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Council Building
2 High Street
Perth
PH1 5PH

03/07/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 12 July 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, 12 July 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 14 JUNE 2023 FOR APPROVAL** **5 - 14**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(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 INNERPEFFRAY, CRIEFF** **15 - 40**
Report of Handling by Head of Planning and Placemaking Committee (copy herewith 23/208)
- 5(2) LOCAL APPLICATION**
- 5(2)(i) 22/00753/FLL - ERECTION OF 3 DWELLINGHOUSES AND ASSOCIATED LANDSCAPING AND ACCESS, WESTER BALGEDIE FARM, WESTER BALGEDIE, KINROSS, KY13 9HE** **41 - 62**

Report of Handling by Head of Planning and Development (copy
herewith 23/209)

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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 14 June 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies A Bailey (substituting for Councillor B Leishman), C McLaren and M Williamson, Councillors H Anderson, B Brawn (up to and including Item 5(2)(i)), M Frampton (substituting for R Watters), K Harvey, D Illingworth, I James (up to and including Item 5(2)(i)), C Reid and C Stewart (substituting for D Cuthbert).

In Attendance: L Reid, D Salman, K Smith and P Williamson (all Communities); A Brown, C Elliott, J Guild and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors D Cuthbert, B Leishman and R Watters.

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 A Bailey declared a non-financial interest in Item 5(2)(i).

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 17 May 2023, be approved.

4. DEPUTATIONS

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

Planning Application No.	Item No.
23/00224/FLM	5(1)(i)
23/00167/FLL	5(2)(i)

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **23/00224/FLM – Section 42 application to vary condition 12 (noise mitigation) of permission 19/00917/FLM, land 300 metres northwest of Lathro Farm, Kinross**

Following non-attendance by the deputation, the Committee proceeded to determine the application.

Motion (Councillors I Massie and D Illingworth)

Grant, subject to 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 development shall be completed in accordance with the delivery plan confirming the phased delivery of the site and construction works, submitted 23/04/21. Drawing No. 19/00917/133.
Reason: In order to ensure the implementation and completion of the development components of the proposal coincide with key infrastructure delivery requirements.
4. The development shall be completed in accordance with the updated Construction Environment Management Plan (CEMP). Submitted 20/09/21. Doc ID – 1695603 of permission 19/00917/FLM relate.
Reason: In the interest of protecting environmental quality and of biodiversity.
5. The development shall be completed in accordance with the Construction Traffic Management Scheme as included in the Construction Environment Management Plan (CEMP). Submitted 20/09/21. Doc ID – 1695603 of permission 19/00917/FLM relate.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow throughout the construction period.

6. The development shall be finished in accordance with the Invasive Species Management Plan and Biodiversity Action Plan, submitted 23/04/21. Drawing No's - 19/00917/136 and 19/00917/137.

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

7. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared or building affected, and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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).

8. All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be as set out and agreed in the Construction Environmental Management Plan (CEMP) subject of Condition 3 of this planning permission. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority.

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

9. The detailed landscaping and planting scheme (plans 19/00917/74) which is hereby approved shall be implemented concurrently with development and be completed within the first available planting season (October to March) after the completion of the development. The approved scheme shall thereafter be maintained, with any planting failing to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

10. The development shall be completed in accordance with the finished detail of the required Sustainable Urban Drainage (SuDS) pond, submitted 23/04/21. Drawing No. 19/00917/136.

Reason: In the interests of visual amenity, enhancing biodiversity opportunities and in pursuance of satisfying placemaking policy criteria of the LDP.

11. The development shall be completed in accordance with the finished design details of the proposed children's play area. Submitted 23/04/21. Drawing No. 19/00917/135

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

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

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

13. Trickle ventilators shall be installed with passive extract ventilation systems in line with the recommendation within the approved 'Residential Noise Mitigation Scheme' report N79153-1r2 dated 19 August 2022, Figure 3 and 4 proposed glazing and sound insulation performance and ventilation strategy for Ground and 1st floors plans.

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

14. Within 2 months of the date of this planning permission, detailed designs and specification of the following road infrastructure improvements shall be submitted to and approved in writing by the Planning Authority:
- a) hard standing areas to facilitate bus stops on the North and South sides of Gallowhill Road in the vicinity of the development's new access; and
 - b) delivery of bus shelters on both sides of the A922, in the vicinity of the development access (near Lathro Cottage).

Thereafter, the approved details for both schemes shall be completed by or on behalf of the developer and made available for use to the satisfaction of the Planning Authority, within 4 months of the date of this planning permission.

Reason: In the interests of pedestrian and traffic safety; ensuring provision and encouraging use of suitable public transport measures.

15. The development shall be completed in accordance with the Travel Plan, aimed to encourage more sustainable means of travel, submitted 23/04/21. Drawing No. 19/00917/141.
Reason: In the interests of road safety; to seek sustainable means of travel to and from the site.
16. Within 4 months of the date of this planning permission, the vehicular access at Gallowhill Road shall be formed in accordance with Perth & Kinross Council's Road Development Guide, Type C Figure 5.7 access detail, of Type B Road construction detail, delivered and opened at a time as agreed in association with satisfying the delivery plan required by condition 3.
Reason: In the interests of road safety; to ensure the provision of adequate visibility of the vehicular access.
17. Within 2 months of the date of this planning permission, a scheme for the introduction of traffic signal control at the junction of The Muirs and C495 and associated road infrastructure works shall be submitted to and approved by the Planning Authority in writing. Thereafter the approved scheme shall be implemented by or on behalf of the developer prior to the occupation of the ninety seventh dwellinghouse on the development hereby approved, to the satisfaction of the Planning Authority.
Reason: In the interests of road safety.
18. Within 2 months of the date of this planning permission, a scheme for the extension of the existing 30 mph traffic regulation order beyond the proposed new development access junction on Gallowhill road and associated road infrastructure works shall be submitted to and approved by the Planning Authority in writing. Thereafter the approved scheme shall be implemented at a time as agreed in association with satisfying the delivery plan required by Condition 3, to the satisfaction of the Planning Authority.
Reason: In the interests of road safety.
19. The development shall be finished in accordance with the design details of the mini glass recycling point. Submitted 23/04/21. Drawing No. 19/00917/135.
Reason: In the interests of sustainability, seeking to reduce carbon footprint and encourage household recycling

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 38 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
4. There is a continued requirement for a Section 75 legal obligation covering the wider site, which includes Open Space provision and maintenance. A copy is available to view on the Council's Public Access portal.

Amendment (Councillor C Stewart)

Refuse the application and maintain the conditions for the development as set out in planning permission 19/00917/FLM.

On failing to secure a seconder, the Amendment subsequently fell.

Resolved:

In accordance with the Motion.

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, BAILIE A BAILEY LEFT THE MEETING AT THIS POINT.

(2) Local Application

- (i) **23/00167/FLL – Siting of container unit for use as hot food takeaway and formation of decking (for a temporary period) land 25 metres south west of public convenience, Atholl Street, Dunkeld PH8 0AX**

Ms C Claydon, objector to the application, followed by Mr O Cevik, applicant, addressed the Committee and answered Members' questions.

Resolved:

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

Conditions

1. Planning permission is hereby granted for a temporary period until 30 June 2028. Prior to this date, all development shall be removed from the site, and the use shall cease. If the use of the site ceases prior to this date for a continuous period of 6 months, then all development shall be removed from site within a period of 2 months from the date of a formal notification by the Council as Planning Authority.
Reason: This is a temporary planning permission.
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 the development hereby approved, precise details of the proposed base of the container, intended utility/infrastructure connections and other ancillary storage containers shall be submitted to and agreed in writing by the Council as Planning Authority. The details must ensure that a) pressure on the roots is not excessive and b) suitable drainage to the ground beneath can take place. The agreed details shall thereafter be implemented in full.
Reason: In order to safeguard surrounding trees.
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 protect existing residential amenity.
5. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained as per the manufactures specifications.
Reason: In order to protect existing residential amenity.
6. 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 protect existing residential amenity.

7. The container shall be finished in the agreed colour on all four sides, and the external finish thereafter maintained yearly.

Reason: In order to protect the visual amenity of the area.

8. Prior to the delivery of the container, all trees on site 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 installation phase.

Reason: In order to protect existing trees from unnecessary damage during the delivery of the container.

9. Prior to the commencement of the development hereby approved, detailed drawings showing all waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted to and agreed in writing by the Council as Planning Authority. The agreed details shall thereafter be implemented in full after commencement.

Reason: In order to clarify the terms of this planning permission.

10. The onsite refuse storage area for these premises shall be operated and maintained such that detriment is not caused to the amenity of the area or any neighbouring premises.

Reason: In the interest of proper site management.

11. The asserted core path (DUNK/25) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: In order to protect public access rights.

12. Prior to the commencement of the development hereby approved, an Operational Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The Plan must include opening hours, details of means of deliveries and timing, a procedure for dealing with onsite anti-social behaviour and a review procedure. The approved plan shall be implemented in full.

Reason: In order to protect residential amenity.

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. 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.
4. 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/>

BAILIE A BAILEY RETURNED TO THE MEETING AT THIS POINT.

COUNCILLORS B BRAWN AND I JAMES LEFT THE MEETING AT THIS POINT.

6. PROPOSAL OF APPLICATION NOTICES

- (i) **23/00005/PAN – Mixed use development comprising the erection of retail units including garden centre (Class 1a), café/restaurant (Class 3) with drive thru, a petrol filling station and formation of landscaping, infrastructure and associated works, Former British Car Auctions, Kinross**

Bailie McLaren requested due consideration be given to adequate provision of waste management and recycling facilities.

Councillor C Stewart requested due consideration be given to phosphorous mitigation and discharge into Loch Leven.

Councillor Frampton requested due consideration be given to the wider road network and traffic at the shared area and Kinross High Street.

Bailie Williamson requested due consideration be given to light pollution and impact of same on the Quaich Burn, security fencing around the development and noise pollution.

The contents of the Head of Planning & Development's Report were noted.

(ii) 23/00006/PAN – Siting of 68 holiday accommodation units and manager’s accommodation unit, formation of vehicular access, erection of hub building, landscaping, car parking and associated works, land 1000 metres east of Muirhead Cottage, Auchterarder

Councillor Reid requested due consideration be given to consultation with the Health and Safety Executive due to nearby high pressure gas pipeline and a traffic management plan for the A823, Church Road and Orchil Road.

Councillor C Stewart requested due consideration be given to suitable access to and from the site.

Bailie McLaren requested due consideration be given to adequate waste management and recycling facilities.

Bailie Williamson requested due consideration be given to noise pollution, public transport, impact on events within the area and developer contributions.

The contents of the Head of Planning & Development’s Report were noted.

(iii) 23/00007/PAN – Erection of staff service/welfare building, office building, greenhouse, upgrade of public road access and upgrade to forestry track, parking with cycle storage, installation of biomass plant and associated ancillary buildings/works, land 0.8km north of Newhall Estate, Taymouth Castle, Kenmore, Aberfeldy PH15 2NT

Bailie Williamson requested due consideration be given to the design of the building ensuring it is in keeping with the character of the surrounding countryside, traffic management, access to public transport, noise mitigation, flood risk, construction times and potential use of treated sewage for the local golf course irrigation.

Councillor C Stewart requested due consideration be given to the proximity to A827 and consultation with the Roads Authority in relation to subsidence of this road.

The contents of the Head of Planning & Development’s Report were noted.

Perth and Kinross Council
Planning and Placemaking Committee – 12 July 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/208)

PROPOSAL: 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.

LOCATION: Land 200 metres north west of Innerpeffray, Crieff

Ref. No: [22/01290/FLM](#)

Ward No: P6- Strathearn

Summary

This report recommends approval of the application for a replacement poultry rearing farm at Purreldeggie Poultry Farm, Innerpeffray, Crieff 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 consent is sought for the 4 poultry rearing sheds, ancillary facilities, a SUDS pond, landscaping, LPG tanks and associated works at Purreldeggie Farm some 2km east of Crieff and all to replace an existing poultry farm.
- 2 The proposed sheds will be constructed to the west of 3 existing timber framed sheds built in the 1960s and 1980s. These existing buildings sit alongside the public road and are long linear dual pitched roof buildings with a N-S orientation and running alongside the road. The existing operation is a breeder laying farm producing fertile eggs, the new facility would be a pedigree rearing farm that would hold a maximum of 6,500 birds in each shed, totalling 26,000 birds. These birds are not to be reared directly for meat but for selection as breeding stock. The new facilities intended to modernise and repurpose the existing poultry farm, designed to maximise bird welfare.
- 3 The proposed buildings would be off set from the road, moving into the existing field and although of a similar linear footprint and roof form, would see their orientation W-E. The area adjacent to the road currently accommodating the existing sheds would see a SUDS attenuation basin formed and an expanded hardstanding area to allow articulated vehicle access from an existing junction to be upgraded. The second existing access to the south, for smaller vehicles would also be retained and improved.

- 4 The proposed site is surrounded by arable farmland to the north, south and west with trees along the eastern boundary, particularly beyond the public road.
- 5 Two existing farm cottages (semi-detached) are located southeast of the site, which has recently obtained planning permission for its demolition and replacement with a new dwellinghouse. Planning reference 22/01133/FLL relates. In terms of the occupancy of the new replacement unit, the applicant has indicated that it would be a Farm Manager associated with the poultry farm.
- 6 The submitted supporting statement specifies the site has been chosen for several reasons, which include:
 - Its excellent bio-security status (no adjacent poultry farms)
 - Its current use as a poultry farm and opportunity to modernise.
 - The agricultural setting and its distance from nearby third-party properties.
 - Location in relation to Aviagen's other farms, meaning good transport logistics between facilities.
 - Benefits from concealment provided by existing landscape and its distance from any residential buildings. Seen as important given the site area is approximately 3.1ha with each shed measuring approximately 96.8m in length by 24.1m in width reaching a height of 5.6m to the ridge, linked together by connected covered corridors.
- 7 Access is from the C472 (Southwood Road) immediately to the east, linking 700m south to the B8062 at Millhills. There are 2 existing access points to the site from Southwood Road. It is proposed to use the existing northern access for articulated lorries, with the smaller entrance to the south utilised to access smaller vehicle parking. The B8062 links to the A85 and the wider road network.
- 8 The amenity building, storage building, LPG tanks, cycle storage and staff car parking will be located at the southern part of the site.
- 9 The proposal will see staffing of a Farm Manager supported by 2 Team Leaders, 9 full time staff and a Cleaner. The existing farm is a lay farm and the proposed is a rearing farm, which has slightly different needs. The new farm at Kinkell Bridge is becoming the lay farm. The staff will be given the choice if they want to remain on the new Purreldeggie or move to Kinkell Bridge (3miles away). The experienced staff will be needed to train the new staff. Overall, between the sites there will be a creation of over 15 new jobs in the Crieff area.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 10 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.
- 11 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.

- 12 The proposal falls under Schedule 2 (1) (c) of the Environmental Impact Assessment Regulations 2017 which relates to Intensive Livestock installations where the floor space exceeds 500 sqm. The proposal is for the erection of an Intensive Livestock building of 9,860 sqm. As such an EIA screening has previously been undertaken, 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 flooding, noise, odour, ecology, traffic and transport were considered to be required and support this application.

Pre-Application Consultation

- 13 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential poultry sheds having a floor space greater than 5000 square metres. The applicant was therefore required to undertake formal pre-application consultation with the local community.
- 14 Public concerns raised included: access and traffic, odour, noise, setting and scale, ecology and wildlife, water quality and watercourses, archaeology and health as being matters not addressed by the consultation events. These matters have been responded to by the agent and included within a Pre-Application Consultation (PAC) Report submitted.

Pollution Prevention and Control Regulations

- 15 The threshold for regulation of poultry units under SEPA's Pollution Prevention and Control Regulations is 40,000 bird places. As this proposal relates to 26,000 birds these regulations would not apply and matters of noise, odour etc will be considered by PKC Environmental Health.

DEVELOPMENT PLAN

- 16 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

- 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:

20 The principal relevant policies are, in summary;

- Policy 1: Sustainable Places
- Policy 2: Climate Mitigation and Adaption
- Policy 3: Biodiversity
- Policy 5: Soils
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, Vacant and Derelict land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 18: Infrastructure First
- 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 2

21 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It 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 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- 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 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 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- 22 [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- 23 [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

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

NATIONAL GUIDANCE

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

Planning Advice Notes

- 26 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- 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 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 73 Rural Diversification
 - PAN 75 Planning for Transport

Site History

- 27 [21/02073/SCRN](#) An EIA screening opinion was issued by PKC on 1 December 2021 advising that EIA was not required for a development comprising a replacement poultry farm of 4 rearing sheds and associated works.
- 28 [22/00007/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development for the erection of a replacement poultry farm comprising 4 rearing sheds and associated works saw PKC confirm on 28 February 2022 that the approach set out in the PAN was accepted.

29 [22/01133/FLL](#) Erection of dwellinghouse on Land 30 Metres North West Of 1 Purreldeggie, Innerpeffray, Crieff. Approved August 2022.

CONSULTATIONS

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

External

31 **East Strathearn Community Council** – No comments.

32 **Scottish Water** - No objection. Advise there is sufficient capacity in the Turret Water Treatment Works, however, there is no existing public foul wastewater or surface water connection.

33 **Scottish Environment Protection Agency** – No comments.

34 **NatureScot** – No comments.

35 **Perth And Kinross Heritage Trust** – No objection subject to condition relating to the submission of a programme of archaeological works.

Internal

36 **Enterprise Team** – No comments.

37 **Strategy and Policy** – No objections. Advise that the application site includes an area of land that is not part of the existing poultry shed site and is in agricultural use. In terms of the LDP policy 50 the development is considered justified because the additional land take into the existing field is minimised in the context of the surrounding area, and taking into account that the proposal is a necessary repurposing of an existing facility it is considered justified that there is a specific locational need to include the additional land (that is prime agricultural land) in the application site.

38 **Structures and Flooding**- No objections.

39 **Environmental Health (Contaminated Land)** - No objection. Condition recommended to deal with potential contamination on site.

40 **Environmental Health (Noise Odour)** - No objection. Conditions recommended to control odour, dust, noise and lighting.

41 **Transportation and Development** – No objections subject to conditions.

42 **Development Contributions Officer** - No objection, clarifying that no contributions are required.

43 **Biodiversity/Tree Officer** - no objection, subject to conditions relating to landscaping, implementation of landscaping and retention of trees/hedgerows.

Representations

- 44 One representation was received from The Woodland Trust. The main issue received raised concerns in respect of ammonia dispersal and nitrogen deposition which may have an impact on ancient woodlands within 5km of the application boundary.
- 45 This issue is addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

46

Screening Opinion	Undertaken - Not EIA development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations - AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	<ul style="list-style-type: none">• Noise Impact Assessment• Archaeological Desk Based Assessment• Drainage Report• Air Quality Impact Assessment

APPRAISAL

- 47 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 includes considerations of the Council's other approved policies and supplementary guidance, namely Placemaking Supplementary Guidance March 2020.

Principle

- 48 The site overlaps and is associated to an existing poultry farm in a rural location to the east of Crieff. It is surrounded by farmland and trees, offering a level of seclusion and screening and the nearest residential properties, outwith the applicant's ownership, are approximately 200m away to the east and southeast which are screened by trees and hedging and therefore preventing any intervisibility. Due to the nature of the business, the proposal requires a location separated from properties which could be adversely impacted. LDP2 Policy 8 Rural Business and Diversification provides support for the proposed modernising and repurposing of this existing facility to a poultry rearing farm.
- 49 The development requires to be separated from properties which could be adversely impacted on by noise, odour, etc. But also within close proximity to the

transport network. As such the location of the proposed development accords with the objectives of the Local Development Plan providing that the detailed planning issues are satisfied. The key determining issues are whether the proposal is consistent with the relevant provisions of the Development Plan regarding traffic implications, landscape and visual impact together with impact on neighbouring amenity such as odour and noise.

Design and Layout

- 50 The proposed sheds are similar in terms of scale and layout to other poultry related facilities. The shed dimensions are set out above and they will be linked to each other by covered walkways. Their construction will be steel framed with roof and side walls clad in green composite insulated panels. Additional equipment will include feed stores, a generator, water tanks, LPG tanks and a staff amenity and storage building. There is an existing incinerator and plans detail a new incinerator.
- 51 The existing 3 timber sheds which are stained in a dark brown colour date to the 1960s and 1980s. These are located alongside the public road which is to the east with the 4 new sheds proposed further west and existing accesses will be upgraded.
- 52 The proposed sheds are described by the applicant as “state of the art”, designed to take account of energy saving. High levels of insulation, computer controlled ventilation, energy efficient heating and lighting systems all form part of the design. Their height, colour and materials relate well to the surrounding character of the rural environment. The proposal therefore complies with LDP2 Policy 1 – Placemaking.

Landscape Character and Visual Impact

- 53 Noted within the supporting Planning Statement is that the landscape impacts of the development would be of minor significance. The proposed development seeks to improve the existing quality of the immediate landscape through the removal of the old farm structures and the replacement poultry sheds would be more muted and sympathetic to the natural surroundings than the existing units.
- 54 The proposed design and building height within this rural location respects the sites topography and skyline as well as the wider landscape character of the area. The poultry sheds are low linear structures, coloured in green to help integrate them into their surroundings. In these respects, the proposed development is considered to comply with LDP2 Policies 1 and 8 and Policy 14 of NPF4.
- 55 It is noted within the submission that all trees and hedgerows will be retained and planting a new hedge is proposed. The access into the existing car park will be upgraded and used for articulated lorries. New hedging is proposed to the east of the new sheds and to the south of the SUDS basin and at the southern side of the site, south of shed 1/car parking area. This planting of a mixed native hedge would be beneficial to biodiversity, by provision of food and shelter.

- 56 The Woodland Trust raised concerns in respect of ammonia dispersal and nitrogen deposition which may have an impact on ancient woodlands. As such a request for modelling of ammonia dispersal and nitrogen deposition was requested. This was submitted and reviewed by both PKC Biodiversity Officer and The Woodlands Trust, which saw additional tree and hedge planting recommended. This was agreed with the agent and can be required by condition 19.
- 57 Applying LDP2 Policies 1, 8 and 40 and Policies 6, 14 and 29 of NPF4 the proposed development is considered in compliance, subject to conditions 16-18.

Residential Amenity

- 58 The proposed poultry sheds have a capacity of 26,000 birds. An application such as this has the potential to lead to loss of amenity at nearby receptors due to noise and odour. The nearest third-party properties are over 200 metres away: Southwood Cottage to the east and Southwood House to the southeast.
- 59 The proposed facility will produce two 'crops' per year, on a 24-week cycle. At the end of each cycle the sheds undergo an intensive cleaning and disinfection phase for new crop/flock arriving and litter is removed in covered trailers and used as fertiliser.
- 60 The closest property, which is within the applicant's ownership, and located just to the southeast is an existing semi-detached cottage which is to be replaced with a new managers property which recently saw planning permission granted.

Air Quality

- 61 There is an existing incinerator associated to the existing buildings/operation and plans show the potential location for a new incinerator, a 94kW Volkan 150. The applicant has submitted a technical specification, drawing number 17.
- 62 The planning statement indicates a new incinerator is still to be confirmed and that through the project it is expected that the site will still comply with the requirements of the Air Quality Standards (Scotland) Regulations 2010. As particulate emissions (dust) are managed through good general housekeeping practices.
- 63 Environmental Health colleagues have reviewed the submissions and confirm that the proposals can minimise and control dust, and that the residential amenity of neighbouring properties will not be adversely affected.

Noise

- 64 A Noise Impact Assessment (NIA) 'Purreldeggie Poultry Unit' dated June 2022, undertaken by Muirden Energy LLP has been submitted. The NIA has assessed operational noise from the ventilation fans and vehicle noise associated with deliveries and manure removal. Environmental Health (EH) colleagues have assessed the potential impact on residential properties.

- 65 EH advise that the NIA has undertaken a conservative assessment, assuming that all fans will be operational at all times. However, in theory the operation of the fans is dependent on the air conditions within each individual shed and will only operate when required. Thus, there will be periods when the fans are not operational due to colder weather conditions.
- 66 Similarly for deliveries, the standard assumption of a Sound Power Level of 105dB(A) was used for each lorry type associated with deliveries for feed and bird stock and manure removal.
- 67 These noise sources combined saw predicted noise levels at noise sensitive receptors were assessed. The predicted external noise levels from the ventilation units identified to at Southwood was 28dB and Southwood House 27dB; and the predicted external noise levels from vehicle movements at Southwood 49dB and Southwood House 51dB. It is noted that deliveries and manure removal will be carried out during normal working hours.
- 68 EH conclude that the predicted levels are not assessed to exceed World Health Organisation (WHO) criteria for both daytime and night-time periods and see an impact of 'low significance' therefore not likely to unacceptably impact the residential amenity of existing residential properties. However, EH recommend that a plant noise condition is attached to any consent (condition 4).

Odour

- 69 The submitted a Planning Statement and Noise Management and Odour Management Plan, which set out the intended odour and noise management arrangements. These have also been reviewed by EH.
- 70 EH note the existing poultry farm and that there will not be any 'new' odour sources resulting from a similar activity. Although there is to be an increase in bird numbers from 11,000 to 26,000 birds, the improvements and modernisation of sheds replacing the existing facility will further minimise emissions.
- 71 The poultry sheds will be ventilated by means of a computer controlled mechanical ventilation system which continually monitors parameters such as temperature and humidity, to ensure the optimum conditions and dry manure thus reducing emissions of ammonia and odours.
- 72 Overall, EH have, subject to planning conditions, raised no concerns relating to noise and odour impact on residential properties, with suitable controls recommended (conditions 4-9). The proposal is therefore considered to comply with LDP2 Policy 56 with no unacceptable impact on the amenity of residential properties.

Contamination

- 73 PKC's Contaminated Land Team were consulted and advise of a potentially range of contaminants associated to agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings and uses. In addition, there is potential for made ground. The risks associated with

this remain difficult to quantify, without sampling and chemical analysis of soils to determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.

- 74 It is therefore necessary to undertake an evaluation for the potential of the site to be affected by contamination, to assess the potential risk and if after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken. As such, subject to planning condition, the proposal complies with LDP2 Policy 58A (condition 3).

Roads and Access

- 75 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Concerns have been expressed in representations regarding road safety and traffic congestion.
- 76 The site is directly accessed off of the C472 public road network approximately 700 metres north of the B8062 at Millhills. To the north the C472 links with the C410 at Wester Dollerie, providing a link between Crieff and Huntingtower and onwards travel to the A85 Trunk Road Network.
- 77 The applicant has advised that they would ideally like to recruit from the local area, as detailed in Section 2.5 of the Supporting Information. As there is a desire to employ local people for the jobs at the site, there is an opportunity for them to be within a distance that they could cycle to the site. Five secure covered cycle parking spaces has been incorporated into the site. Transport Planning colleagues have recommended that 10 cycle parking spaces are provided prior to the occupation of the development, however, given the number of staff indicated and likely numbers at any one time, 5 is considered adequate. This can be controlled by condition (condition 12).
- 78 Proposed car parking: 18 standard bays and 1 disabled bay. In addition, there will be a large hardcore area where vehicles will be able to turn, meaning that vehicles will be able to access and egress in a forward facing gear.
- 79 The predicted level of traffic journeys to and from the site throughout the year see a majority of vehicle movements daily commuting trips. There will also be a number of HGV movements associated with normal operations including: the delivery of feed, fuel and poultry lorries at an average of 5-6 HGVs per month. During the clean out period it is anticipated that agricultural vehicles and trailers, including slurry tankers will be used for the removal of poultry litter and wastewater.
- 80 The comparison of the current lay farm and proposed rearing farm predict that the future number of vehicle movements will be reduced for both HGVs and cars.
- 81 During the construction phase it is anticipated that the following vehicles will access the site:
- 48 artic lorry deliveries.

- Approximately 80 concrete delivery loads per shed – the most frequent vehicle movements, but over a seven-week period occurring 4 times over (four poultry sheds on site).
- All other vehicle movements will be small vans / two axle lorries.

82 Transportation and Development are content that the appraisal of the traffic impact of the proposal at both construction and operational stage is reasonable. The existing vehicle accesses will be upgraded and improved, however more details are required, including for visibility splays. This can be controlled by condition (conditions 13 and 15). A construction traffic management plan will also be required due to the nature of the local road network, so that the construction traffic can be directed along appropriate roads. This can be controlled by condition (condition 11).

Drainage and Flooding

Flooding

83 A review of fluvial and pluvial flooding reveals that the proposed site is not at risk of flooding from either source.

Surface Water Drainage

84 A drainage impact assessment includes greenfield runoff calculations and MicroDrainage modelling output. The proposed drainage layout sees runoff from hardstanding areas collected by filter drains and directed to an attenuation basin and subsequent discharge to the Millen Burn through a manmade ditch. Discharge will be controlled to the greenfield runoff rate using a hydrobrake.

Foul Drainage

85 Foul water to be treated using Graf One2Clean 2x4800l Wastewater Treatment System before discharging to the sites detention basin.

Groundwater Contamination

86 The requirements of the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) Code will be followed to reduce pollution risk from manure. All wash water will be collected in tanks within each shed and removed from site by slurry tanker following the PEPFAA Code.

87 Overall, Structures and Flooding have not raised any concerns over the potential for flooding and/or drainage implications associated with the proposed development. The proposal is therefore considered to comply with LDP2 Policies 52 and 53.

Water Supply

88 Concerns were raised in the public consultation regarding potential reduction in the local water supply as a result of the proposed development. In terms of the supply to the site, it is mains connected and Scottish Water have confirmed there

is sufficient capacity in the Turret Water Treatment Works. In addition, as an existing poultry facility there is existing infrastructure which will be reused where possible. The submission confirms best practice and steps to minimise water use, such as non-leaking drinking systems (e.g. nipple drinkers) will be used with water consumption checked daily. Water tanks will provide a backup supply and can be filled at times of low demand.

Natural Heritage and Biodiversity

- 89 LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. Although no ecological information supports the application, it is not deemed necessary as the proposed development will be on cropped agricultural land and offers negligible value to biodiversity.

Breeding Birds

- 90 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 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 and an informative is recommended.

Biodiversity Enhancement

- 91 Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. In this respect planting a new hedgerow of mixed native species and additional tree planting, extending around the edge of the red line site boundary, would result in biodiversity enhancement. However, a detailed landscaping plan and planting schedule will be required indicating: species, location, tree stock size, type, planting spec, maintenance, vermin and weed control.
- 92 It is accepted that the proposal complies with LDP2 Policy 41 subject to conditions 19-20.

Prime Agricultural Land

- 93 The land is designated as Class 3.1 "*Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range.*"
- 94 Policy 50 of LDP2 sets out that development out with settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land. It further specifies that small scale development directly linked to rural business may be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and it does not adversely affect the viability of the agricultural unit.

- 95 All land surrounding the site is identified as Class 3.1, therefore, there is no other suitable non-prime land adjoining the site which could be considered as an alternative extension area. The reasons for selecting the location are clearly set out in supporting documents and considered reasonable. The area of prime land proposed for development is considered small scale when compared to the extent of remaining prime land available in this location and the proposal is linked to an existing rural business at the location.
- 96 Thus, although prime agricultural land, the proposals can be justified via Policy 50. The additional land take is approximately 22,000sqm, which in the context of the remaining prime agricultural land, is minimal and there is no other suitable non-prime land available adjoining this existing business. Furthermore, taken the above into account, the proposal is a necessary repurposing of an existing business,
- 97 The NPF contains the similarly aligned Policy 5, that provides for development proposals on prime agricultural land where it is for '*...small-scale development directly linked to a rural business, farm or croft...*' where the layout and design of the proposal minimises the amount of protected land that is required.
- 98 Overall, the loss of this prime agricultural land has been limited and considered acceptable, when balanced against the wider benefits of the proposed development and as such complies with policy 50 of LDP2 and policy 5 of NPF4.

Archaeology

- 99 The site lies in a sensitive archaeological and landscape area, largely undeveloped. The applicant has submitted a Desk Based Archaeological Assessment which Perth and Kinross Heritage Trust (PKHT) have reviewed.
- 100 The Assessment identifies various archaeological assets out with the site that form part of a rich prehistoric landscape. Although most known assets were identified via arial photographs, PKHT agree with the assessment that there is potential for unknown buried remains within the site and recommend that an archaeological evaluation across 10% of the development area is undertaken in line Scottish Planning Policy (SPP) and recommend a condition for a programme of archaeological works be attached to any consent. Whilst the consultation response makes reference to SPP, which is no longer a material consideration, the recommended condition (condition 21) is still relevant to accord with Policy 7 Historic Assets and Places of NPF4 and LDP2 Policy 26B.

Developer Contributions

- 101 The site is out with any area where financial contributions towards roads infrastructure is required.

Economic Impact

- 102 This development will create employment opportunities for the local community and there will be a significant number of economic opportunities associated in terms of the construction period, haulage and the agricultural supply chain. As

such the impact of the proposal on the rural economy at this location is considered to be significantly positive.

VARIATION OF APPLICATION UNDER SECTION 32A

- 103 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 the SUDS to the north of the site and revise access arrangements to allow all proposed works to be contained within the red line site boundaries.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 104 None required.

DIRECTION BY SCOTTISH MINISTERS

- 105 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

- 106 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.

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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.

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. 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.
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.
13. 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.

Background Papers: One letter of representation

Contact Officer: Gillian Peebles

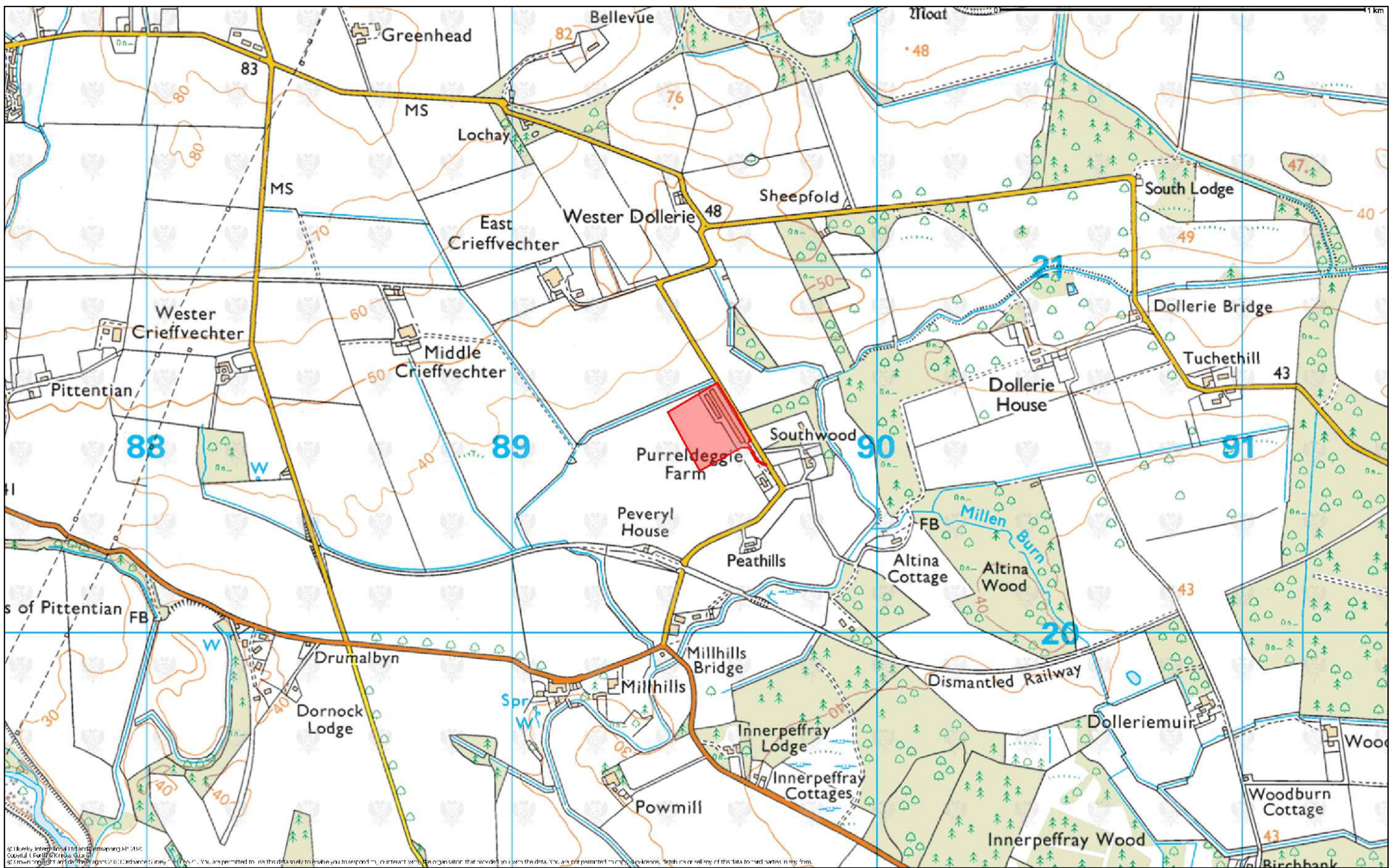
Date: 30 June 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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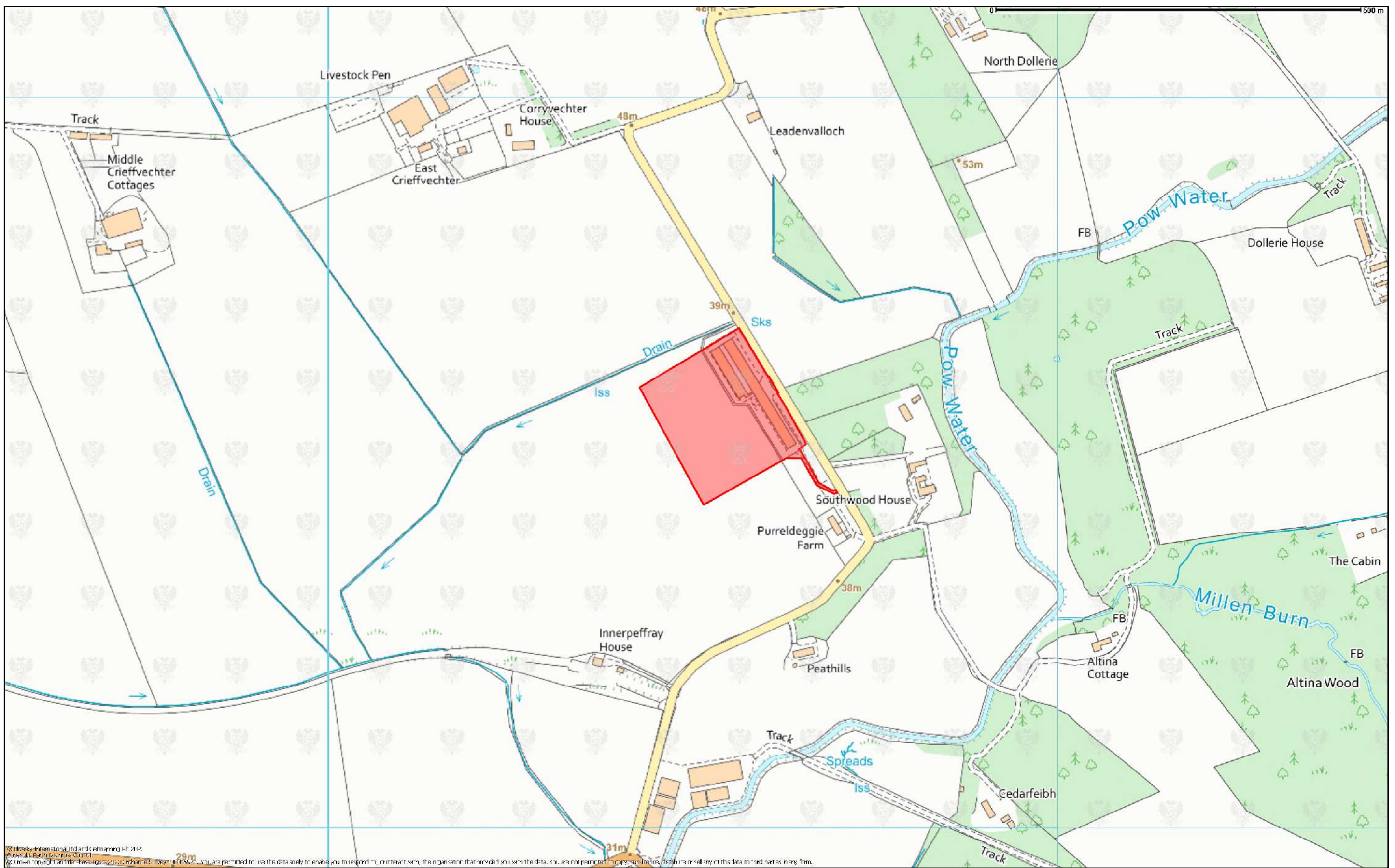
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Planning and Placemaking Committee - 12 July 2023
Scale 1:10000



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 on Land 200 Metres North West Of Innerpeffray, Crief





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Planning and Placemaking Committee - 12 July 2023
Scale 1:5000



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 on Land 200 Metres North West Of Innerpeffray, Crief



Perth and Kinross Council
Planning and Placemaking Committee – 12 July 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/209)

PROPOSAL: Erection of 3 dwellinghouses and associated landscaping and access
LOCATION: Wester Balgedie Farm, Wester Balgedie, Kinross, KY13 9HE

Ref. No: [22/00753/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 Planning permission is sought for the erection of three dwellinghouses on a site at Wester Balgedie, 3 miles to the east of Milnathort. The site extends to 0.58 (ha) (5840 sq m).
- 2 The site previously contained three agricultural buildings. A large steel portal frame building to the north west of the site has been demolished as has a smaller building to its east. These were deemed to be dangerous and were removed. A third building with masonry wall attached to a stone built steading is also proposed for removal. The demolition of the three buildings (in part retrospect) is subject to a separate application for Conservation Area Consent (22/00838/CON) due to the site being within the Wester Balgedie Conservation Area.
- 3 The site lies within the village boundary, as designated in the Perth and Kinross Local Development Plan 2 (2019) and is within the old 'ferm tou'. There is existing housing around the site to the northeast and southeast with farmland to the south and west. The site is within Wester Balgedie Conservation Area and within the Loch Leven and the Lomond Hills Local Landscape Area.
- 4 The proposal is for the erection of three dwellinghouses. The external finish is primarily black painted vertical timber cladding with zinc roofs. An area of "green roof" is also proposed. The houses all have a similar layout with accommodation over two levels with three bedrooms at first floor level and scope for a fourth bedroom on the ground floor. All have associated garages (5.7m wide by 5.3m deep) with home office accommodation at first floor level.

- 5 The site is accessed from Dryside Road via an existing agricultural access that also serves two residential properties. There is a right of way from the B919 (opposite the Balgedie Toll Tavern) that runs along the field boundary outwith the site and along the vehicular access to the front of the site north east to Dryside Road.
- 6 The site has a lengthy planning history. Planning permission for residential development was refused by Committee in 2008 (07/02325/FUL). An appeal to the DPEA was sisted whilst a revised application was considered. The revised application 09/00195/FUL was subsequently refused by Development Control Committee. The appeal against the earlier decision was eventually dismissed as agreement via a section 75 could not be reached with regard to provision of satisfactory drainage infrastructure.

Pre-Application Consultation

- 7 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

- 8 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

- 9 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.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 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 7: Historic Assets and Places
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 18: Infrastructure First

Perth and Kinross Local Development Plan 2 – Adopted November 2019

12 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

13 The principal policies are:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 28B: Demolition within Conservation Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 52: New Development and Flooding
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Conservation areas](#)

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 68 Design Statements

Creating Places 2013

- 16 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

- 17 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

- 18 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

- **07/01911/FUL** Full Planning Permission application was Withdrawn on 2 November 2007 for Erection of a dwellinghouse and associated works
- **07/02325/FUL** Full Planning Permission was Refused On 6 August 2008 for Proposed erection of 9 dwellinghouses, including 7 new-build houses, conversion and extension of 2 existing steading buildings and alterations and extension to existing farmhouse.
- **08/00484/FUL** Full Planning Permission was Refused On 1 July 2008 for Erection of a dwellinghouse and associated works
- **08/01927/FUL** Full Planning Permission application was Withdrawn On 19 November 2008 for Erection of dwellinghouse, drainage works and associated works
- **09/00195/FUL** Full Planning Permission was Refused On 24 June 2009 for Residential development including 6 new build houses, conversion and extension of two existing steadings and alteration and extension to existing farmhouse
- **09/00696/FLL** Full Planning Permission was Approved On 13 December 2010 for Erection of a dwellinghouse and associated works
- **09/01131/FLL** Full Planning Permission On 3 August 2009 for Erection of an agricultural shed for livestock use in retrospect
- **09/01487/FLL** Full Planning Permission was Approved On 26 November 2009 for Erection of an agricultural shed
- **22/00838/CON** On for Demolition of 3 agricultural buildings (in retrospect)
- **22/00954/CON** On 25 May 2022 for Complete demolition in a conservation area
- **22/01624/TW** was Approved On 17 October 2022 for Tree Works

CONSULTATIONS

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

External

Scottish Environment Protection Agency

20 No objection following submission of revised phosphorus mitigation calculations, which confirm the use of 'Kinshiell', Kinnesswood for sufficient phosphorous mitigation. Informatives should be attached in respect of the need to apply for a CAR licence from SEPA.

Scottish Water

21 No objection. There is no Scottish Water waste water infrastructure in the area. Private arrangements are required.

Internal

Development Plan

- 22 Policy advice given with regard to Development Plan policies 14A, 27 and 28, 39, 40 and 41.

Transportation And Development

- 23 No objection.

Development Contributions Officer

- 24 No developer contributions required.

Conservation

- 25 No objection following clarification of the proposed re-use of salvaged stone.

Perth And Kinross Heritage Trust

- 26 No objection. No heritage assets require to be recorded.

Environmental Health (Noise Odour)

- 27 No objection subject to plant noise condition.

Environmental Health (Contaminated Land)

- 28 No objection subject to contaminated land condition.

Community Waste Advisor - Environment Service

- 29 Consultation response awaited at time of report.

Representations

- 30 Eleven representations of objection were received. The main issues raised within the representations are:

- Contrary to Development Plan
- Visual amenity
- Out of character
- Inappropriate land use
- Light pollution
- Noise pollution
- No affordable housing
- Loss of open space

- Over intensive development
- Drainage
- Bin storage
- Traffic generation, parking and road safety
- Biodiversity
- Misleading supporting information

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

32 Thirteen representations were received in support of the proposal.

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	Drainage strategy 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, the Perth and Kinross Local Development Plan 2019, and statutory supplementary planning guidance.

34 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 compliance with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

35 NPF4 generally seeks to ensure that development is focussed within towns and cities but acknowledges the need to sustain rural economies while protecting the countryside where it genuinely contributes to the policy outcomes. However, suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

- 36 This principle is also evident in Perth and Kinross Local Development Plan 2019 (LDP2), which generally seeks to direct development to sites within settlement boundaries with Policy 17 Residential Areas encouraging development inside settlement boundaries where existing residential amenity will be protected and where possible improved. The policy requires development to be compatible with the amenity and character of the area and to fall within one or more of a number of categories including c) that supports proposals which will improve the character and environment of the area of village.
- 37 Policy 14A of LDP2, Open Space Retention and Provision, is also relevant. This requires that areas of open space be protected except in limited circumstances. The proposed development will result in the loss of a small amount of open space between the former farm buildings and the A911 in order to provide the necessary drainage infrastructure, albeit that land is not useable open space for the community, and has historically been grassed land associated with the farm. The vast majority of it would however remain.
- 38 In Local Development Plan 2 Wester Balgedie settlement area was drawn tightly to restrict over development particularly given the conservation area covering the area of the development and surrounding buildings. The open space shown on the settlement map supports this, helping preserve the rural nature of the settlement, and protecting the village from overdevelopment. LDP2 however specifically encourages the redevelopment or conservation of the farm buildings subject to appropriate design and layout. The farm buildings have been demolished leaving redevelopment here appropriate providing the design and layout are suitable.
- 39 Policy 14A provides for an exception to the protection of open space where: “ the proposed development involves a minor part of the site which would not affect its continued use as a recreation or [as relevant here] amenity resource.” The intrusion of the development is a minor incursion into the open space designation and does not significantly impact on its function.

Design and Layout

- 40 Policies 1A and B of LDP2 Placemaking and Policy 14, Design, Quality and Place, of NPF4 require the design and scale of development to respect its surroundings and to deliver well designed development.
- 41 The proposed buildings are located on a site previously occupied by substantial agricultural buildings. The new houses are set below the ridge line of the existing farm house and are stepped down across the site from the north east to the south west. The development proposed is of a linear long house form with ancillary garage buildings set at a different angles, and staggered, to break up the massing of the development. There are large areas of glazing most notably on the southwest facing gables.

- 42 The external wall finishes are of black painted timber cladding with dark grey/black zinc roof. There is also an area of “green roof”. Some salvaged stone from buildings and walls demolished on site will be used in the landscaping.
- 43 The proposed development is considered to be a good fit for the site, with appropriately scale and detailing to complement the agricultural setting and character at this location and therefore accord with Policies 1A and B and Policy 14 of NPF4.

Landscape

- 44 Policy 39 of the LDP2 requires the landscape character of the area to be respected and to not erode local distinctiveness, diversity and quality. Policy 4(a), Natural Places, of NPF4 is also applicable and seeks to ensure that the development does not have an unacceptable impact on the natural environment.
- 45 The site sits within the Loch Leven and Lomond Hills Local Landscape Area. The designation is intended to ensure that the landscape experience of the loch and hills are not adversely affected by new development. The new buildings will impact to some degree on the views of Bishop Hill on the approach from the A919 and less so on the approach from the west on the A911. However the mass of the buildings themselves do not intrude significantly to impact on the general rural nature of the area given other two storey more traditional buildings in the area. The black and metal proposed is a contrast to the surrounding buildings and an improvement on the pre-existing structures. The dark, recessive tone will be less visible in the landscape and from longer views of the site.

Residential Amenity

- 46 Policy 17 of LDP2 requires developments to protect or, where possible, improve residential amenity. The site has been derelict for a number of years and the proposal will improve the amenity of the area. Whilst there may be some noise and disturbance during construction this is limited and it would not be appropriate to control this by condition for what is a relatively small scale development.
- 47 There are other residential properties to the north east and south east of the site, the Round Yard being around 20 metres away across the access track. The distance and orientation of the new development mean that there will not be any impact on existing residential amenity terms of overlooking or overshadowing. The three new dwellinghouses run parallel to each other and whilst window to boundary distances on the side elevations are less than the 9 metres generally recommended the placing of windows and intervening walling will mean that there will not be any impact from overlooking. Each property also has an area of private amenity space.
- 48 Environmental Health has commented in terms of proposed air source heat pumps. As these are domestic sized units noise levels should not exceed WHO recommended levels. However it is recommended that a condition be attached to protect residential amenity (Condition 10).

Visual Amenity

- 49 A derelict site is being brought back into use which will improve visual amenity. The scale, massing and material finish of the buildings is considered appropriate in terms of visual impact. Letters of representation have expressed concern about the large windows proposed that may impact on the rural unlit nature of the area particularly in winter evenings however this impact is likely to be limited by the residents' desire for privacy at night and visual impact is expected to be limited.

Roads and Access

- 50 The plans initially submitted did not show the vehicle accesses into the plots proposed, nor did they show any car parking on site for any delivery vehicles or access for service vehicles to reach the waste treatment plant. It is also noted that the applicant has not shown the redline boundary to the public road network.
- 51 Following discussions with the agent a plan showing parking was submitted. The applicant has advised that works to the private access track will be minimal. Transport Planning has no objection to the additional three houses that will be accessing the roads network.
- 52 It is noted that an asserted right of way to the Balgedie Toll runs along the shared access. An informative note will be added to highlight the importance of retaining public access along this route (Informative 6).

Drainage and Flooding

- 53 Policy 53B of the LDP2 states that settlements where there is limited or no public sewerage system, a private system may be permitted provided it does not have an adverse effect on the natural and built environment, surrounding uses and amenity of the area. A private system is required in this instance. This site is also within the Loch Leven Catchment where policies 46A and 46B of the LDP2 applies. These policies require the implementation of mitigation measures capable of removing 125% of phosphorus likely to be generated by the development from the catchment. All applicants are required to submit details of the proposed method of drainage, and details of phosphorus mitigation.
- 54 An initial drainage strategy and mitigation proposal, had not been agreed by all necessary parties, as such a revised solution required to be tabled. SEPA has been re-consulted on the proposal and has no objection subject to conditions to ensure that the drainage arrangements are installed and retained to remove phosphorus from the Loch Leven Catchment Area. Conditions to ensure compliance with policy 46A and B will be applied (Conditions 3 and 4).

Waste Collection

- 55 Space for waste collection and recycling are included in the development. An informative note will be added to highlight the importance of liaising with PKC Waste

Management regarding arrangements for waste and recycling arrangements in the area (Informative 7).

Conservation Considerations

- 56 The site is within the Wester Balgedie Conservation Area. Policy 28 of LDP2 requires proposals involving the demolition and replacement of buildings within a conservation area to enhance or preserve the character of the area. In this case it is concluded that the scale and siting of the proposed residential development protects the character of the conservation area. The reasoning for this relates to the scale and form of the development, in comparison to that which existed previously, together with the quality of the design and materials being proposed. A condition (Condition 5) will be added to confirm details of hard and soft landscaping. As the site is within the Conservation Area any additional sheds, boundary features or domestic garden features will require planning permission. This will ensure that domestic development within the curtilage of the site is controlled and the rural character of the setting will be preserved.
- 57 Policy 27 Listed Buildings of the LDP2 requires that the design of any development that affects a listed building or its setting should be appropriate to the listed building's character, appearance and setting. The proposal to re-develop the site will improve the appearance of the site and not impact on the setting of the C listed farmhouse building to the east.

Natural Heritage and Biodiversity

- 58 There are two mature trees indicated on the plans to the south east of the site. These are identified as being retained. A condition will be attached to ensure that these trees are protected during construction (Condition 7). As the site is within the Wester Balgedie Conservation Area the Council would need to be notified if any work was proposed to the existing trees.
- 59 The existing derelict site has limited biodiversity value. A small green roof area has been provided as an enhancement to biodiversity. The landscaping plan (Condition 5) will provide an opportunity to detail enhancement of biodiversity. An informative note highlighting the Planning for Nature guidance will be added (Informative 8).

Embedding Low and Zero Carbon Generating Technology

- 60 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 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 (Condition 9).

Developer Contributions

Primary Education/Affordable Housing

- 61 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.
- 62 This proposal is within the catchment of Portmoak Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required.
- 63 There is no requirement for the provision of affordable housing on this site due to the small scale of the proposal being less than 5 units.

Contaminated Land

- 64 Potentially there are a range of contaminants that could be present in agricultural land. This is particularly true of areas used as farmyards which may have contained a variety of buildings that have been put to a number of uses. Aside from the likely presence of made ground any number of chemicals could have been used and potentially leaked or been spilled. The risks associated with this remain difficult to quantify until there has been some form of sampling and chemical analysis of the soils contained within the development area. This will help determine the suitability of the site for the proposed development and whether any measures are needed to mitigate against any risks that have been identified.
- 65 A condition is recommended to ensure that any contamination on the site is identified and appropriately mitigated (Condition 8).

Economic Impact

- 66 Any economic impact will be focused at the construction phase of development.

Supporting Information

- 67 Letters of representations have raised concerns that some of the supporting information submitted with the application is misleading. The supporting information is open to interpretation and does understandably give a positive slant to the proposal. The Planning Authority's assessment is based on current Development Plan policies and has not been unduly influenced by everything presented in the supporting documents.

VARIATION OF APPLICATION UNDER SECTION 32A

- 68 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.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 69 None required.

DIRECTION BY SCOTTISH MINISTERS

- 70 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

- 71 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.
- 72 Accordingly the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application.

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 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.

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 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.

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.

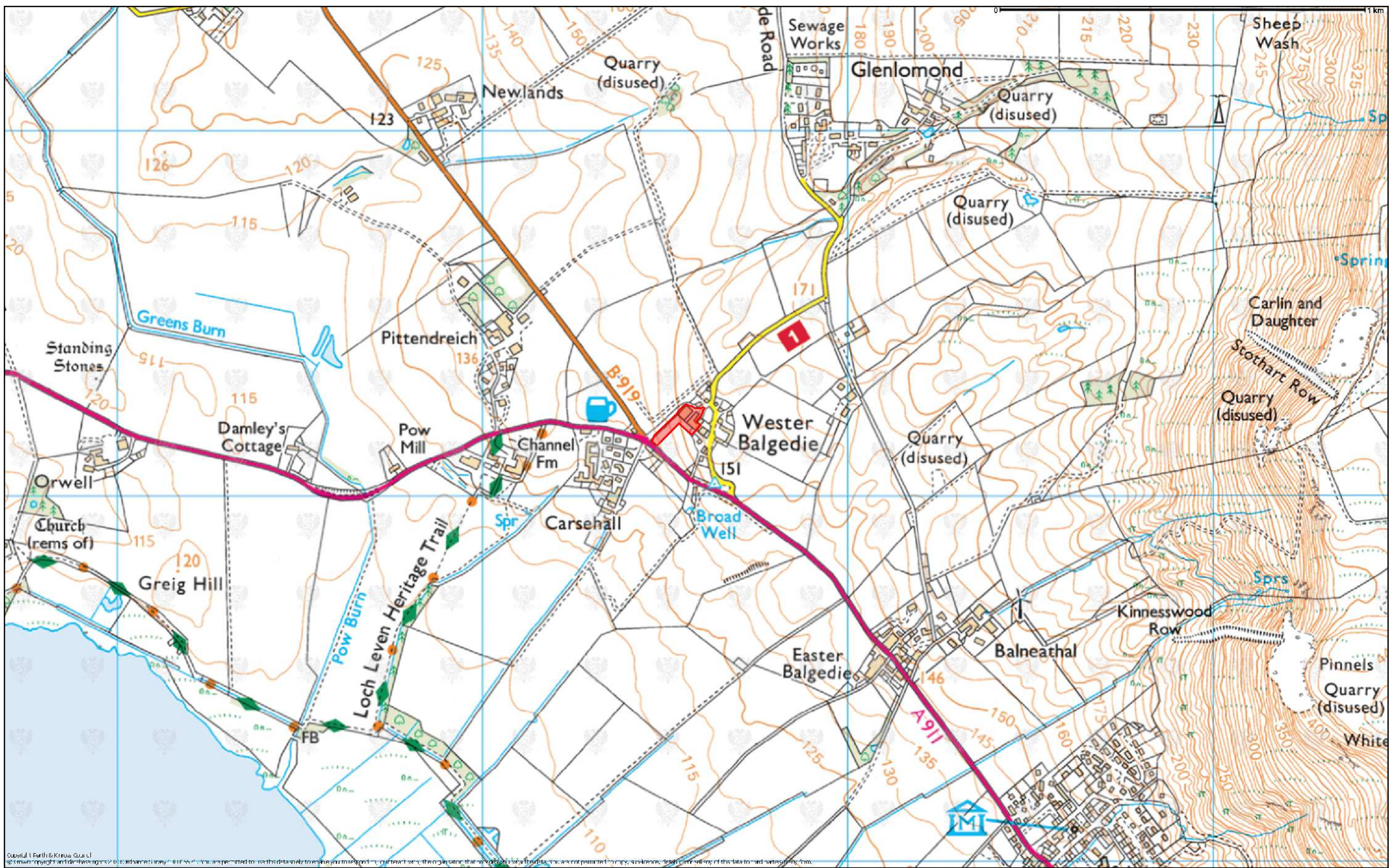
Background Papers: 25 letters of representation
Date: 30 June 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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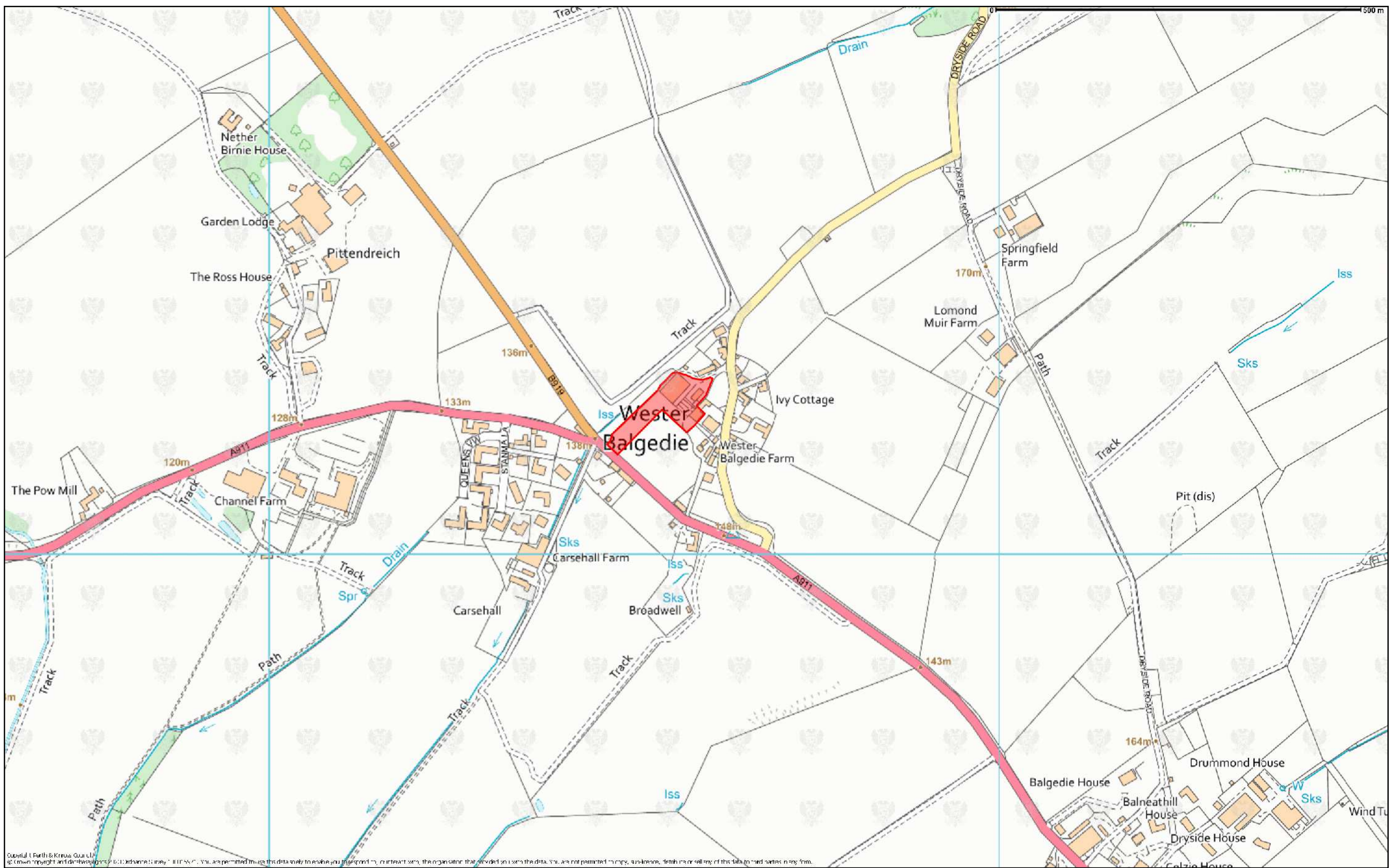
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Planning and Placemaking Committee - 12 July 2023
Scale 1:10000



22/00753/FLL
Erection of 3 dwellinghouse and associated landscaping and access Wester Balgedie Farm Wester Balgedie Kinross KY13 9HE





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Planning and Placemaking Committee - 12 July 2023
Scale 1:5000



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