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Council Building
2 High Street
Perth
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10/08/2022

A hybrid meeting of **Pre-Determination Committee** will be held in **the Council Chambers (Hybrid)** on **Wednesday, 17 August 2022** at **11:00**.

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:

Provost X McDade
All Councillors

Pre-Determination Committee

Wednesday, 17 August 2022

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

2 DECLARATIONS OF INTEREST

3 **21/01855/IPM - MIXED USE DEVELOPMENT COMPRISING MUSEUM (INCLUDING ANCILLARY SHOP AND CAFÉ), HOTEL AND HOLIDAY LODGE ACCOMMODATION (INCLUDING ANCILLARY SHOP AND CAFÉ FUNCTIONS), COMPLEMENTARY RETAIL AND ASSOCIATED ACCESS, PARKING, PUBLIC REALM, OPEN SPACE AND LANDSCAPING WORKS (IN PRINCIPLE) (LDP SITE RT1), CALEDONIAN HOUSE AND LAND AT WEST KINFAUNS, KINFAUNS HOLDINGS, WEST KINFAUNS** 5 - 42
Report by Head of Planning and Development (copy herewith 22/185 (REVISED))

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PERTH AND KINROSS COUNCIL

17 August 2022

APPLICATION FOR PLANNING PERMISSION 21/01855/IPM

**Report by Head of Planning and Development
(Report No. 22/185 (REVISED))**

| | |
|------------------|---|
| PROPOSAL: | Mixed use development comprising museum (including ancillary shop and café), hotel and holiday lodge accommodation (including ancillary shop and café functions), complementary retail and associated access, parking, public realm, open space and landscaping works (in principle) (LDP site RT1) |
| LOCATION: | Caledonian House and land at West Kinfauns, Kinfauns Holdings, West Kinfauns |

Ref. No: 21/01855/IPM

Ward No: P1- Carse of Gowrie

Summary

This report recommends approval of an application for Planning Permission in Principle for a major mixed used development comprising: a hotel, museum, retail services, holiday chalets and the associated access, services and parking; subject to conditions and a Section 75 legal agreement to secure the transfer of land to the Council for the delivery of an optional 'park and choose' transport hub within part of the site. The development is acknowledged to be a significant departure from the adopted Local Development Plan (LDP) and therefore requires Full Council approval. However, it is considered that there are material planning considerations which justify a departure from the development plan, notably the economic benefits for the Perth and Kinross area. It is recommended that the extent of the retail floorspace that can be provided as part of the development be restricted to ensure it is proportionate and reflective of the extent of the proposed tourism offer; and that the site does not in itself become a significant retail destination. This restriction is necessary to limit the impact on Perth city centre and other identified retail centres, as well as reducing retail only trips to the site.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, known as 'West Kinfauns', is situated some 10.8 hectares (ha) and approximately 2 miles southeast of Perth City Centre. Indicative plans show vehicular access off both the A85(T) and the Kinfauns Holdings Road (U202), with the M90/Friarton Bridge further west. The small settlement of Walnut Grove is just to the east, Kinnoull Hill is further north and the River Tay to the south. In terms of land designations within the LDP, the

site can be broken into three main sections: 1) the southern and westernmost parts, occupying ground primarily between the River Tay and existing built development onsite being designated as open space; 2) employment safeguarded land, located within the northeast part occupying ground surrounding existing built development onsite; and 3) land designated as for the purposes of establishing a park and choose transport hub (designated RT1). This is positioned at the western part bordering Dundee Road, occupying an area approximately 1.8 ha in size.

- 2 The site comprises a large undeveloped field, bounded to the north by mature vegetation and the public road network. The only building is 'Caledonian House', which provides offices over two floors and sees parking, with a vehicle access off the Kinfauns Holdings U202 Road to the north. This building is to be retained and is not indicated to be affected by the proposals.
- 3 Planning Permission in Principle is sought for a mixed-use development, although no detailed designs are submitted for assessment. The development is classified as being Major in the hierarchy of development regulations. The proposed quantum of uses is:
 - a) A hotel, of 120 to 150 rooms;
 - b) Up to 52 holiday chalets;
 - c) A transport museum and associated workshop (c.5,500 square metres in floor area (m²);
 - d) Complementary retail and support services, up to 1,000m²,* (*to be contained within and appear part of the museum and workshop building). The total size of that building thus being c.6,500m²,
 - e) Associated works including services, drainage works, access, parking and landscaping.
- 4 The 'park and choose' transport hub has Planning Permission (Reference 18/02232/FLM). However, it does not form part of this application. To provide a future opportunity for the Council to deliver this infrastructure, a Section 75 planning obligation is recommended by the Council's Transport Planning Team to require an area of land to be set aside by the developer for this use. The proposed 'park and choose' transport hub comprises a public carpark with capacity for approximately 100 vehicles, including bus shelter and bus turning facilities, and electric vehicle (EV) charge points. This provision is not considered in further detail in this report. At this time, the Council has only agreed to prepare a business case and the project is not included in the current capital programme.
- 5 A pre-determination hearing in respect of this application is required, in accordance with Section 7 of the Town and Country Planning (Scotland) Act 1997 as amended and Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Regulation 27 provides that "*before determining an application for planning permission for a major development which is significantly contrary to the development plan, the planning authority are to give to the applicant and to persons who submit representations to the planning authority in respect of that application, an opportunity of appearing before and being heard by a*

committee of the authority.” A pre-determination hearing has been set to immediately precede the Council meeting of 17 August 2022.

Pre-Application Consultation

- 6 20/00542/PREAPP. Pre-application advice was provided by officers on 16 November 2020, in relation to a mixed-use development including; support functions for longer stay accommodation and potential Spa style facilities; log cabins for longer stay, larger groups – 5 days plus; a museum and supporting services including complementary retail floorspace; and a potential and Park & Ride facility.
- 7 The applicant has carried out formal pre-application consultation (PAC) in accordance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and the relevant provisions of the Town and Country Planning (Scotland) Act 1997 (as amended). A PAC report was submitted with this application confirming the completion of a digital public event on 16 March 2021. This event was advertised in the Courier and by leaflet drop. 16 responses were received with concerns raised including traffic congestion and road safety, the overall scale and size of the development and a lack of active travel details. No specific concerns were raised regarding the museum or retail options presented.

National Policy and Guidance

National Planning Framework 2014 (NPF)

- 8 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government’s Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and planning decisions, as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP)

- 9 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers’ priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to the:
 - preparation of development plans;
 - design of development, from initial concept through to delivery; and
 - determination of planning applications and appeals.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57

- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 271.

Planning Advice Notes

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

- PAN 40: Development Management
- PAN 51: Planning, Environmental Protection and Regulation
- PAN 61: Planning and Sustainable Urban Drainage Systems
- PAN 65: Planning and Open Space
- PAN 68: Design Statements
- PAN 69: Planning and Building standards Advice on Flooding
- PAN 75: Planning for Transport
- PAN 77: Designing Safer Places
- PAN 79: Water and Drainage
- PAN 84: Reducing Carbon Emissions in New Development
- PAN 1/2013: Environmental Impact Assessment

TAYplan Strategic Development Plan 2016-2036

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

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

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: A First Choice for Investment
- Policy 5: Town Centres First
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2

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

policy and is augmented by Supplementary Guidance. The following key policies are applicable to the assessment of this application:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1C: Placemaking
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 7A: Employment and Mixed-Use Areas: Business and Industrial
- Policy 9B: Caravan Sites, Chalets & Timeshare Developments: New and Expanded Touring Caravan, Motorhome/ Campervan, and Camping Sites
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B; Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 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 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

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

Supplementary Guidance

- 17 The following supplementary guidance is of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2020
 - Air Quality and Planning Supplementary Guidance March 2020
 - Flood Risk and Flood Risk Assessments Supplementary Guidance Adopted March 2021

- Delivering Zero Waste Supplementary Guidance, January 2020
- Landscape Supplementary Guidance 2020
- Open Space Provision for New Developments Supplementary Guidance Adopted March 2021
- Placemaking Supplementary Guidance, Adopted March 2020
- A guide to Incorporating Biodiversity into Development, Adopted April 2022
- River Tay Special Area of Conservation (SAC) Advice to developers when considering new projects which could affect the River Tay Special Area of Conservation (2020)

Other Material Considerations

- 18 [Getting the Right Change: A Retail Strategy for Scotland](#) – March 2022
- 19 [Scotland's National Strategy for Economic Transformation](#): Published 1 March 2022

Site History

- 20 [15/01808/FLM](#) On 19 February 2015, detailed Planning Permission was approved, having been sought by the Council, for the formation of a 'park and choose' facility, related access road, landscaping and associated works.
- 21 [18/02232/FLM](#) on 11 March 2020, planning permission was granted (under Section 42 of the Town and Country Planning (Scotland) Act 1997) to modify Condition 13 of Planning Permission 15/01808/FLM to allow the delivery of construction materials for that development on Saturdays between 0800 and 1300 hours.
- 22 [21/00001/PAN](#). A 'Proposal of Application Notice' was submitted on 11 February 2021 for a mixed-use development comprising hotel, museum, holiday accommodation, retail and potential park and ride facility. A report setting out the details of the PAN was presented to the Planning and Development Management Committee on the 9 March 2021.
- 23 [21/00684/SCOP](#). An EIA (Environmental Impact Assessment) Scoping Opinion was issued by the Council on 20 May 2021, which confirmed the details required to be included in the Environmental Impact Assessment Report for the development set out in the subject application.

CONSULTATIONS

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

External Consultees:

- 24 **Scottish Water:** No objection. Developer to contact Scottish Water to confirm connection details.
- 25 **Transport Scotland:** No objection, subject to conditions. Following the request for additional information, including the completion of a Stage 1 Road Safety Audit (being a review of existing infrastructure audit and analysis of traffic / road accident data for that location) by the applicant, a position of agreement has been reached to permit the application subject to conditions. In this case, conditions are recommended to: limit the scale of any retail development onsite; secure a construction traffic management plan; agree design details regarding the new A85 Trunk Road site access; secure a signage strategy; secure a travel plan to reduce private motor vehicle use at the site; secure an external lighting scheme; the managing of stormwater and dirt or debris on the road network; the provision of a barrier at the site boundary where it adjoins the trunk road and that construction material delivery to be sheeted. (Conditions 2, 7, 8, 18, 20, 25 - 29, 34 and 35).
- 26 **Network Rail:** No objection in principle, subject to conditions on; fencing, construction method statement, drainage, landscaping and a noise impact assessment. Informative notes are also suggested for lighting and construction limitations. (Conditions 8, 9, 12, 14 and 23).
- 27 **NatureScot:** No objection, provided mitigation options including a construction environmental management plan and the provision of sewer/SUDS systems are in place to protect the River Tay Special Area of Conservation. (Conditions 6, 8, 11 and 12).
- 28 **Historic Environment Scotland:** No objection. No comments to note.
- 29 **Perth and Kinross Heritage Trust:** No objection, subject to a condition requiring archaeological evaluation and related informative notes. (Condition 19).
- 30 **Scottish Environment Protection Agency:** No objection. No Comments to note.
- 31 **West Carse Community Council:** Object. Consider that there would be adverse transport impacts, road safety implications, the proposals are of an inappropriate scale and character for the area, the chalet layout is too dense, and the height of buildings (hotel) is too high.
- 32 **Dundee City Council:** No objection. No comment to note.

Internal Consultees

- 33 **Environmental Health (Noise / Odour):** No objection, subject to conditions on: construction noise, noise from operational deliveries and servicing, odour from cafes / kitchen facilities, and any external lighting. (Conditions 12, 13, 15 - 17).

- 34 **Transport Planning:** No objection, subject to conditions related to, a signage strategy, parking standards, EV charging details, updating trip rate forecasts and the provision of a footway along Kinfauns Holdings. (Conditions 29 – 33).
- 35 **Development Plan Team:** Object, consider the proposals are contrary to Policies 7, 9, 13 and 14 of the LDP2.
- 36 **Community Greenspace:** No objection, subject to conditions requiring an agreed active travel plan and landscape details, confirming planting of public open spaces, including the existing core path within the site. (Conditions 8, 21 and 22).
- 37 **Structures and Flooding:** No objection, subject to a condition requiring a SUDs drainage scheme. (Condition 6).
- 38 **Development Contributions Officer:** No objection, subject to a condition to secure developer contributions towards transport infrastructure. (Condition 20). For clarity, as the optional “park and choose” transport hub discussed throughout this report does not form part of this application, contributions directly towards its construction cannot be secured via condition.
- 39 **Biodiversity/Tree Officer:** No Objection, following a request for additional information on the completion of an ecological survey, general agreement on biodiversity / landscape principles to be incorporated into the design, as well as confirmation that conditions are applied in relation to these matters and for the control of any construction impacts. (Conditions 8 - 12).
- 40 **Economic Development:** No objection, comments provided to inform this report.
- 41 **Commercial Waste Team:** No objection, subject to a condition requiring a Waste Management Plan and or details/location of bin storage and collection points. (Condition 24).

Representations

- 42 14 objections were received. Concerns are summarised as follows:
- Visual impacts: visual amenity / landscape quality
 - Overdevelopment and impacts on character of the area
 - Loss of open space
 - Noise
 - Flooding and drainage
 - Road safety and traffic congestion
 - Over provision of vehicle parking / dependence on private vehicle use
 - Impacts on quality of life to residents
 - Impacts on ecology and biodiversity
 - Loss of employment land

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

ADDITIONAL STATEMENTS

| | |
|--|---|
| Screening Opinion | EIA Required |
| Environmental Impact Assessment (EIA): Environmental Report | Submitted |
| Appropriate Assessment | Habitats Regulations Appraisal (completed/ AA Completed/ AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Submitted/Not Required |

POLICY APPRAISAL

The Scottish Planning Policy 2014 (SSP)

Sustainability / Placemaking

- 43 SPP promotes high quality successful, sustainable, naturally resilient, connected, and low carbon places. The outcome of development should be sustainable, well-designed places which meet people's needs. Development should also be guided by the optimisation of resources, the use of land within, and adjacent to, settlements and locations where investment in growth or improvement would have the most benefit for the amenity of the local people. In this regard, the development proposed is located within a settlement boundary and the site offers a mix of features that make it attractive as a location for a tourism focused development. This includes: the proximity to Perth City Centre, the opportunity to reroute bus services via the site, which is identified in LDP2, the proposals to include a transport hub, as well as nearby national cycle routes which could be enhanced by new facilities through the site and along the River Tay. A key component of the proposals is seen as the retention and improvement of the existing Core Path (WCAR/119) and, in turn, the integration of the existing and new path network onsite.
- 44 In terms of supporting business and employment, the planning system should promote development that increase economic activity whilst safeguarding the natural and built environment. In addition, due weight should be given to net economic benefits of proposed development. In the case of this assessment, and as is expanded upon below, greater weight has been afforded to the economic benefits of this proposal against negative impacts on amenity and placemaking. Conditions 8 - 12 have been recommended to avoid and mitigate impacts on the natural environment. It is considered that appropriate regard has been given to the economic benefits in this case.

Managing Flood Risk and Drainage

- 45 Principally, a precautionary approach to flood risk from all sources is adopted, taking account of the predicted effects of climate change. In this case, the development is not located within an identified active flood plain area and, as such, risks from flooding are low. Whilst surface water is to be managed onsite, via a SUDs scheme, the Council's Flood Risk Officer has no specific concerns. Condition 6 has been recommended to ensure the Council retains control over design of the SUDs system.

Active Travel

- 46 The planning system should support patterns of development which; optimise the use of existing infrastructure, reduce the need to travel, provide safe and convenient opportunities for walking and cycling for both active travel and recreation, and facilitate travel by public transport, as well as enabling the integration of transport modes. In these regards, the development proposed supports active travel through the retention and enhancement of a core path and wider cycle networks. Opportunity exists to promote public transport to, and from the site, through the rerouting of bus services, which may be enhanced further by a 'park and choose' facility. The development, as a tourism offer, is considered to actively promote transport and active travel. Although a draft Active Travel Plan (ATP) has been submitted, Condition 21 requires updated and a detailed ATP to be approved. Condition 26 seeks that the applicant provide further analysis on ways to reduce the reliance of private motor vehicle dependency to the development.

Retail Strategy for Scotland: March 2022

- 47 The 'Place Principle' adopted in this recent Scottish Government publication is one where people, location and resources combine to create a sense of identity and purpose and is at the heart of addressing the needs and realising the full potential of communities. Creating communities and places people want to visit, live and shop in is seen as vital to economic recovery – not only for retail, but for culture, hospitality and tourism. Where there are actions to support a strong local retail and cultural destinations, there will be opportunities for other businesses, such as hospitality and tourism, to capitalise on increased footfall. 20-minute neighbourhoods are designed to allow people to reach key amenities like shops, services and green spaces by walking, wheeling, cycling or using public transport. This development offers the opportunity to create a cultural destination focused on the Motor Museum, near to Perth City Centre, supported by tourist accommodation along with complementary and associated retail services which aligns with this policy.
- 48 Concern is raised by neighbours and the community council that the scale of the development is too large for this location and that there will be resulting traffic safety impacts as well as general impacts on local amenity. Regarding amenity, it is accepted that the open nature of this site will result in visual change. However, it is considered that the impact of this can be mitigated through conditions controlling design, scale, size, and landscaping. This is discussed in more detail below. It is also noted that, as an 'in principle'

application, the Council is unable to control, beyond which 'use class' is permitted, which operators will occupy each aspect of the development. The applicant has sought to confirm the types of retail anticipated for this location, and it is their intention to support tourism and office activities on site, such as a cafe, restaurant, bakery, cycle repair shop, and small ancillary stores. To ensure that large scale retail services do not encroach into this development in the future, a condition is recommended limiting the scale of each unit to no more than 200m², and a total retail floorspace to 750m². (Conditions 1 and 2). By comparison, the typical local convenience store usually occupies 300m².

National Strategy for Economic Transformation: March 2022

- 49 The Scottish Government launched its National Strategy for Economic Transformation earlier this year, with the aim of creating a well-being economy: a society that is thriving across economic, social, and environmental dimensions, and that delivers prosperity for all Scotland's people and places. They aim to achieve this while respecting environmental limits embodied by climate and nature targets. Whilst creating this vision to increase investment and increase productivity, there is the reality of severe pressure on businesses in the past two years and a particularly difficult environment for the tourism industry. According to the Scottish Tourism Emergency Response Group, Scottish tourism is facing its biggest challenge ever. The proposals in this application look to respond to this challenge and address the vision to enhance economic activities in the area. The project proposal seeks to attract inward investment, create new job opportunities, encourage economic investment in rural areas, and provide social and cultural benefits to residents and visitors. The submission also outlines the capacity to support significant construction jobs over three years. The impact of the construction cost is modelled at £32.2 million, which equates to 85 full-time equivalents (FTE) on and off-site construction jobs during the construction phase. The economic assessment suggests that 115 net additional FTE positions could be generated each year across the wider impact area during the construction period, inclusive of 65 jobs in the local area.

TAYplan Strategic Development Plan 2016-2036

Policy 1 Locational Priorities

- 50 Strategies, plans and programmes require to focus the majority of development towards settlements, followed by land along the edge of principle settlements. Where located outside of a principal settlement, the outcomes must meet the needs of the local community and not undermine regeneration of the cities. In this regard, the proposals are located at the edge of the settlement area of Perth and, therefore, should only be supported where it does not undermine existing regeneration and contributes to the outcomes of the plan. In principle, this means that the development should not seek to create suburbanisation of the countryside and unsustainable patterns of travel. In this case, the development, whilst of 'major' scale is indicated to continue to see large areas of open space, coupled with active travel paths and significant landscaping which will mitigate any perceived

urbanisation. Changes to bus routes and improved cycle networks would seek to promote active travel from the site, although it is noted that significant elements of the development seek to facilitate vehicle use, as expected in the peripheral location and nearby roads infrastructure. The climate impacts of this are to be reduced through encouraging less impactful modes of transport via: EV (Electric Vehicle) Charging points, along with a wider active travel plan to encourage other forms of travel once guests arrive. (Conditions 1, 2, 8, 21, 26, 31).

Policy 2 Shaping Better Quality Places

- 51 Better quality places should, by design, be; place led, promote health, be future ready and efficient in terms of resource consumption. In this case, the development in terms of the indicative layout and design seeks to focus large amounts of the built development within the northern section of the site, to minimise visual bulk in a landscape setting and enhances and preserves the natural open space towards the Tay. The development is not located within a flood plain area and, by design, will incorporate a SUDs scheme which both promotes resilience and open space. (Condition 6).

Policy 3 A First Choice for Investment

- 52 A first choice for investment means safeguarding 5 years' supply of employment land and further assisting with the growth of a year-round economy. The central part of the site, occupying land around the existing office building and parking area, is identified in LDP2 as safeguarded employment land. The existing office building and parking is to be retained, but part of that allocation is where the museum and supportive retail are proposed. Whilst these facilities promote employment opportunities, the uses proposed were not intended/planned at this allocation and as such they do not accord with Policy 3. The applicant is of the view that the land is currently underutilised, and the museum presents an opportunity for an alternative, yet compatible, use. However, there is no evidence that this land has been marketed for employment-based use and as such the basis for the land being underutilised cannot be verified. Notwithstanding, the development presents a significant investment opportunity for the Perth area and, whilst the development will result in the loss of some employment land (c.4 hectares), the proposed uses are, in this case, compatible with the overall development intentions for the site and would provide employment opportunities.

Policy 5 Town Centre First

- 53 The town centre first approach seeks to protect and enhance the vitality, viability and vibrancy of town centres. The Development Plan Team has objected on the basis that the scale of the retail element proposed in the application could adversely impact on and compete with Perth City Centre. However, the Council's Economic Development Team has considered these matters in more detail and, based on the size of the retail elements proposed, it is their view that that the use will primarily be from a localised catchment, specifically the hotel, holiday chalet and museum users. Having regard to any potential impacts on Perth Town Centre, the Economic Development Team

have also agreed with the conclusions of the Environmental Impact Assessment Report (EIAR) provided by the applicant. This states that “*should any retail offer be used in the future by retail outlets not directly linked to the primary use of the site as proposed, the hypothetical ‘worst-case’ scenario, even if 100% of the estimated turnover of the Proposed Scheme (£4.38 million, including Food and Beverage turnover) displaced Perth city centre turnover (£271million, not including Food and Beverage turnover), this would equate to an anticipated maximum impact of 1.6% on Perth city centre in 2026.* To further mitigate any potential impacts on Perth city centre and to restrict the proposed retail elements of this development to a proportionately reasonable size, ancillary to the primary use as proposed, condition 2 is recommended restricting the floor area of each unit to no more than 200 m² and a maximum total size of 750m².

Policy 6 Developer Contributions

- 54 To ensure suitable infrastructure is in place to facilitate new development, local development plans should set out a policy framework for seeking developer contributions. Condition 20 has been recommended to ensure appropriate contributions are provided with respect to transport infrastructure.

Policy 8 Green Networks

- 55 The development site is positioned within the TAYplan green network between Perth and Dundee. The development is not seeking to remove significant vegetation and has sought to provide a biodiversity strategy which sets out broad aims for the delivery of ecological values for this site. The development also further proposes enhancement of the existing core path by the Tay with further path connections.

Perth and Kinross Local Development Plan 2

- 56 The proposed development represents a significant departure from the Local Development Plan 2, being contrary to a number of individual policies, and the degree of departure from their intents. However, the application assessment concludes that, although contrary to these policies, material planning considerations, namely the economic benefits of the proposal, along with a number of recommended conditions to control design, layout, scale and landscaping, outweigh the development plan and justify a recommendation of approval.
- 57 The following key LDP policies are applicable and are considered in detail below.

Policy 1 Placemaking

- 58 (a) *Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*

- 59 Although no detailed design information has been submitted for consideration, the project is to be brought forward for development in a coordinated manner which will both create a destination identity to the site and afford safe access from the A85 Trunk Road and the Kinfauns Public Road. Conditions 25 - 35 have been recommended regarding road and transport safety matters, as well as EV charge points, trip generation and footpath construction.
- 60 *(b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- 61 In terms of design and layout, the applicant has considered those important views across the development site towards Kinnoull Hill from the south-west and approach over the M90 over bridge. This is discussed in paragraph 64 below. The greatest massing within the development relates to the hotel and the museum/retail building. Neither of these developments will skyline from any significant viewpoints and, although they will be visible on the approach towards the site, they will also be extensively backdropped against Kinnoull Hill and relate to the existing large office building. Conditions 1 – 6 are recommended to ensure the Council retains control over design, layout and location of any future development.
- 62 *(c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- 63 Although these matters are addressed through conditions 1 - 6, the applicant has incorporated some design considerations in terms of the proposed layout to seek to minimise visual bulk. These include the integration of the retail facilities to within the museum building and retaining this building within the northern most area, where it is contained from the settlement of Walnut Grove by established vegetation. Concern is raised by objectors at the scale of development, in particular the number and density of the accommodation lodges. Although the recommended conditions do not seek to reduce the number of lodges, limits regarding minimum separation distance between units and a separation from external boundaries has been recommended (Condition 4) to assist integration into the landscape. Notwithstanding, it is acknowledged that the application for this development is in principle only and the final design, density and layout can only be considered following submission of future applications.
- 64 *(d) An existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- 65 Many of the proposed buildings will be at the northern part of the site, thereby enhancing open space to the south by the Tay. This not only groups buildings to existing developed areas but also seeks to provide an opportunity for biodiversity, open space and path connections, particularly within the southern area.

- 66 *(e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- 67 An active travel plan has been provided and will be incorporated into the development. However, following detail design, conditions 21 and 26 are recommended to ensure that active travel and a reduced reliance on private motor vehicle travel to the site is reflected in the future vision for this development.
- 68 *(f) Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.*
- 69 Condition 5 is recommended to ensure the finalised design incorporates these values. This will ensure the Council retains some control and further consideration into the design.
- 70 *(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.*
- 71 The existing office building is to be retained and supported by the proposed development seeking to provide support services and further employment at this location.

Policy 7: Employment & Mixed-Use Areas

- 72 *(a) Proposals should not detract from the amenity of adjoining places, especially residential areas.*
- 73 In this respect, part of the site, including the existing office building, carpark and immediate surrounding space, is safeguarded for employment purposes. The retention of the existing office headquarters within the development as proposed, which offers considerable office space, meets the intention of the above objective. However, the museum and retail elements are also sited within this safeguarded area. Whilst the development presents an opportunity to diversify potential uses for this allocation, this proposal is a significant move away from the general employment opportunities anticipated in these areas. Policy 7 specifically states that retail, principally for visiting members of the public, should not be encouraged in these areas. Furthermore, museums generally fall under the 'Town Centre First' principle. However, the proposed museum is stated as being for motor vehicles and transport, and this requires space unlikely to be available in an urban area. Concerns have been raised by objectors that the development will detract from the amenity of Walnut Grove. However, whilst the scale of the development is significant, it is considered that concerns regarding amenity can be addressed by good design, and this is sought to be controlled through conditions 1, 2, 4 and 8. However, and notwithstanding this point, whilst there may be some impacts to existing amenity, these would not be to an extent that they could not be mitigated to an acceptable level. In addition, the economic benefits of the proposals are considered to justify those impacts identified.

- 74 *(b) The local road network and connections to the national road network must be suitable for the traffic generated by the proposals.*
- 75 *(c) There should be good walking, cycling and public transport links to new employment generating uses.*
- 76 An active travel plan has been submitted which demonstrates the capacity to connect into an existing core path. It is suggested that minor bus rerouting and improvements in links along the Tay would further enhance the delivery of active travel options to this location. Review of the ATP and Travel Plans will be required following detailed design and is sought through Conditions 21 and 26.
- 77 *(d) Proposals for retail uses in employment areas will not be acceptable unless they are ancillary to an acceptable use on the site.*
- 78 The development does not conform with this part of Policy 7 as the scale of retail proposed by this development is not considered ancillary to the museum or hotel use and must instead be considered a separate component to the development. The applicant considers that the uses proposed will be ancillary and support the main tourism development proposed. However, the Council cannot control the future users of these retail spaces, thus, to ensure that it remains an ancillary and subservient support offering, Condition 2 is recommended to limit the total floor area, as well as the floor area of each unit to no more than 200 square metres and an overall maximum floor space of 750m².
- 79 *(e) Proposals for service facilities (should exclude retail and commercial facilities over 100 m²) and should serve the business and industrial area rather than draw outside trade and cumulatively should not equal more than 15% of the allocated employment area.*
- 80 The retail development of this proposal will total 750 square metres in area and may seek to service the wider residential location, contrary to this aspect of policy 7. Whilst the applicant has sought to clarify that the retail elements are specifically aimed at servicing the museum, hotel and holiday chalet lodge guests / visitors in the first instance, the need for convenience goods and services may seek to have an unintended benefit of also serving both the existing office and residents of Walnut Grove. Condition 2 seeks to retain control over the scale and use class of development able to occupy this proposed retail space, specifically Class 1 (Shops) and Class 3 (Food and Drink) only will be permitted. However, if this development is implemented no control is held by the Council as to what retail / hot food and drink outlets occupy the approved premises. Whilst objection is not specifically raised as to the type of retail use, concerns have been noted regarding traffic congestion, road safety and overall impacts to the visual amenity. It is, therefore, implicit that a large retail store occupying this space would potentially add to a greater number of trips to the site and may adversely impact amenity, a matter sought to be controlled by this policy. Whilst condition 2 does not restrict the type of retail offered, a maximum floor area of 200m² for each individual unit is specified. This will mean that only small

shops (such as those defined by HMRC as a small business) can occupy this space. In conjunction with conditions 13 and 15 (Noise), and Conditions 26 and 32 (Trip Generation), the impacts on amenity relating to retail use can be appropriately mitigated.

- 81 *(f) Proposals for waste management facilities are considered to be acceptable subject to detailed site-specific considerations.*
- 82 Condition 24 seeks to require a waste management plan to be submitted as part of any detailed design or application for approval of matters specified by conditions.
- 83 *(g) Proposals should not result in adverse effects, either individually or in combination, on the integrity of any European designated sites. Applications shall be supported by sufficient information to allow the Council to conclude that there would be no such adverse effects.*
- 84 NatureScot, in its review of the application, did not raise any concerns with respect to impacts on the Tay, subject to the implementation of safeguarding measures. These have been implemented through conditions 8 – 12.

Policy 9: Caravan Sites, Chalets & Timeshare Developments

- 85 Proposals for new or expanded sites for holiday-related uses will be supported where the proposals are compatible with Policy 1: Placemaking.
- 86 The proposed development is seeking permission for up to 52 accommodation lodges for use by longer stay guests (over 5 days). This aspect of the development does not fully meet Policy 1 in terms of its design and density, given the scale of development in contrast to the size of the neighbouring plots and the overall building mass proposed. This is a concern raised by objectors and the Council's Development Plan Team and is discussed above. The applicant has sought to address these matters by setting out that the design and layout of the holiday lodges is not finalised. Being subject to further examination in conjunction with design of the access, parking, servicing, drainage and landscape provisions, the proximity of holiday lodges to the eastern site boundary remains a valid concern. A landscape and biodiversity strategy has been provided, setting out mitigation options. However, any landscaping takes time to establish. To seek to immediately mitigate some of the concerns raised by objectors, condition 4 is recommended. This will seek to ensure the holiday chalets are well separated from one another and neighbouring boundaries. This will afford a visual setback, whilst landscaping is established and will also promote openness and reduce the layout density. Condition 5 and other conditions such as those relating to access, parking and active travel through the site will need to be considered as a whole in the design and layout. Whilst the development overall will cause some impacts to landscape character, it is considered that, with the conditions recommended, appropriate mitigation is offered to minimise those impacts on direct neighbours. Furthermore, and in principle to the assessment of this report, it is considered that the positive

economic impacts of this development are a material planning consideration and serve to outweigh the development plan in this case.

Policy 13: Retail and Commercial Leisure Proposals

- 87 The location for any use that generates a significant footfall should follow a sequential approach in which locations for such development are considered in the following order:
- (a) city or town centre;
 - (b) edge of city or town centre;
 - (c) other commercial centres identified in the Development Plan;
 - (d) out of centre locations that are, or can be made, easily accessible by a choice of transport modes.
- 88 The proposal is contrary to this policy as the size of the retail space proposed (1,000 square metres) cannot be considered ancillary to the museum facility. Whilst the principal set out in the indicative design, which integrates retail within the museum building, is acceptable, the scale of the retail element is disproportionate to reasonable ancillary requirements of the museum, hotel and holiday lodge. Though some clarification on the types of complementary retail types envisaged has been provided, the scale is such that it must be considered a separate and distinct aspect of the proposal. In this sense, locations for retail proposals must undertake a sequential approach in considering an appropriate location, the sequence identifying city or town centres as the preferable option, with 'out of centre' locations as the least preferable. Kinfauns is on the edge of Perth but is identified as a separate settlement within LDP2. The applicant, through its Environmental Impact Assessment Report, has provided a socio-economic assessment of the development. This has been reviewed by the Council's Enterprise Team who have confirmed a broad agreement with the conclusions. That is, based on the location and size of units, the retail aspect would primarily seek to support a local market. In order to retain control over the scale of retail operating from this site (in line with the conclusions of the Enterprise team), Condition 2 has been recommended to limit the floor space (750m² in total) and overall size of individual units (200m²) Having regard to the site accessibility, the development will be easily accessible by public transport, subject to minor changes in bus services. No objections are raised by with the Council's Transport Planning Team or Transport Scotland, subject to the above restrictions by condition 2.

Policy 14A: Open Space Retention & Provision

- 89 The proposal seeks to locate a considerable number of accommodation lodges / chalet units on, and within, designated open space. The indicative design is such that the lodges will occupy, and could dominate, the open space area, thereby seeking to discourage public access.
- 90 *(a) Where the site is principally used as a recreation resource, the proposed development is ancillary to the principal use of the site as a recreational resource.*

- 91 The local Development Plan lists this open space area as having landscape value rather than being as a recreational resource.
- 92 *(b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource.*
- 93 The accommodation lodges and hotel, shown on the indicative layout presented, occupy approximately half of this open space designation, with the balance to form recreational space (such as paths and landscaping) as well as the SUDs / wildlife pond. Notwithstanding that this indicative layout is still subject to detailed design work, controlled through conditions, it is considered that large parts of the site would remain open for passive amenity purposes, whereby views could still be maintained through, and over, the development site. This will help to maintain its existing value. Having regard to the conclusions and recommendations noted in paragraph 88 above, it is considered that, with appropriate landscaping and conditions regarding siting and design of all built development, the impacts on landscape and wider amenity can be mitigated.
- 94 *(c) In the case of proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.*
- 95 *(d) Where a proposal would involve the loss of a sports pitch, a playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.*
- 96 Having regard to items (c) and (d) of this policy, the development is not a recreational and/or sports pitch and, as such, those provisions are not relevant to this assessment.

Design and Layout

- 97 As a Planning Permission in Principle application, only limited detailed consideration can be given to site layout and design. However, the key design considerations to this development have been; 1) the integration of the retail facilities to within the museum building in order to reduce overall bulk and mass onsite, 2) to keep as much building mass to within the safeguarded employment area, which would also allow screening from existing established vegetation, 3) to position the hotel so that it relates to the front façade of the existing office building and to have its gable end onto the main public road/ M90 Bridge. This will have the added benefit of helping to minimise visual bulk when viewed against the natural backdrop of Kinnoull Hill. In terms of the lodges, their arrangement is considered in relation to access, parking, drainage designs for the wider proposals and the position of the core path passing the site.

- 98 Review of the design concepts presented initially saw Council Officers raise concern that the level of detail presented did not provide enough assurance or confidence that, although contrary to LDP2, the site would provide a good area of open space whilst being attractive for visitors and benefiting the community. However, in this case consideration has also be given to the limited use of the site as it is now, and that a Transport Museum requires space, something which was unlikely to be available within a city centre location. Accordingly, this particular type of development is considered a positive opportunity. Coupled with the economic benefits the development could bring and conditions to control the scale, design, landscaping and any construction related impacts, it is considered that, on balance, the principle of much of the primary elements of the development are acceptable for this location.

Landscape and Visual Amenity

- 99 Concern is raised by objectors that the proposal overly develops the site and is not of a scale or character suited to this peripheral location. In these respects, it is recognised that, given the relatively open and flat nature of the site, there is limited opportunity to use vegetation and/or topography in which to incorporate a design to be significantly absorbed within the landscape. As such, the proposed development presents challenges in terms of visual impact and appearance. However, as noted above, design considerations have sought to address the concerns raised. In combination with conditions to guide and retain further control over the development within the design phase, it is considered that a number of the concerns raised can be mitigated.
- 100 In terms of landscape mitigation, a detailed planting scheme has not been provided with this application, as only the principles rather than details are being assessed. However, it is considered that a suitable scheme can be developed, incorporated into the design, and presented through a further application. This matter is addressed through condition 2.9. Concern has been raised in relation to the lack of detail, as it offers less confidence and assurance that the development can successfully integrate into the landscape. However, the applicant has sought to address this by providing an ecological site appraisal and a set of landscape and biodiversity principles to be adopted in implementing the development. A position is presented that, with the adoption of these principles, and further landscaping details to be provided through conditions, the development can successfully integrate into its surroundings. Whilst landscaping will take time to establish, it is considered that this presents appropriate mitigation in this case. Conditions 4, 6, 8 - 12 and 13 have been recommended below to address the concerns raised.

Roads and Access

- 101 The indicative plans propose three access points to the public road network, 1) a new service entrance for the museum and retail elements opposite numbers 1 and 3 Kinfauns Holdings; 2) the luxury lodges propose use of the existing vehicle access opposite Mesa Verde, Kinfauns Holdings, this also serves Caledonian House; and 3) the hotel entrance and drop off location, public parking area and retail elements of the development will be accessed

directly via a new junction from the A85 Trunk Road. Full details are illustrated in drawings provided with the application.

Parking

- 102 The Transport Assessment details sufficient space to comply with the relevant National Roads Development Guide parking standards, which is acceptable for the museum and hotel elements. The applicant has advised that the retail elements are considered 'linked' rather than separate trips. However, at this stage, very limited details have been provided on the retail element and this detail may well impact on traffic generation. As such, further clarity will be required at the matters specified by condition stage. For each chalet, a minimum of two car parking spaces will be provided. Coach Parking shall also be considered and potentially coach EV facilities.

Vehicle Access

- 103 The existing site vehicle entrance to serve the holiday chalets and office building is considered to be of an acceptable standard. The two new vehicle access points to be created (one for the museum and retail servicing with a second to serve the hotel), will be required to meet necessary engineered standards. Transport Planning have confirmed that the appropriate visibility splays can be provided and the detailed design of these accesses shall follow at a later stage.

Public Transport

- 104 An existing bus stop on Dundee Road is served by over 35 buses daily, from 05:04 until 00:29hrs. These services have routes to Perth, Dundee, Edinburgh, Kinross, Ingliston, Edinburgh Zoo and the Carse of Gowrie. An electric bus, operated by Ember, has the potential to link to a number of other tourist attractions and museums. At this stage, it is not possible to confirm if any of the services will divert into the site, but discussions to explore this are likely to take place at a later stage. The application indicates that buses will be able to access and egress the site. These discussions will help inform the location of bus infrastructure.

Walking and Cycling

- 105 The application also indicates the development will provide links into wider path networks, creating permeability through the site for walking and cycling, thus encouraging active travel. A new footway is to be provided along the northern boundary, to the east of the existing Caledonian House entrance, which it is anticipated will connect with the Ogilvie Homes development (Ref [20/00359/FLL](#)) to the immediate east.

Trip Generation

- 106 The approach used to model trip generation is acceptable to both the Council's Transport Planning Team and Transport Scotland. The modelling report, (discussed in more detail within the Transport Planning Response),

shows journey times along Dundee Road from the Toll House to Queen's Bridge southbound would see minimal impact between AM and PM. Northbound use would see the journey times similar between all three of the modelled scenarios used. The queue lengths also show little difference between AM and PM. Between the A85 Barnhill and the existing vehicle entrance to Caledonian House, there will be a slight increase in vehicle flows along Kinfauns Holdings. However, Transport Planning colleagues do not see this as a concern, as there is capacity to accommodate the increase.

Street Lighting

- 107 New roads will be subject to a Road Construction Consent which will consider the position of lighting columns. Future detailed applications should also consider if any alterations are required to existing streetlighting. These matters are addressed through recommended Conditions 1 and 18.

Signing Strategy

- 108 The applicant has advised that the lodges will be signed from the A85 Trunk Road. Given Kinfauns Holdings can be accessed from the Trunk Road Network at two locations, Perth & Kinross Council would be involved in the discussions to limit the amount of traffic using the eastern side of Kinfauns Holdings to access the site. Condition 29 is recommended regarding a signage strategy.

Park & Choose Site

- 109 Planning Permission has previously been approved for part of this site (Reference: [18/02232/FLM](#)) for the development of a Park and Choose facility, which was a Council led proposal. However, the Council does not own this land, which is primarily under the ownership of the applicant. As a result, the Council had no legal mechanism in place to implement the planning permission until agreement is reached with the relevant landowner(s). The proposals that are the subject of this report indicate an area identified by the applicant, as shown within the indicative site layout (drawing 03), for a Park and Choose facility. The Council will secure the transfer of the land for the delivery of this facility as part of the current application by entering into a section 75 legal agreement with the applicant. Conditional control (condition 36) will also ensure that the development is delivered within an acceptable timeframe together with the Park and Choose facility. Since the submission of this application, the Council has agreed a budget to enable a business case for capital investment to be prepared for Members' consideration.

Trunk Road Impacts

- 110 Following the provision of further information, including a road safety audit, Transport Scotland has withdrawn any objection to the development, subject to a number of conditions and restrictions on any development being progressed. Matters covered by conditions include the scale of retail development, signage, access formation, external lighting, stormwater, construction traffic management, vehicle wheel cleaning, protection barriers

and means of travel to and from the site. (Conditions 2, 7, 18, 25 – 29, 33, 34 and 35). The breadth and number of conditions recommended reflects a lack of detailed design detail at this time.

Drainage and Flooding and Pollution Prevention

Flooding

- 111 The flood risk and drainage assessment supporting the application has been reviewed by SEPA as well as the Council's Structures and Flooding Team, both of whom do not object. The site is not shown to be at risk from fluvial or coastal flood sources and is set well above the Coastal Flood Boundary 200-year level of 4.57m and the 1000-yr level of 4.74m Above Ordinance Datum (AOD).

Wastewater Drainage

- 112 Wastewater services for this development have been proposed as being private systems, including three individual package plants, serving the separate aspects of the development (i.e the hotel, the museum and the holiday chalets). If brought forward, each would need its own licence, likely two Complex Licences under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR). These matters fall within the remit of SEPA.

Surface Water Drainage

- 113 The Council's Flood Risk Officer has reviewed the application and raised no concerns, subject to a condition regarding further review of the detailed SUDs drainage scheme design. It is advised that arrangements should follow the approach set out in the CIRIA SUDS Manual (C753) and ensure the surface water management proposals comply with CAR General Binding Rules (GBR) 10 and 11.
- 114 In terms of construction related impacts, those matters are to be addressed through the implementation of a construction method statement referred to in conditions 6 and 20.

Waste Collection

- 115 No information has been submitted regarding waste collection, although PKC's Public Waste Operator has raised no objection, subject to a condition to secure a waste management strategy and / or details to confirm waste management onsite. Condition 24 is recommended to this effect.

Natural Heritage and Biodiversity

- 116 In their consultation response of May 2021, NatureScot stated that the Council will require to consider the effects of the proposal on the River Tay Special Area of Conservation (SAC). In this regard, based on the location of the development in relation to the SAC, the risk of direct disturbance is considered very low. Furthermore, as per the Drainage Impact Assessment and Chapter 9 of the Environmental Impact Assessment Report, the residual risk to surface water during construction is minor, due to limited connectivity (no open water courses running through the site) and physical separation distance from the Tay margins. Any SUDs system (discussed above) will provide adequate storage and flow attenuation as well as enhanced water quality management and amenity value, before discharging to an existing private combined sewer network. As such, the residual risk during operation is also considered to be low. Overall, the risk of Likely Significant Effects upon the River Tay SAC is low, subject to conditions 8 - 12.
- 117 In terms of biodiversity and habitat, a full landscape scheme plan will be provided at detailed application stage. However, in recognition of concerns raised both by the Council's Biodiversity Officer and through representations, a landscape and biodiversity strategy has been prepared and this is supportive of the application. Having reviewed the strategy, the principles it sets out are accepted and conditions 10 and 11 are recommended.

Archaeology

- 118 No objection is raised by either Historic Environment Scotland or Perth and Kinross Heritage Trust, subject to the inclusion of a condition relating to archaeological works methodology. Condition 19 is recommended.

Developer Contributions

- 119 No objection to the development is raised, subject to a planning condition to secure developer contributions related to transport infrastructure (Condition 20). The proposal is thus considered to be in accordance with the Council's policy on Developer Contributions and related Affordable Housing Supplementary Guidance 2020.

Economic Impact

- 120 Chapter 11 of the EIAR sets out the socio-economic impacts from the development. The assessment methodology considers; employment generated during the construction phase, employment generated during the operational phase, visitor expenditure, open space and impacts on existing retail provision.
- 121 Based on estimated construction costs, modelled as of 2021 at £32.2 million, and a build period of 3 years, the project is predicted to create on average 85 full-time equivalent (FTE) construction jobs. Accounting for some displacement (i.e., in the absence of this development, workers might otherwise be employed on other construction projects), the number of direct

jobs supported is 65 FTEs of which 50 are projected to be taken by residents within Perth and Kinross. The benefits in terms of direct construction employment will also extend to indirect benefits such as construction materials and goods and services purchased locally. It is estimated that construction will support an additional 50 FTEs in the wider impact area as part of the supply chain, of which 15 are predicted to be from within Perth and Kinross. The net employment impact finds that 115 FTE positions could be generated of a wider impact setting, with 65 FTEs from within Perth and Kinross.

- 122 Based on the mixed-use nature of the development as proposed, it is estimated to generate 125 net FTEs once complete and occupied. This is based on 60 FTE associated with the hotel, 45 connected with the retail sector, 15 museum staff and 10 staff to manage the holiday chalets. Again, accounting for displacement, 80 of those FTEs generated will be within Perth and Kinross. It is further estimated that 25 FTEs will also be generated indirectly through the supply chain.
- 123 In terms of visitor expenditure, based on a room occupancy rate of 66% (in line with figures from 2019 for Perthshire), it is estimated that the proposed accommodation (both the hotel and holiday chalets), could accommodate 80,970 visitor nights per year. Estimating a spend of £80 per night (Visit Scotland data), this equates to a gross annual expenditure of £6 million per year. Accounting for expenditure elsewhere, it is estimated that £4.3 million net additional expenditure will be generated within Perth and Kinross.
- 124 Impacts on the existing retail sector within Perth city centre have already been discussed, with it being demonstrated that the proposed development is estimated to equate to only 1.6 % of the total retail turnover for the city centre by 2026. Therefore, any direct impacts are considered negligible and addressed by Conditions 1 and 2. The Council's Economic Development team has reviewed those values along with the employment assessments details above and not raised any concern with the methodology or assessment undertaken. They state that the development proposed represents considerable private investment within Perth and Kinross which is to be encouraged. The positive economic benefits, along with enhancements to the tourism offer and opportunities for Perth are considered a significant material consideration and outweigh the departures from the development plan, particularly with regard to adverse impacts to allocated land use, changes in amenity and landscape setting.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 125 It is recommended this application be approved subject to a Section 75 Legal agreement to secure any land transfer for the delivery of a Park and Choose Transport Hub within part of this site.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 126 In conclusion, this development is a significant departure from LDP2. The specific conflicts which raise the greatest concerns are in respect of policies

pertaining to placemaking, the provision and scale of retail within the development proposed and the loss of open space. Recommended conditions will afford some mitigation by retaining control over the scale, form and layout of the development and in particular the scale of retail provision adopted, whilst also securing landscaping. When such conditions are considered alongside the economic benefits of this development, including; job creation, investment in Perth, and an increase in tourism to the area, it is considered there is sufficient justification to permit the development, contrary to the provisions of the adopted development plan.

RECOMMENDATION

Conditions and Reasons for Recommendation

Approval of Matters

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

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

2. The following use classes are hereby approved within the development and shall not exceed:
 - a) Class 1 (shops) and Class 3 (Food and Drink) with a maximum combined floor space of 750 square metres (m²), with no single unit in excess of 200m². In addition, each unit shall be physically conjoined to one of the other approved uses/buildings, and in the case of the Hotel or Museum have interconnectivity between the primary building/use, so as to allow access by patrons internally,
 - b) Class 7 (Hotel) with a maximum number of rooms being 150,
 - c) Class 7 (Holiday Chalets) with a maximum number of 50 individual units, each of a maximum floor area not exceeding 85 square metres (m²),
 - d) Class 10 (Non-residential Institutions – Museum) with a maximum floor area of 5,500 square metres.

Reason: In order to control the use classes hereby approved, to minimise interference with the safety and free flow of traffic on the trunk road, and to restrict the scale of authorised retail development.

3. The holiday chalet use hereby approved shall be used solely for holiday accommodation and shall not be occupied by an individual, persons or family

group for a period exceeding 14 nights. The applicant shall keep a record of guests and number of nights stayed in order to demonstrate compliance with this condition. This record book shall be made available for inspection upon request by the Council as Planning Authority.

Reason: In order to control the use class hereby approved.

4. The design, location and external finishes of the holiday chalets hereby approved shall be specified in the details submitted and agreed in association to Condition 1 above. Notwithstanding the details shown on the drawings hereby approved, no permission is granted for the submitted layout or number of units. The following design parameters shall be complied with in submissions related to Condition 1:
 - a) All holiday chalets shall be a minimum of 25 metres from any external boundary to the site
 - b) All holiday chalets shall be a minimum of 8metres from each other

Reason: To protect the amenity of the location and to ensure sufficient open space within the development.

5. As part of any application for the Approval of Matters Specified by Condition 1 proposing buildings requiring a building warrant, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. This must demonstrate how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
 - a) the technology types;
 - b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c) their siting and location; and
 - d) ongoing operation and maintenance.

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

Reason: To ensure the proposal complies with Policy 32 of the Local Development Plan.

Drainage (SUDs)

6. As part of any application for the Approval of Matters Specified by Condition 1, a sustainable urban drainage system (SUDS) shall be submitted for the written agreement of the Council as Planning Authority, in consultation with the Scottish Environment Protection Agency (SEPA) where necessary. The

scheme shall be developed in accordance with the technical guidance contained in The Sustainable Drainage System (SUDS) Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: In order to ensure all surface water is adequately managed.

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

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

Biodiversity and Landscape

8. As part of any future application for the Approval of Matters Specified by Condition 1, a landscaping and planting scheme for the relevant areas sought to be developed, shall be submitted for the written agreement of the Council as Planning Authority, in consultation Network Rail and the Council's Biodiversity / Tree Officer and Community Greenspace team. 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 approved by that application, 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 amenity and public safety as well as the protection of Network Rail infrastructure.

9. No trees on the site shall be felled without the prior written agreement of the Council as Planning Authority. Any application for the Approval of Matters Specified by Condition 1, where the area proposed to be developed contains or is bounded by trees which could be affected shall be accompanied by a detailed tree survey covering that area carried out by a qualified and independent arborist indicating the type, age, condition, location and accurate canopy spread of all the trees on and affected by the site and including a tree management report with details of the tree protection measures to be employed during construction in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction.

Reason: To protect the existing trees onsite, to ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. The Biodiversity and Landscape Strategy for this site, prepared by Ecus Ltd, dated March 2022 shall be fully adhered to, being incorporated in the Construction Method Statement and Landscape Scheme as specified within Conditions 8 and 12.

Reason: In the interests of amenity and the protection of the River Tay SAC.

11. The mitigation measures set out within the Ecological Impact Assessment, prepared by Ecus Ltd and dated March 2022 shall be fully adhered to, being incorporated in the Construction Method Statement and Landscape Scheme as specified within Conditions 8 and 12.

Reason: In the interests of biodiversity and the protection of the River Tay Special Area of Conservation (SAC).

Construction

12. The development shall incorporate and not commence until a detailed Construction Method Statement (CMS) has been submitted to and agreed by the Council as Planning Authority, in consultation with NatureScot, Network Rail and SEPA as well as the Council's Biodiversity and Environmental Health Officers. The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:

- (a) pollution prevention safeguards including drainage arrangements and the possible use of siltation traps, settlement tanks and bunds
- (b) storage and disposal of materials including the siting of stockpiles, use of buffer strips and disposal methods
- (c) construction site facilities including extent and location of construction site huts, vehicles, equipment, fuel, chemicals and materials compound
- (d) timing, duration and phasing of construction particularly in relation to salmon and lamprey migration/spawning.
- (e) a Dust Management Plan (DMP) for the control of dust during construction.
- (f) noise mitigation measures for the control of noise during construction

The CMS and mitigations as agreed shall be fully implemented during the construction phase(s).

Reason: To protect amenity and the River Tay SAC.

Noise

13. The mitigation measures recommended in Section 6.6 of the hereby approved Noise Impact Assessment, prepared by ITP Energised Ltd dated 17 September 2021 shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby noise nuisances and to protect residential amenity for neighbours and nearby residents to the development.

14. Further to the Noise Impact Assessment completed and referred to in condition 13 and as part of any application for the Approval of Matters Specified by Condition 1, a railway specific noise impact assessment shall be submitted to and approved in writing by the Planning Authority. This noise impact assessment shall include an assessment of the potential for occupants of the development to experience noise nuisance arising from the railway line. Where a potential for noise disturbance is identified, proposals for the attenuation of that noise shall be submitted to and approved in writing by the Planning Authority in consultation with Network Rail. Any such approved noise attenuation scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.

Reason: To ensure that occupants/users of the development do not experience undue disturbance arising from nearby railway activities.

15. 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: To ensure that nearby residents of the development do not experience undue noise disturbance as a result of construction activities.

16. Servicing of and deliveries to the site for all aspects of the development shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason: To protect residential amenity

Odour

17. As part of any application for the Approval of Matters Specified by Condition 1, where the development proposed incorporates any commercial cooking, the details of an effective ventilation system, commensurate with the nature and scale of commercial cooking to be undertaken, shall be submitted for the written agreement of the Council as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings. Thereafter the system shall be maintained.

Reason: To protect the amenity of nearby residents to the development and to ensure that occupants/users of the development do not experience any undue odour nuisances.

External Lighting

18. 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. Details of the external lighting within the site where the area proposed to be developed adjoins or may impact the trunk road shall be submitted for the approval of the Council as Planning Authority, after consultation with Transport Scotland, as the trunk roads authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished and to protect the amenity of nearby residents from light nuisance and in the interests of biodiversity to mitigate against wildlife interference from the development.

Archaeology

19. As part of the first application for the Approval of Matters Specified by Condition 1, the developer shall secure the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. This may reflect a phasing programme. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: In order to protect the historic environment and to align the development with Scottish Planning Policy and Policy 26 of the Perth and Kinross LDP2.

Contributions

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

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

Active Travel / Paths

21. As part of the first application for the Approval of Matters Specified by Condition 1, an active travel plan shall be prepared and submitted for approval in writing by the Council as Planning Authority, in consultation with the Council's Greenspace team.

Reason: In the interests of promote active travel and green infrastructure to and from the development.

22. As part of the first application for the Approval of Matters Specified by Condition 1, a management plan indicating any temporary diversions and associated fencing /signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. This plan should demonstrate the temporary measures which are to be put in place until any formal diversion of the core path and right of way is approved. The plan, as agreed, shall be implemented in accordance with the timings identified in the plan.

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

Network Rail

23. As part of the first application for the Approval of Matters Specified by Condition 1, a Network Rail infrastructure exclusion and management plan shall be submitted for approval in writing by the Council as Planning Authority, in consultation with Network Rail. The management plan shall, as a minimum, confirm full details of the location, design and height of a suitable trespass proof fence, for the exclusion of any persons from network infrastructure located within the site boundary. Details shall also be confirmed for the fence's future maintenance and renewal and or any other management of Network Rail infrastructure onsite.

Reason: In order to promote and provide rail safety.

Waste Management

24. As part of the first application for the Approval of Matters Specified by Condition 1, a detailed waste management strategy for this development, confirming any waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation, shall be submitted for the written agreement of the Council as Planning Authority. The duly approved scheme shall be implemented prior to the development being brought into use and shall thereafter be retained in accordance with the approved scheme.

Reason: To facilitate appropriate waste management within the development.

Transport and Road Safety

25. As part of the first application for the Approval of Matters Specified by Condition 1, the detailed design for the proposed upgraded A 85(T) / site access junction, as generally illustrated on Drawing SK01 Revision P1 (dated 06 August 2021) and taking account of the recommendations made in the Stage 1 Road Safety Audit, shall be submitted to, and approved in writing by, the Council, in consultation with Transport Scotland, as the trunk roads authority.

All works are to be to a standard compliant with DMRB CD 123 (Geometric design of at-grade priority and signal-controlled Junctions).

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

26. As part of the first application for the Approval of Matters Specified by Condition 1, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Council, in consultation with Transport Scotland, as the trunk roads authority. The Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

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

27. As part of the first application for the Approval of Matters Specified by Condition 1, details for the design, construction, and ongoing maintenance of a barrier along the boundary of the site with the trunk road, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland, as the trunk roads authority.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

28. As part of any application for the Approval of Matters Specified by Condition 1, a Construction Traffic Management Plan (CTMP) has been prepared and approved in writing by Perth and Kinross Council, in consultation with Transport Scotland as the trunk roads authority.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice.

29. As part of the first application for the Approval of Matters Specified by Condition 1, a signing strategy that sets out proposals for sign provision on the public road network shall be submitted and approved in writing by the Council, in consultation with Transport Scotland, as the trunk roads authority. The signage strategy shall include, and set out, a date for implementation.

Thereafter, the adopted strategy shall be implemented prior to the development being first brought into use.

Reason: In the interests of road safety

30. As part of any application for the Approval of Matters Specified by Condition 1, where the developer seeks to secure details for any of the holiday chalets hereby approved, full parking and access details for those chalets shall be demonstrated and agreed by the Council, as Planning Authority, in writing. A minimum of two parking spaces per chalet shall be provided.

Reason: To provide a suitable parking provision for the development.

31. As part of the first application for the Approval of Matters Specified by Condition 1, the applicant shall provide details of the electric charge points for vehicles to be supplied on site, which will be agreed and approved in writing by the Council, as Planning Authority.

Reason: To provide a suitable electric charging provision for the development.

32. As part of any application for the Approval of Matters Specified by Condition 1, the applicant shall provide an updated trip rate forecast for the site, in particular for the retailing elements of the project, which shall be agreed in writing by the Council, as Planning Authority.

Reason: In the interests of road safety

33. As part of the first application for the Approval of Matters Specified by Condition 1, the developer shall submit a proposal for the consideration and written approval of the Council, as Planning Authority, for the construction of a footway, including dropped kerbs, along the frontage of Kinfauns Holdings and/or between Kinfauns Holdings and Walnut Grove to the west of the site. Thereafter, the proposed development shall not be occupied until the approved proposals have been implemented to the satisfaction of the Council, as Planning Authority. In the event a suitable footway construction cannot be agreed within the site frontage, offsite works at another location may be agreed with the planning authority in consultation with the Council's Transport Planning Team and delivered in the above timeframe.

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

34. The development shall not see groundworks commence until vehicle wheel cleansing facilities have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of Perth and Kinross Council, in consultation with Transport Scotland, as the trunk roads authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

35. All vehicles transporting construction material to, and from, the proposed development should be sheeted.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

36. As part of the first application for the Approval of Matters Specified by Condition 1, a phasing plan shall be submitted for the written approval of the Council, as Planning Authority, which details the delivery of the on-site parking provision and its relationship to the Park and Choose facility. The phasing plan shall include indications of access between both the on-site parking and the Park and Choose facility, and to the public road network, as well as delivery timelines for each element.

Reason: To ensure that the development is compatible with the Park and Choose facility and includes for delivery programming.

B JUSTIFICATION

The development is considered to be a significant departure from the Local Development Plan 2 (2019). However, there are material planning considerations in this instance which justify an approval recommendation.

C PROCEDURAL NOTES

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

D INFORMATIVES

1. An Application for the Approval of Matters Specified in Conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed. In which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The approved development shall be commenced no later than the expiration of 3 years from the date of granting of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. The developer is advised to contact Perth and Kinross Heritage Trust on 01738 477080, to discuss terms of reference for work required. This advice is based on information held on the Perth and Kinross Historic Environment

Record. This database of archaeological sites and historic buildings is regularly updated.

4. Part of the approved development includes 'caravans', i.e. the 'chalets'. The developer is advised that caravans require to be licensed under the terms of Section 1 of the Caravan Sites and Control of Development Act 1960 and therefore a licence application should be made to Environmental Health. Application forms are available at <https://www.pkc.gov.uk/article/15600/Licence-caravan-site>.
5. The granting of planning permission does not stop the continued right of public access along the existing core path WCAR/119. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
6. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent, unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
7. Please be aware that the Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Reserved by Condition.
8. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess.
9. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and SEPA.
10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. Proposed site lighting designs will need to be submitted to Network Rail's Asset Protection Engineers for approval. The position of the lights, the type of lights and the throw of the lighting: e.g., a sodium light on third party land can 'wash-out' a driver's ability to perceive a signal set at red. To the train driver, the signal could be perceived as yellow and the driver would proceed even though a red signal indicates danger and to stop.

12. No vegetation or planting shall encroach or be able to fall within 4m of any Network Rail infrastructure.
13. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. The Network Rail Asset Protection Engineers can be contacted regarding the above matters.
14. The applicant is advised that licences under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) would be needed. SEPA Officers recommend that the applicant makes early contact with the relevant local regulatory team to discuss the details of the drainage proposals and or wastewater treatment. Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team at the local SEPA office at: FASP@SEPA.org.uk
15. 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.
16. No work shall be commenced until an application for building warrant has been submitted and approved.
17. 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.
18. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
19. 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.

Author

| Name | Designation | Contact Details |
|----------------|---------------------------------------|---|
| Jamie Torrance | Planning Officer (Major Applications) | (01738) 475000 CommitteeReports@pkc.gov.uk |

Approved

| Name | Designation | Date |
|----------------|----------------------------------|----------------|
| Barbara Renton | Executive Director (Communities) | 10 August 2022 |

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