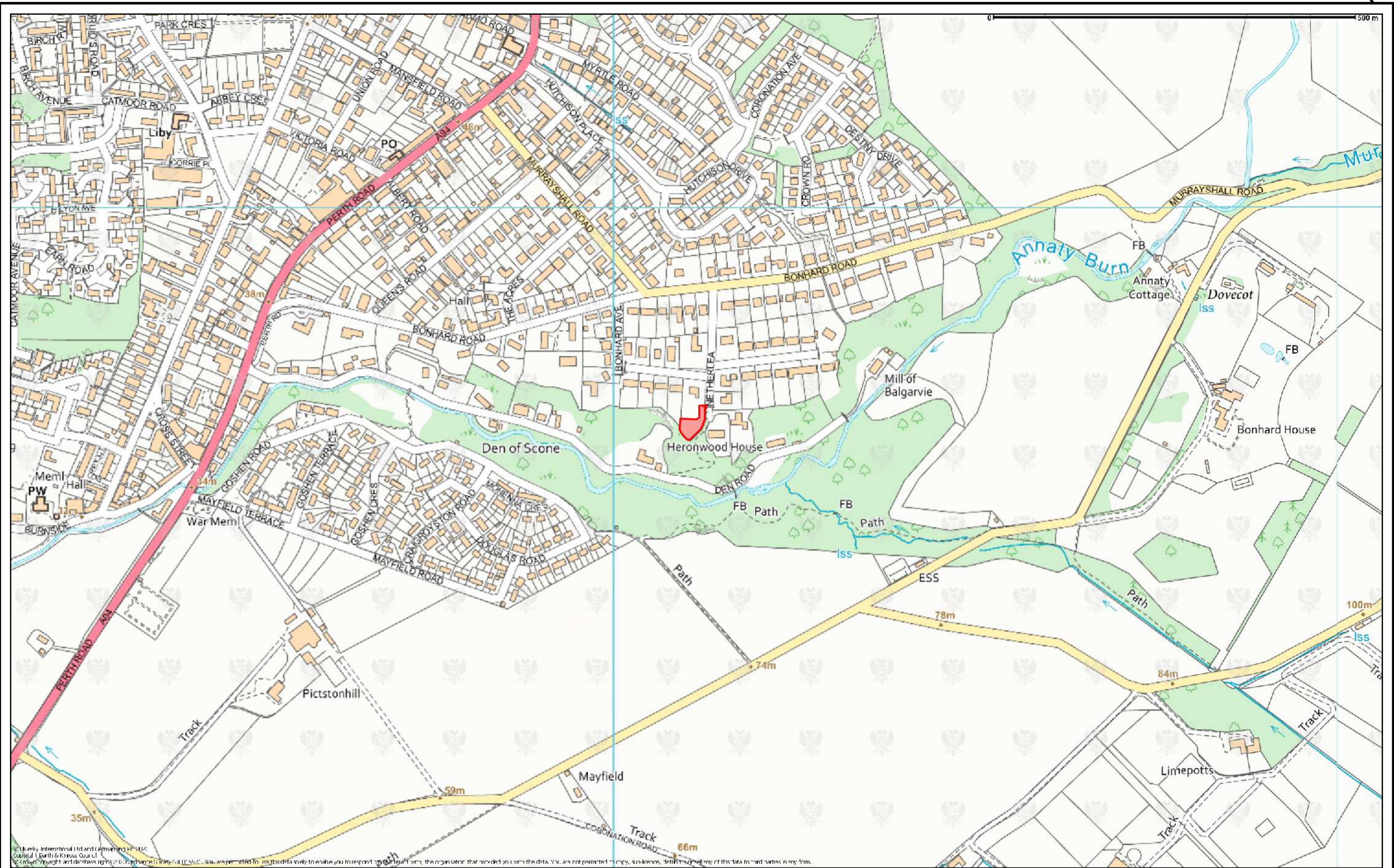
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Planning and Placemaking Committee - 9 August 2023
Scale 1:10000



23/00387/FLL
Erection of a dwellinghouse and garage at Land 35 metres South of 17 Netherlea, Scone,





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Perth and Kinross Council
Planning and Placemaking Committee – 9 August 2023
Pre-Application Report by Head of Planning and Development
 (Report No. 23/213)

Formation of an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, security and deer fencing, landscaping and associated works on land at Green Burn Wind Farm, Bridge of Cally

Ref. No: [23/00009/PAN](#)

Ward No: P3 – Blairgowrie and Glens

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for formation of an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, security and deer fencing, landscaping and associated works on land at Green Burn Wind Farm, Bridge of Cally. 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 26 May 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 an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, security and deer fencing, landscaping and associated works on land at Green Burn Wind Farm, Bridge of Cally.
2. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
3. This PoAN seeks to formally establish a major development comprising formation of an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, security and deer fencing, landscaping and associated works. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

4. 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

5. The PoAN (reference 23/00009/PAN) confirmed that two public exhibitions will be held at Blackwater Hall, PH10 7LH. The first event on Thursday 3 July 2023 between 4pm and 8pm and a second event on Thursday 3 August 2023 between 4pm and 8pm. The Ward Councillors, Mount Blair Community Council 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

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 4: Natural Places
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 14: Design, Quality and Place
 - Policy 20: Blue and Green Infrastructure
 - Policy 22: Flood Risk and Water Management

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.

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 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: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 61: Airfield Safeguarding

OTHER POLICIES

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

- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
- Perth and Kinross Community Plan 2013/2023
- [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 - Placemaking](#) (adopted in 2020)

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 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

PLANNING SITE HISTORY

14. [14/00877/SCOP](#) on 11 August 2014 for proposed wind farm development
15. [15/00004/PAN](#) on 11 February 2015 for Development of a Wind Farm with Installation of 11 Turbines and Associated Works
16. [15/01691/FLM](#) Full Planning Permission was allowed on appeal on 2 February 2018 for Erection of 11 wind turbines, control building and ancillary works

CONSULTATIONS

17. As part of the planning application process the following would be consulted:

External

- NatureScot
- Perth and Kinross Heritage Trust
- Alyth Community Council
- Mount Blair Community Council
- Dundee Airport

Internal

- Environmental Health
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

18. 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

19. 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
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

20. 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.

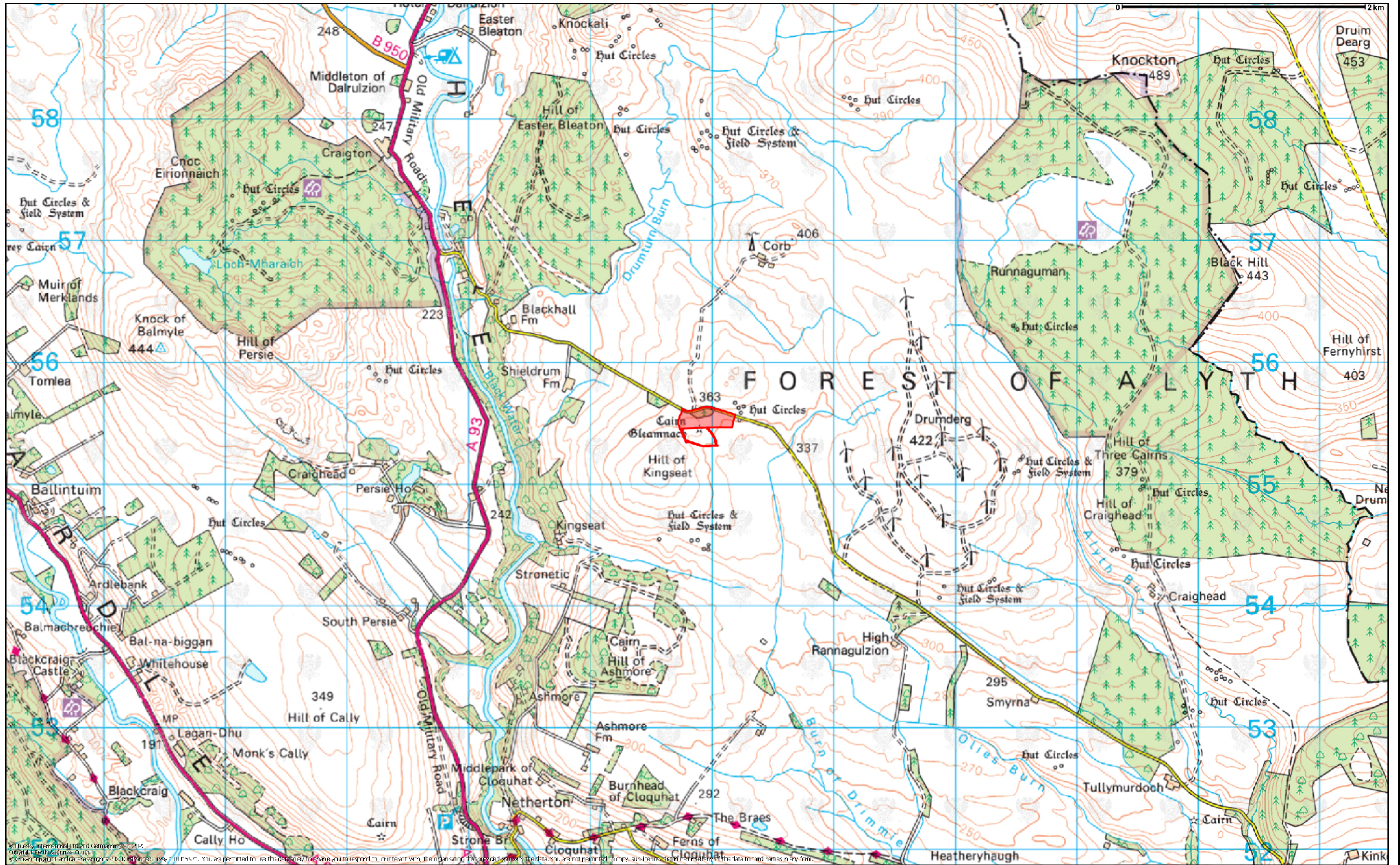
Background Papers: None
 Contact Officer: Kirsty Strong
 Date: 28 July 2023

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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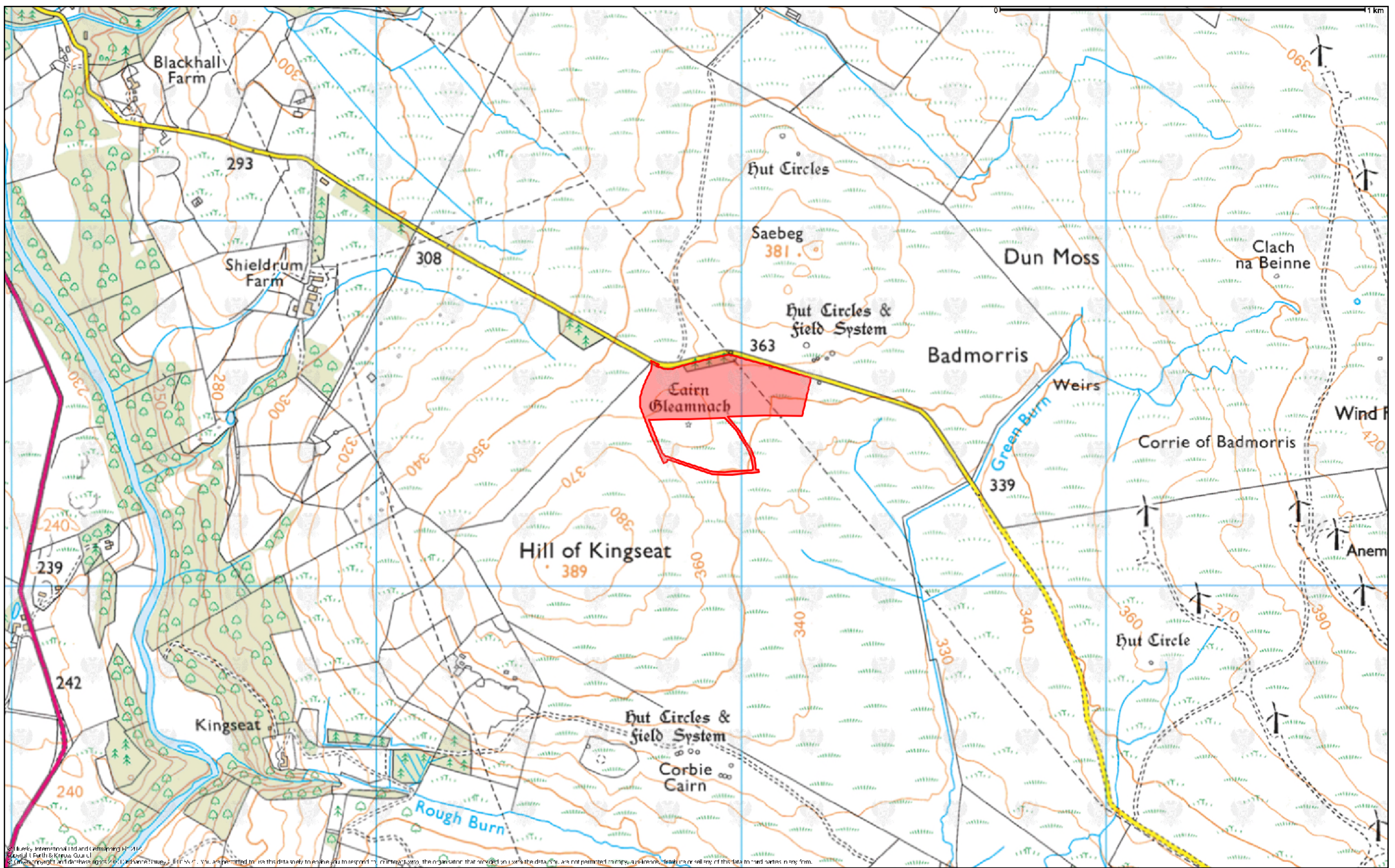
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23/0009/PAN

Formation of an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, and security and deer fencing, landscaping and associated works land at Green Burn Wind Farm Bridge Of Cally





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