



Securing the future... • *Improving services*
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building
2 High Street
Perth
PH1 5PH

27/05/2024

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 05 June 2024** at **09:30**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

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

Planning and Placemaking Committee

Wednesday, 05 June 2024

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 8 MAY 2024 FOR APPROVAL** **5 - 22**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 23/01167/AMM - ERECTION OF 209 DWELLINGHOUSES, FORMATION OF SUDS, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 15/01237/IPM) (LDP SITE MU7), LAND 300 METRES SOUTH WEST OF TIGNACOILLE, BROICH ROAD, CRIEFF** **23 - 50**
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/166)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 23/00960/FLL - CHANGE OF USE OF AGRICULTURAL BUILDINGS AND LAND TO BUSINESS (CLASS 4), GENERAL INDUSTRY (CLASS 5), STORAGE AND DISTRIBUTION (CLASS 6) (IN RETROSPECT), LAND 250 METRES SOUTH EAST OF ISLA VILLA, GRANGE, ERROL** **51 - 68**

Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/167)

- 5(2)(ii) 23/01742/FLL - ERECTION OF A BREWERY, TAP ROOM, STORAGE, FORMATION OF VEHICLE ACCESS, PARKING AREA, INSTALLATION OF EV CHARGING POINT, FORMATION OF OUTDOOR SEATING AREA, LANDSCAPING AND ASSOCIATED WORKS, LAND 50 METRES SOUTH OF COUNCIL COTTAGES, FERRY ROAD, PITLOCHRY** **69 - 102**
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/168)
- 5(2)(iii) 23/01349/FLL - PART CHANGE OF USE AND ALTERATIONS TO BUILDING TO FORM 10 SHORT-TERM LET ACCOMMODATION UNITS, 54-56 HIGH STREET, KINROSS, KY13 8AN** **103 - 120**
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/169)
- 5(2)(iv) 23/01695/FLL - ERECTION OF A DWELLINGHOUSE, LAND 15 METRES EAST OF BORROWDALE, BLAIRADAM, KELTYBRIDGE** **121 - 142**
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/170)
- 6 PROPOSAL OF APPLICATION NOTICES (PAN)**
- 6(i) 24/00004/PAN - FORMATION OF A 49.9MW BATTERY ENERGY STORAGE FACILITY AND ASSOCIATED WORKS, LAND 200 METRES NORTH OF PITCURRAN HOUSE, NEWBURGH ROAD, ABERNETHY, PERTH** **143 - 152**
Pre-Application Report by Strategic Lead - Economy, Development and Planning (copy herewith 24/171)
- 6(ii) 24/00005/PAN - FORMATION OF A 49.9MW BATTERY ENERGY STORAGE FACILITY AND ASSOCIATED WORKS, LAND 300 METRE WEST OF TIR ARTAIR, KILLIN** **153 - 162**
Pre-Application by Strategic Lead - Economy, Development and Planning (copy herewith 24/172)

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 8 May 2024 at 9.30am.

Present: Councillors I Massie, G Stewart, Bailie C Ahern (substituting for Councillor K Allan), Councillors H Anderson (substituting for Councillor C Reid), B Brawn, D Cuthbert, K Harvey, D Illingworth, I James, B Leishman, Bailie C McLaren, Councillor I MacPherson (substituting for Councillor R Watters) and Bailie M Williamson.

In Attendance: G Bissett, L MacLean, C Morilly, S Panton, L Reid, K Smith and P Williamson (all Economy, Place and Learning); A Brown, C Elliott, J Guild and M Pasternak (all Strategy, People and Resources).

Apologies: Councillors K Allan, C Reid, R Watters.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

2. DECLARATIONS OF INTEREST

There were no Declarations of Interest made in terms of the Councillors Code of Conduct.

3. MINUTES

- (i) The Minute of Meeting of Planning and Placemaking Committee of 13 March 2024 was submitted and approved as a correct record.
- (ii) The Minute of Meeting of Planning and Placemaking Committee of 10 April 2024 was submitted and approved as a correct record.

4. DEPUTATIONS

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

| Planning Application No. | Item No. |
|---------------------------------|-----------------|
| 23/00504/FLM | 5(1)(i) |
| 23/00193/FLL | 5(2)(i) |

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **23/00504/FLM – Mixed use development comprising erection of 3 café/restaurant units (Class 3) with drive thru**

facilities, business units (Class 4), electric vehicle charging hub and formation of vehicular access, parking areas, landscaping and associated works, land 90 metres south of 5 Broxden Avenue (E2), Perth (Report No. 24/145)

Mr Murray Rankin, agent on behalf of the applicant, addressed the Committee and answered Members questions.

Resolved:

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

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
Reason - To ensure that the development is carried out in accordance with the plans approved.
2. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
3. The construction of all of the business units hereby approved (as shown on plans 36 and 49) shall be completed such that they are ready for use/occupation prior to the occupation or bringing into use, whatever is the earlier, of the 3 class 3 cafe/ restaurants units as shown on plans 05, 10, 11, 12, 13 and 14.
Reason - To secure the provision of the business units on this allocated employment site.

Access and Roads

4. Prior to the development hereby approved being completed or brought into use, the vehicular access shown on the approved drawings shall be implemented and constructed in accordance with Perth & Kinross Council's Road Development Guide, using the Construction Type B from the Construction Details for Access Types, C, D and E. The Type B Road construction detail shall continue into the entrance for a distance of at least 5 metres from the boundary of the public road surface.
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
5. Prior to the occupation of any unit, the applicant shall submit for the written approval by the Council as Planning Authority, a Service Management Plan detailing the plans for servicing and delivery operations, and timing,

including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery. Thereafter, the agreed scheme shall be implemented for the life of the development.

Reason - In the interests of pedestrian and traffic safety.

6. Prior to the first occupation of any unit, a detailed design for a minimum of:
 - a. 4 secure cycle parking bays for the Western Class 3 Plot
 - b. 6 secure cycle parking bays for the Central Class 3 Plot
 - c. 4 secure cycle parking bays for the Eastern Class 3 Plot
 - d. 30 secure and covered cycle parking bays for the business units

shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details prior to the relevant unit being brought into use.

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

7. Prior to commencement of works, the street lighting design for adoptable areas must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented prior to the occupation of the first unit and maintained in full accordance with the agreed scheme.

Reason - In the interests of pedestrian and traffic safety.

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

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;

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

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

9. Reason - In the interests of pedestrian and traffic safety. Prior to the commencement of development, the applicant shall submit to, for the prior written approval of the Council as Planning Authority, a scheme supported by survey work to demonstrate that the public drainage system ensures a positive flow of water with no discharge onto the public road network. Thereafter, the agreed scheme shall be implemented in full to ensure no discharge onto the road network at any time.

10. Reason - In the interests of pedestrian and traffic safety. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transportation and Development. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the

agreed scheme shall be implemented in full for the life of the development.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

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

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

Biodiversity and Natural Environment

12. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 41 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

13. The findings and recommendations contained within the supporting ecological impact assessment submitted and hereby approved (document 43 relates) remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey, an updated survey is required to be submitted to the Planning Authority for written approval and thereafter the findings implicated accordingly.

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

14. Prior to the commencement of the development hereby approved, an updated Biodiversity Action Plan including a map/plan indicating the locations of all proposed measures proposed (bird boxes, hedgehog homes, bug hotels, hibernaculum piles, green roofs, and raingardens, etc.) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be implemented and maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

15. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, wildlife kerbs

shall be installed adjacent to all road gullies within 500metres of a SUDS pond or watercourse. Thereafter, the kerbs shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

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

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

Amenity / Noise and Odour

17. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

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.

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

19. Prior to the development hereby approved being completed or brought into use, effective ventilation systems commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason - In order to safeguard the amenity of occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

Contamination

20. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken

and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

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

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

Reason - In order to deal with any potential ground contamination.

Flooding

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

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

22. The measures identified in the Flood Risk Statement (document 48 relates) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented must be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - In order to take account of the flood risk of the adjacent sites close to the Glasgow Road (A93).

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

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

Core Path

24. Prior to the commencement of development, a scheme shall be submitted to Council as Planning Authority for written agreement identifying improvements to the section of the core path (CTYS/120) which passes through the site. For the avoidance of doubt, the scheme shall improve surfacing and accessibility for all users. Thereafter, the agreed scheme shall be implemented in full prior to the occupation of any unit hereby approved. Reason – In the interests of promoting active travel.
25. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. 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.

Dust Management

26. Prior to the commencement of development, a Construction Dust Management Plan (CDMP) shall be submitted for the written approval of the Planning Authority and once approved shall be adhered to throughout the construction stage. The CDMP shall include mitigation measures for the control of dust during all stages of the construction phase. Reason - In order to ensure there are no negative impacts from construction dust.

Justification

The proposal is considered a minor departure from the Development Plan however there are material reasons which justify departing from the Development Plan.

Procedural Notes

SEPA has submitted a holding objection to the proposed development, in relation to flood risk. The application will be referred, if SEPA maintain their objection, to the Scottish Ministers for authority to proceed. Thereafter, if agreed by Scottish Ministers, the decision notice shall not be issued until such time that the relevant transport infrastructure contributions have been secured.

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on

which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. No work shall be commenced until an application for building warrant has been submitted and approved.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the e-Planning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to this development.
<https://www.pkc.gov.uk/ldp2floodrisk>.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at
<https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>
10. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
11. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
12. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk
13. 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 permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
14. The applicant is reminded that, should any protected species be present, a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
15. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning

permission for a development does not provide a defence against prosecution under this Act.

16. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
17. 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.
18. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
19. The granting of planning permission does not stop the continued right of public access along the existing core path. 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.

(2) Local Application

- (i) **23/00193/FLL – Erection of office building (Class 4) and two café/restaurant units (Class 3) with drive thru facilities, car parking, landscaping and associated works, land 100 metres south west of 5 Broxden Avenue, Perth (Report No. 24/146)**

Mr Michael Lorimer, agent on behalf of the applicant, accompanied by Mr Alastair Scott-Kiddie, engineer, addressed the Committee and answered Members questions.

THERE FOLLOWED A 5 MINUTE RECESS AND COMMITTEE RECONVENED.

Resolved:

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

Conditions

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

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

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

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

3. The construction of the office block hereby approved (as shown on plan 08 and 09) shall be completed prior to the occupation or bringing into use, whatever is the earlier, of the 2 class 3 cafe/ restaurant units as shown on plans 06 and 07.

Reason - To secure the provision of the office block on this allocated employment site.

4. Prior to works commencing on site, details of a central storage area for waste collection for each unit shall be submitted to, and for the written approval of, Perth and Kinross Council, as the Planning Authority. Thereafter, the agreed scheme shall be implemented prior to the bringing in to use of any unit hereby approved.

Reason - To ensure sufficient waste collection for each unit.

Amenity

5. Prior to the commencement of development, a Construction Dust Management Plan shall be submitted for approval of the Planning Authority and once approved shall be adhered to throughout the construction stage. The CDMP shall include mitigation measures for the control of dust as outlined in Table 20 of the air quality assessment 'Proposed Mixed Development, land adjacent to Broxden Roundabout, Perth – Fairhurst' document reference R24.12052/1/JH dated 26 February 2024.

Reason - In the interests of air quality.

Roads and Access

6. Prior to the development hereby approved being completed or brought into use, the vehicular access shown on the approved drawings shall be implemented and constructed in accordance with Perth & Kinross Council's Road Development Guide, using the Construction Type B from the Construction Details for Access Types, C, D and E. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

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

7. Prior to the first occupation of each element, the applicant shall provide, for approval by the Council as Roads

Authority, a Service Management Plan detailing the plans for servicing and delivery operations, and timing, including arrangements for the management of vehicular and pedestrian traffic during servicing and delivery. Thereafter, the approved plan shall be adhered to for the life of the development.

Reason - In the interests of road safety.

8. Prior to the first occupation of each element, a detailed design for a minimum of:

- a) Plot 2: 26 secure, covered cycle parking bays.
- b) Plot 3: 8 secure cycle parking bays.
- c) Plot 4: 8 secure cycle parking bays.

shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the occupation of each element.

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

9. Prior to commencement of works, the street lighting design for adoptable areas must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented prior to the occupation of the first unit and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

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

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;

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

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

Reason - In the interest of proper site management.

11. Prior to the commencement of development, the applicant shall submit survey work to demonstrate that the drainage system ensures a positive flow of water with no discharge onto the public road network. Thereafter, the agreed scheme shall be implemented in full to ensure no discharge onto the road network at any time.

Reason - In the interests of pedestrian and traffic safety.

12. No part of the development shall be occupied until a Travel Plan (TP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transportation and Development. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. Thereafter, the agreed scheme shall be implemented in full for the life of the development.

Reason - To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.

13. Prior to the commencement of development details of a barrier along the boundary of the trunk road to prevent

access to the trunk road shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Transport Scotland as the Trunk Road Authority. The barrier, as agreed, shall be completed prior to the use of the development and maintained by the developer or subsequent owner of the land.

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

Floods / Drainage

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

Reason - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

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

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

16. The measures identified in the revised Drainage Assessment (document 20 hereby approved) to prevent flooding of the site, approved as part of this permission, shall be fully implemented. Verification that the scheme has been fully implemented must be submitted to the Council as Planning Authority prior to completion or the bringing into use of any part of the development, whichever is the earlier.

Reason - In order to take account of the flood risk of the adjacent sites close to the Glasgow Road (A93).

Contaminated Land

17. Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further

assessment, an intrusive investigation should be undertaken to identify:

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

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

Reason - In order to deal with any potential ground contamination.

Justification

The proposal is considered a minor departure from the Development Plan however there are material reasons which justify departing from the Development Plan.

Procedural Notes

SEPA have submitted a holding objection to the proposed development, in relation to flood risk. The application will be referred, if SEPA maintain their objection, to the Scottish Ministers for authority to proceed. Thereafter, if agreed by Scottish Ministers, the decision notice shall not be issued until such time that the relevant transport infrastructure contributions have been secured.

Informatives

1. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
6. If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: <https://www.pkc.gov.uk/vehicleaccess>. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.
7. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. Guidance on the detailed design and positioning of the cycle storage can be sought from Transport Scotland's Cycling by Design 2021.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the e-Planning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The

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

10. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
<https://www.pkc.gov.uk/ldp2floodrisk>.
11. The refuse collection operative must have clear access to the bin storage area and where possible the surfaces must be a paved or hard finished, which must be smooth, where possible, without steps or kerbs with a minimum width of 1.5 metres and clear headroom of 2 metres.
12. Where a refuse vehicle is required to drive onto a site or to work under any structure there should be a minimum height clearance of 4.5 metres, with a minimum working area of 3.5 metres width by 4 metres length where the emptying of the containers will take place.
13. No work shall be commenced until an application for building warrant has been submitted and approved.
14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
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. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Report of Handling by Strategic Lead - Economy, Development and Planning
 (Report No. 24/166)

PROPOSAL: Erection of 209 dwellinghouses, formation of SUDS, landscaping and associated works (approval of matters specified in conditions of 15/01237/IPM) (LDP site MU7)

LOCATION: Land 300 Metres South West of Tighnacaille, Broich Road, Crieff

Ref. No: [23/01167/AMM](#)
 Ward No: P6- Strathearn

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application related to residential Phases 5-6 of the MU7 mixed-use development, allocated in LDP2. The application proposes details for the development of 209 dwellings within the phases, together with landscaping, SUDS, and other associated works. This Report concludes that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) (Ref: 15/01237/IPM) and other relevant material planning considerations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposed site forms part of the MU7 allocation in the Perth and Kinross Local Development Plan (2019) (LDP2). The LDP2 allocation totals an area of 47 hectares (ha), with the indicative range of 409-639 residential units and 5 ha of employment land.
- 2 Planning Permission in Principle (PPP) was granted for the entire allocation in December 2015 (15/01237/IPM) and again in June 2018 (18/02213/IPM), which was subject to planning conditions, including an Approval of Matters Specified by Condition (AMSC) requiring detailed layout and design detail for each phase. A masterplan was submitted with the PPP application indicating 400+ units in total for all residential phases, with 5 ha of employment land; however, the residential figures were indicative and not approved.
- 3 This proposed site forms Phases 5 and 6 of residential development and extends to approximately 7.62ha. The site is located on the southern edge of Crieff, within the settlement boundary. It is currently used as agricultural land and is reasonably flat with a slight fall as you move south. It is bounded by the B8062

Broich Road to the north with Crieff Primary School and Strathearn Community Campus immediately across the road; to the east is further agricultural land that includes the site of a Scheduled Monument; to the west is the tree-lined access road for Broich House with the ongoing residential development by Ogilvie Homes beyond. To the south and south-west is woodland with a path to the River Earn with further agricultural land beyond.

- 4 Two vehicular accesses will be formed onto Broich Road, which will be widened to 6m to accommodate the additional traffic movements created by the development. Additional connections will be provided to the site to the west, to the access road for Broich House, and to the south-west of the site.
- 5 The majority of the houses are oriented to face a road or areas of open space, with the units on the eastern edge of the site taking advantage of the open outlook over the Scheduled Monument. Landscaping will be provided around the site boundaries with the SUDS and associated pond/basin located in the southern corner.
- 6 Of the 209 residential units proposed, 157 will be for sale and 52 affordable homes. These dwellings comprise a mix of detached, semi-detached, terraces and flats. The numbers and tenure mix are:
 - 32 x two-bedroom flats;
 - 15 x two-bedroom terraced houses;
 - 22 x three-bedroom terraced houses;
 - 55 x three-bedroom semi-detached houses;
 - 22 x three-bedroom semi-detached houses with a study;
 - 35 x three-bedroom detached houses; and
 - 28 x three-bedroom detached houses with a study.
- 7 All of the units will have access to a private external amenity area and be finished with smooth white or pale render, with a brown or grey facing brick basecourse and terracotta or grey roof tiles. The doors and windows will be white UPVC.

Site History

- 8 [14/00005/PAN](#) submitted on 28 August 2014 for Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities.
- 9 [15/01237/IPM](#) was approved on 9 December 2015 for Mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycleways, associated drainage works and ancillary facilities.

- 10 [18/02213/IPM](#) was approved on 6 June 2019 for Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 3 (phasing of development) of planning permission 15/01237/IPM (mixed use development including residential, compatible employment uses, areas of open space, amenity landscaping, formation of access roads, footpaths and cycle ways, associated drainage works and ancillary facilities (in principle)).
- 11 [19/01165/AMM](#) was approved on 8 March 2021 for Erection of 246 dwellinghouses, formation of vehicular accesses, play park, landscaping and associated works (approval of matters specified in conditions of 18/02213/IPM) (allocated site MU7)

PRE-APPLICATION CONSULTATION

- 12 Pre application Reference: 22/00009/PREAPM
- 13 The scale of development proposed is classified as 'Major' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is an AMSC application, further preapplication consultation (PAC) is not necessary beyond that already undertaken for PPP application.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 15 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 16 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 17 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crises
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 7: Historic Assets and Places

- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management

Perth and Kinross Local Development Plan 2019

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1D: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
 - Policy 20: Affordable Housing
 - Policy 25: Housing Mix
 - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 52: New Development and Flooding
 - Policy 53A: Water Environment and Drainage: Water Environment
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 56: Noise Pollution
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2023)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

PKC Non Statutory Guidance

- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Planning & Biodiversity](#)

NATIONAL GUIDANCE

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

Planning Advice Notes

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

Creating Places 2013

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

Designing Streets 2010

- 23 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and

away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

CONSULTATIONS

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

External

Crieff Community Council

- 26 The Community Council has submitted a number of observations. The main points raised are as follows:

- The ongoing requirement for the development of the employment land;
- Concern at lack of improvements to Broich Road;
- Tree species included in the landscape plans;
- Density; and
- Impact on healthy trees.

Historic Environment Scotland

- 27 An initial objection was received due to the impact of proposed fencing and walling, new trees, a surfaced path and a sloped area within the Scheduled Monument. Following the removal or amendment of these matters HES have withdrawn their objection.

NHS

- 28 Advise that the Health and Social Care Partnership is under pressure to meet significant rising demands. However, there are no site-specific requirements to contribute towards health care provision in the locality as this was not identified during the preparation of LDP2.

Perth And Kinross Heritage Trust

- 29 The site is within an area considered to be archaeologically sensitive. A condition is recommended to ensure a protection is installed around the Scheduled Monument.

Scottish Environment Protection Agency

30 No objection to the proposal.

Scottish Water

31 No objections to the proposal. There is sufficient capacity in the Turret Water Treatment Works to service the development. Scottish Water is unable to confirm capacity within the Crieff Waste Water Treatment Works and suggest the applicant completes a Pre-Development Enquiry Form for this purpose.

Internal

Biodiversity/Tree Officer

32 Following the submission of revised plans, no objection to the proposal subject to conditions on landscaping and biodiversity enhancement and protection measures.

Community Greenspace

33 No objections. As there is no priority public open space within the development it is acceptable for the open space to be privately factored. A contribution of £26,079.03 is required for the ongoing maintenance and replacement of equipment at King George V Park.

Community Waste Advisor - Environment Service

33 No objection to the proposal.

Development Contributions Officer

34 No objection. An S.75 is required for the delivery of affordable housing (52 units) and a Primary Education Contribution (£5,164 per open market unit).

Environmental Health (Contaminated Land)

35 No objection subject to a condition requiring further investigations.

Environmental Health (Noise/Odour)

36 No objection subject to a condition requiring the implementation of noise mitigation measures.

Structures And Flooding

37 No objection subject to the provision of updated information on discharge rates and SUDS maintenance. This information has subsequently been submitted.

Transportation And Development

38 No objections subject to conditions requiring the following:

- Provision of a crossing on Broich Road;
- A vehicular link to the western boundary;
- The detailed design of parking bays, surfacing materials and traffic calming measures within the site;
- Street lighting design;
- Wildlife kerbs; and
- A Construction Transport Management Scheme (CTMS)

REPRESENTATIONS

39 One representation was received objecting to the development. The main issues raised within the representation are:

- Density is too high
- Detrimental impact on existing infrastructure and services
- Volume of traffic on Broich Road

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

ADDITIONAL STATEMENTS

41

| | |
|---|--|
| Screening Opinion | EIA Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required (submitted as part of IPM) |
| Appropriate Assessment under Habitats Regulations | AA Not Required |
| Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Noise Impact Assessment; CEMP; Drainage Assessment; Archaeological Evaluation And Monitoring Report; Ground Investigation Report; Biodiversity Enhancement Plan; Preliminary Ecological Appraisal; Tree Survey; Transport Statement; Travel Plan; Air Quality Mitigation Report; Energy Statement; Statement of Community Benefit. |

APPRAISAL

- 42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

Principle

- 43 The principle of the proposal has been established through the site's allocation as MU7 in LDP2 for a mixed-use development, including residential. Planning permission in principle (PPP) has also been granted for the development of the wider site, with this area being approved for residential use, reflective of that LDP2 allocation.
- 44 In addition, an Approval of Matters Specified in Conditions (AMSC) has been granted for the detailed design for 246 houses on Phases 1-4 has already been granted and is substantially underway. This is the adjacent Ogilvie Homes development.
- 45 The principle of the development is thus considered acceptable, provided the proposals are compatible with the PPP and relevant policies of the development plan. This is assessed below.

Design and Layout

- 46 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant; as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure.
- 47 The layout broadly complies with the principles of the approved masterplan and seeks to provide a logical movement pattern through the site, with permeability provided to surrounding areas. The proposed layout provides an appropriate network of streets and open spaces, with the majority of the houses oriented to overlook these areas. The eastern edge of the site bounds the Broich Cursus Scheduled Monument (SM9135), which will remain undeveloped and the majority of the houses along this edge will be positioned to take advantage of the open outlook. The proposal provides a legible environment which connects the new housing effectively to the existing residential areas with an appropriate urban density.
- 48 NPF4 promotes compact urban growth with higher density development helping to sustain public transport and support local living and 20-minute

neighbourhoods. At 27 units per hectare, the development is of a slightly higher density than the earlier residential phases of the wider site. However, the layout is commensurate with the wider townscape of this area of Crieff, and the proposed density is an efficient use of land on an allocated site for residential development and is considered to be of a low density.

- 49 The development proposes an appropriate mix of flats, terraces, semi-detached and detached properties with two and three bedrooms. The proposed rear gardens all comply with the Council's minimum standards and will not compromise daylight or privacy of each other.
- 50 The heights of the proposed units reflect heights within the prevailing residential context, both in terms of the older existing residential areas to the north and that currently under construction in Phases 1-4. Proposed site levels and sections have been assessed and are considered satisfactory.
- 51 Overall, the proposed layout, design, heights, and materials are considered to comply with the Council's placemaking policies, providing a logical and coherent structure and hierarchy of streets, buildings and open space. This also appropriately considers the surrounding landscape character and amenity of the area. The proposals therefore are considered to accord with the terms of both the PPP and the relevant NPF4 and LDP2 policies.

Landscape and Visual Amenity

- 52 A detailed Landscape and Visual Impact Assessment was submitted, as part of the PPP application. Phases 5-6 are broadly in line with the indicative PPP masterplan. The houses will be visible within the locality, particularly on Broich Road and the approach to Crieff from the east. The orientation of the units on the northern and eastern fringes, coupled with the proposed landscaping, will form a positive urban edge to the site.
- 53 The open space and landscaping proposed for the development is commensurate with the vision set out in the PPP masterplan. The site edges will be enhanced by the landscaping and supplementary planting, creating a pleasant environment for residents. Open space will be provided

Residential Amenity

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

Privacy, Daylight and Overshadowing

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

Noise

- 56 The applicant has submitted a Noise Impact Assessment (NIA) which has assessed the impact of noise associated with road traffic from Broich Road (B8062) and operational activities from the Crieff skatepark and Strathearn Community Campus (with bus park and Multi Use Games Area (MUGA)).
- 57 The noise impact due to road traffic noise from Broich Road within garden areas for the proposed development predicted that the majority of gardens are screened from road traffic noise due to intervening dwellings. However, the modelling predicted that noise levels within some gardens will require mitigation via closed boarding fencing at a height of 1.8m.
- 58 Modelling indicated that the predicted noise levels from road noise sources would meet the BS8233 and WHO internal noise criteria with windows partially open for ventilation.
- 59 However, predicted noise levels at the proposed dwellings overlooking Broich Road suggests that the criteria of 35dB_{LAeq,16h} daytime and 30dB_{LAeq,8h} nighttime can only be met with windows closed and these proposed properties will require further mitigation in the form of enhanced glazing and ventilation specifications.
- 60 The NIA also considered noise from the skate park and MUGA opposite the site. The assessment found that the dominant source of noise in the immediate locale was due to road traffic movements on Broich Road. Other nearby noise sources are much lower in comparison and so mitigation of road traffic noise should also satisfactorily reduce the potential noise impact of these other sources.
- 61 Environmental Health has no objections to the proposal subject to a condition (Condition 10) requiring the implementation of the recommendations and mitigation measures contained in the NIA.

Air Quality and Dust Management

- 62 Air Quality modelling was undertaken as part of the wider PPP which predicted a slight worsening of impacts along the High Street corridor (Crieff's Air Quality Management Area (AQMA)). However, the maximum impact was of slight adverse impacts and Environmental Health had no objections subject to the submission of a scheme of mitigation being submitted with each approval of matters application.
- 63 In this regard, an Air Quality Mitigation Report has been submitted in support of this application. The report proposes potential mitigation measures to reduce impacts on air quality including dust and emissions during the operational phase of the development. Environmental Health has no objections to the proposal subject to a condition (Condition 11) requiring the implementation of the recommendations and mitigation measures contained in the Air Quality Mitigation Report.

- 64 As required by the PPP, the applicant has submitted a Construction Environmental Management Plan (CEMP). The CEMP has sections for emissions to air, noise, vibration and dust and for each section identifies control measures to be implemented throughout the construction stage of the development.
- 65 Environmental Health has confirmed that the submitted CEMP is acceptable and will be subject to a condition to ensure that its measures and recommendations are adhered to during the construction phase of the development (Condition 13).

Contaminated Land

- 66 The submitted Site Investigation Report suggests that ground gas monitoring is incomplete and therefore the ground gas risk cannot be determined until further monitoring has been carried out. As a result, it is appropriate to impose a condition (Condition 9) to ensure that this work is completed, and any recommendations implemented.

Roads and Access

- 67 It was detailed in the in-principle permission for the wider site that there would be improvements for Broich Road, including the widening of the carriageway to 6 metres. The applicant has confirmed that Broich Road will be widened to 6 metres along the frontage of the site and a condition is required to secure this requirement (Condition 3). In addition, the condition will require a toucan crossing, bus stop and shelter and a footpath on the south side of Broich Road.
- 68 The application proposes to create two new vehicle accesses onto Broich Road giving access to all 209 dwellinghouses, with a series of linked streets. The concept in the in-principle design showed that there would be vehicular connectivity between this site and the adjacent Ogilvie Homes site and the site to the north-west. The Ogilvie Homes site will provide a road stub to their boundary and the Persimmon site will offer a similar stub opposite allowing for these to be more formally connected in future and a condition is recommended to secure its delivery (Condition 4).
- 69 A strip of soft landscaping will be left along the eastern boundary of the site. It was initially proposed that a path would be provided in this area. However, an objection to that proposal was received from HES due to concerns with its impact on the Scheduled Monument. This area will now be left as amenity grassland allowing unrestricted views across the Scheduled Monument from the houses on the west of the site.
- 70 Transportation and Development has confirmed that they are satisfied with the proposals subject to the previously referred to with the addition of further conditions for roads design detailing (Condition 5), street lighting (Condition 6), and a Construction Traffic Management Scheme (Condition 8).

Drainage and Flooding

- 71 A Drainage Assessment has been submitted in support of the application. Drainage and flooding mitigation for the site is required to be designed for a 1 in 200-year storm plus a 39% climate change allowance. The hydraulic modelling carried out shows that overland flows will be safely managed within the site roads network.
- 72 SUDS are incorporated in the form of an end of line detention basin and end of line swale, both of which will be located at the southern corner of the site.
- 73 SEPA has advised that they have no objections to the proposal. Flooding and Structures has offered no objections to proposal subject to an initial request for some clarifications and further information, which has now been submitted.
- 74 Overall, the proposal complies with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

Waste Collection

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

Cultural Heritage

- 76 The Scheduled Monument 9135 (Broich Cursus) is located to the east of the proposed development, with part of it located within the eastern boundary of the site. As required by the PPP, the impact of the proposal on the Scheduled Monument and archaeology in the area must be examined.
- 77 The landscaping and layout along the eastern edge have been amended following an initial objection from HES, due to potential direct adverse impacts on the scheduled monument. This included proposals to erect fencing and walling, plant trees, create a surfaced path and a sloped area within the scheduled monument. These aspects have now been amended or removed from the scheme and HES have confirmed that they have now withdrawn their objection.
- 78 Perth and Kinross Heritage Trust (PKHT) has been consulted and also initially raised concerns about the impact of the proposal on the Scheduled Monument. However, as with HES, they have no objections to the amended proposal, subject to a condition requiring protective fencing to be erected to protect the Scheduled Monument during construction (Condition 12).
- 79 PKHT further advised that the entire proposed development site lies within an area that is considered to be archaeologically sensitive. An archaeological

evaluation has been carried out of the unscheduled area of the proposed development. The report has been submitted within the supporting documents; no significant material or physical evidence was uncovered during this work and as such there is no further recommendation for work within the evaluated unscheduled area.

- 80 Overall, the proposal is considered to comply with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

Natural Heritage and Biodiversity

- 81 In relation to natural heritage and biodiversity, NPF4 Policies 1: Tackling the Climate and Nature Crisis, 2: Climate Mitigation and Adaptation 3: Biodiversity and 20: Blue and Green Infrastructure, are relevant. In addition, LDP2 Policies 40 and 41 directly apply. In association several conditions attached to the PPP applications cover these issues.
- 82 A Preliminary Ecological Appraisal Report (PEAR) has been submitted as required by Condition 23 of the PPP. The PEAR was undertaken at the correct time of year and with the addition of further details provides adequate information to inform the development.
- 83 The surveys and detailed landscape proposals have been assessed by both the Council's Biodiversity Officer and Community Greenspace. The details are generally considered acceptable in terms of landscape and biodiversity value.
- 84 NPF4 Policy 3(b) requires that major developments to demonstrate that they will enhance biodiversity, so they are in a better state than without intervention, including future management. This should include significant enhancements following avoidance, mitigation, and compensation for all biodiversity loss. A Biodiversity Enhancement Plan (BEP) has been provided which makes a number of recommendations. A condition is required to ensure that the conclusions and recommended action points contained in the BEP are adhered to (Condition 18).

Low and Zero Carbon Generating Technologies

- 85 LDP2 Policy 32 'Embedding Low and Zero Carbon Generating Technology in New Development' states that proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. As this proposal includes the erection of a new building, consideration must be given to this requirement.
- 86 Further, NPF4 Policy 2 'Climate Mitigation and Adaptation' requires that development should be designed to reduce greenhouse gas emissions. The applicant has submitted an Energy Statement in support of the proposal. This Statement advises that this requirement will be met through measures including: the site layout being influenced by the need to maximize the opportunities for

solar gain and energy generation through solar panels; a fabric first approach to building, including high levels of insulation and air tightness and efficient integrated home appliances.

- 87 Overall, the proposed development will comply with the provisions of LDP2 Policy 32 and NPF4 Policy 2.

Developer Contributions

- 88 NPF4 Policy 18: Infrastructure First and LDP2 Policy 5: Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.

- 89 A Section 75 Legal Agreement is required to secure the necessary infrastructure and associated contribution payments, covering the following subject areas:

- Affordable Housing provision
- Primary Education provision
- A contribution to the ongoing maintenance and replacement of equipment at King George V Park.

Affordable Housing

- 90 NPF4 Policy 15: Local living and 20-minute Neighbourhoods and Policy 16: Quality Homes seek to encourage and facilitate the delivery of high quality, affordable and sustainable housing options. LDP2 Policy 20 requires an Affordable Housing contribution equivalent to 25% of the units being developed. It is confirmed that the full requirement (52 units) for this AMSC application will be delivered on-site. This provision will ensure the PPP and LDP2 requirements are met.

Primary Education

- 91 Primary Education contribution of £810,748 is required to ensure there will be capacity within the adjacent Crieff Primary School. The contribution will be phased to ensure the objectives of the PPP, NPF4 Policy 18: Infrastructure First, LDP2 Policy 5 and Supplementary Guidance - Developer Contributions & Affordable Housing is met.

Health Provision

- 92 The site is allocated in LDP2 and the National Health Service (NHS) were formally consulted during the plan-making process. However, neither the NHS nor the Perth & Kinross Health and Social Care Partnership (HSCP) advised that there were pressures related to health care provision in the locality and that

developer obligations were required. On this basis, no site-specific requirements to make contributions towards health care provision can be required at this time.

Economic Impact

- 93 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 94 A Section 75 is required to deal with financial contributions and securing the delivery of primary education, affordable housing, transport infrastructure improvements, open space and play area provision and maintenance. Consent 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.

DIRECTION BY SCOTTISH MINISTERS

- 95 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 96 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

CONDITIONS AND REASONS FOR RECOMMENDATION

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

Reason - This is a Planning Permission in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. Prior to commencement of development on site, a detailed design showing the frontage of the development site onto Broich Road shall be submitted for the written approval of the Council as Planning Authority. The submission shall include the provision of the following:
 - a) a signalised toucan crossing on the B8062 Broich Road to link the development site to the northern side of Broich Road, confirming the extents of wall to be removed on the northern side of Broich Road;
 - b) the position of uncontrolled crossing location(s) along the frontage of the site to link the development site to the northern side of Broich Road;
 - c) the location of the bus stop and bus shelter to be located at the rear of the footway. The bus shelter shall be equipped with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and Real Time Passenger Information display, all of which must also be provided by the Developer, and associated road markings;
 - d) the footway on the southern side of Broich Road, to be a minimum width of 2 metres along the full frontage of the site;
 - e) the carriageway widening of Broich Road to a minimum of 6 metres in width along the frontage of the development site, thereafter the road will taper back to the original width;
 - f) the location of road drainage on the B8062 Broich Road along the frontage of the site; and
 - g) the location of road signage.

The submission will confirm the location, specification, detailed design and delivery timescales for the pedestrian crossings, location of the bus stop, road widening, footway on southern side of Broich Road, road drainage and road signage along the frontage of the development site. The scheme for the approved shall thereafter be implemented in full, prior to the occupation of the first dwellinghouse.

Reason - In the interests of road, pedestrian safety and connectivity with the developments to the northern side of Broich Road.

4. Prior to the commencement of the development hereby approved, a detailed design showing the vehicle link to the north-western boundary connecting to the

wider approved PPP site shall be submitted and approved in writing by the Council as Planning Authority. The submission will include details of:

- a) The provision of the road and footways to the north-western boundary of the site;
- b) The provision of the cyclepath link to connect into the wider approved PPP site;
- c) The submission will also confirm the specification of materials to be used.

Thereafter, the approved scheme shall be implemented in full prior to the completion of the 70th residential unit within phases 5-6 and to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road, pedestrian safety and connectivity with the remainder of the PPP site.

5. Prior to the commencement of the development hereby approved, a detailed design showing the following road details shall be submitted for the written approval of the Council as Planning Authority;
 - a) step off facilities for visitor parking bays;
 - b) finalised road surfacing materials;
 - c) finalised footway and cyclepath surfacing materials;
 - d) traffic calming measures within the site; and,
 - e) a phasing plan for delivery.

The roads, footways and cyclepath as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

6. Prior to commencement of any development on site, the street lighting design must be submitted for the further written agreement of the Council as Planning Authority, in consultation with Perth & Kinross Council's Street Lighting Partnership for the public road network. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation for both the public road network and the private areas, and timescales for delivery. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of road safety.

7. Prior to the commencement of development, a phasing plan shall be submitted showing the locations of and timescales for delivery of wildlife kerbs. For the avoidance of doubt, all road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed.

Thereafter, the kerbs shall be installed in accordance with the approved phasing plan.

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

8. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - i) details of information signs to inform other road users of construction traffic;
 - j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - n) monitoring, reporting and implementation arrangements;
 - o) arrangements for dealing with non-compliance; and
 - p) details of HGV movements to and from the site.

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

Reason - In the interest of proper site management.

9. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken

and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

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

10. All recommendations and mitigation measures shall be implemented in accordance with Section 7, Appendix A, Figures 3 - 8 and Table 13 of the approved Noise Impact Assessment reference Broich Road, Crieff dated 11 July 2023 which was undertaken by KSG Acoustics to the satisfaction of the Planning Authority.

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

11. The recommendations and mitigation measures for the construction and operational stages of the development as stated in Section 6 of the Air Quality Mitigation Report' Broich Road AQ Mitigation Report, Persimmon Homes (North Scotland)' dated May 2023 which was undertaken by AECOM shall be implemented to the satisfaction of the Council as Planning Authority.

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

12. Prior to the commencement of the development hereby approved, protective fencing shall be erected around SM9135 incorporating an appropriate buffer, insofar as the land lies within the control of the applicant and/or developer, in a manner and for a time period to be agreed in writing in advance with the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust (PKHT). No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with PKHT.

Reason - To ensure the preservation of the historic environment.

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

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

14. Concurrent with the initiation of the development hereby approved, and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason - In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

15. Prior to the commencement of the development hereby approved, a scheme detailing the provision of electric car charging points for the development shall be submitted for further written approval of the Council as Planning Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.

Reason - In the interests of sustainable transport.

16. All trees on site, other than those marked for felling on the approved plans, shall be retained. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'. Approved Tree Protection measures shall not be removed breached or altered without prior written authorisation from the local planning authority but shall remain in a functional condition throughout the entire development or as per the phasing plan. If such protection measures are damaged beyond effective functioning then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection.

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

17. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become

established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

18. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) Biodiversity Enhancement Plan Revision B (May 2024) relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

19. An updated ecology survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the ecology survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

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.

INFORMATIVES

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

which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development
Readily visible to the public
Printed on durable material.
4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

9. The developer should please note the following:

Refuse collection vehicles will only enter the site during development where there is clear access, adequate turning, and a suitable road surface with no raised ironworks. This means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing, and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer must contact the Community Waste Team to discuss bin collections as the site progresses.

10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. The applicant is advised to refer to Perth & Kinross Council's Flood Risk and Flood Risk Assessments Supplementary Guidance, and the CIRIA SuDS manual as it contains advice relevant to your development.

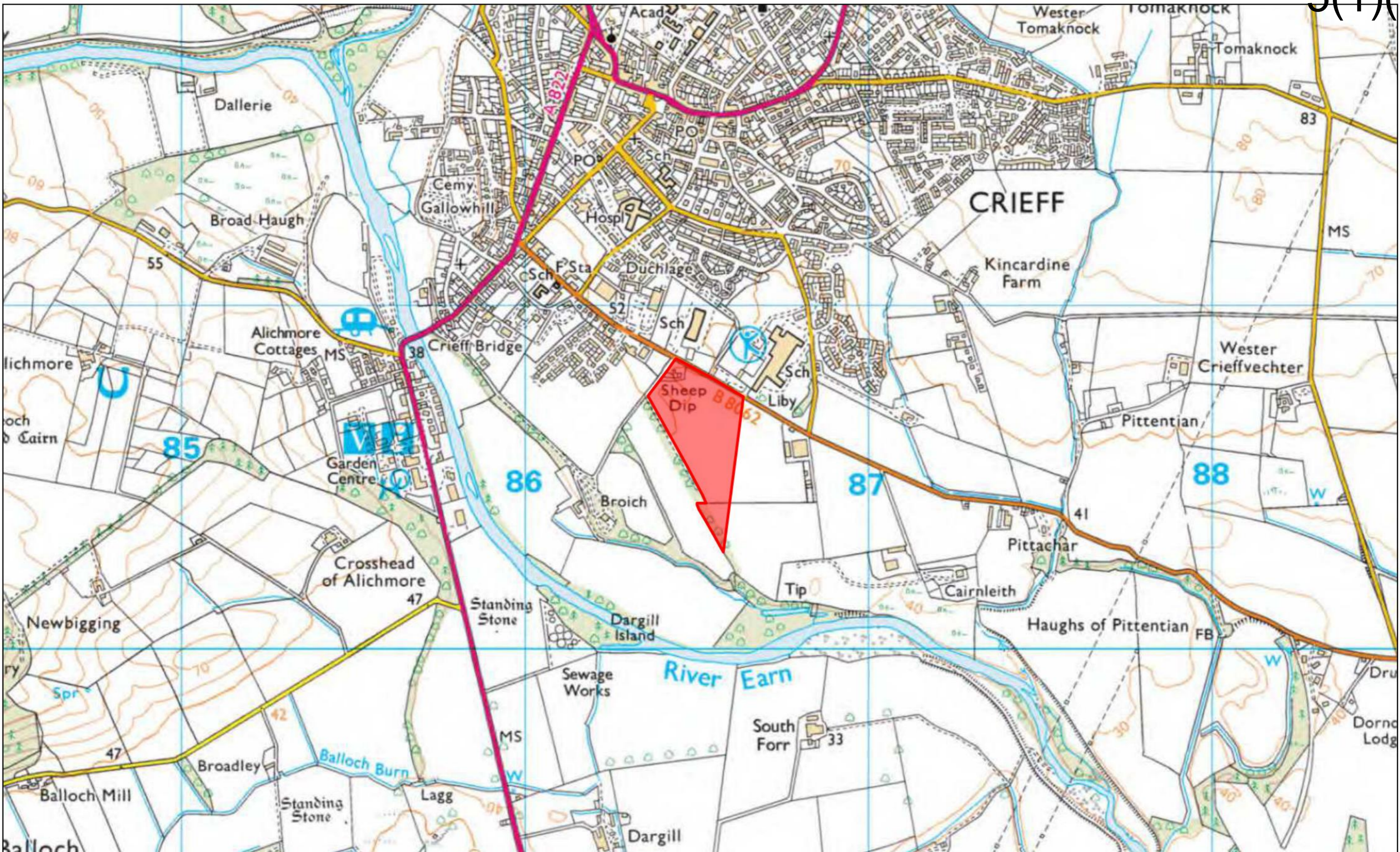
Background Papers: 1 letter of representation
Contact Officer: Alex Gudgeon
Date: 24th May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

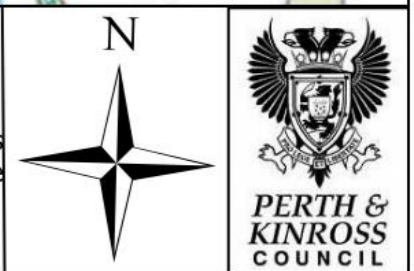
All Council Services can offer a telephone translation facility.

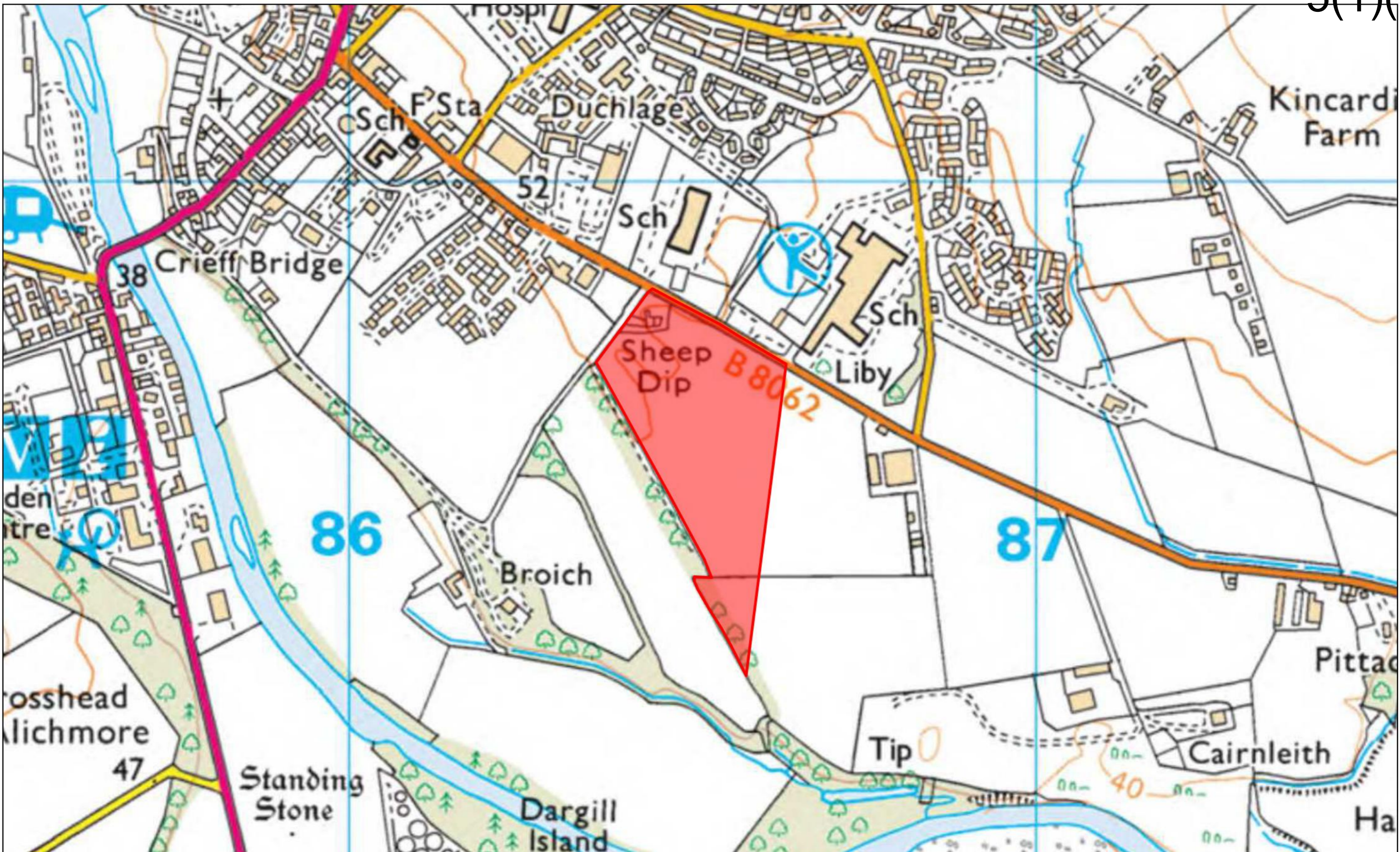


© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024
 Scale
 1:10,000

23/01167/AMM
 Erection of 209 dwellinghouses, formation of SUDS, landscaping and associated works (approval of matters specified in conditions of 15/01237/IPM) (LDP site MU7) on Land 300 Metres South West Of Tighnacaille Broich Road Crieff





© Crown copyright [and database rights] 2024 OS
 AC0000805756. You are permitted to use this data solely to
 enable you to respond to, or interact with, the organisation
 that provided you with the data. You are not permitted to
 copy, sub-licence, distribute or sell any of this data to third
 parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
 1:5,000

23/01167/AMM

Erection of 209 dwellinghouses, formation of SUDS, landscaping and associated works (approval of matters specified in conditions of 15/01237/IPM) (LDP site MU7) on Land 300 Metres South West Of Tighnacaille Broich Road Crieff



Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Report of Handling by Strategic Lead - Economy, Development & Planning
 (Report No. 24/167)

PROPOSAL: Change of use of agricultural buildings and land to business (class 4), general industry (class 5), storage and distribution (class 6) (in retrospect)

LOCATION: Land 250 Metres South East Of Isla Villa, Grange, Errol

Ref. No: [23/00960/FLL](#)

Ward No: P1 - Carse Of Gowrie

Summary

This report recommends approval of a retrospective detailed planning application to regulate the change of use of a series of buildings and their associated outside space to business (Class 4), general industry (Class 5) and storage and distribution (Class 6) uses on a site within the Grange/Errol Airfield settlement, as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This planning application seeks to regulate a number of unlawful existing uses on a site within the settlement of Grange/Errol Airfield. The site is currently used by a number of established businesses, whose activities fall within either business (Class 4), General Industry (class 5) or Storage and Distribution (Class 6) uses. The site comprises three principal buildings which were originally built for either poultry use or as aircraft hangers, but the uses of these building have moved onto other types of business and commercial uses over the years. Two of these buildings (Yard 75) are joined with a small connecting link. In between the buildings are areas of hardstanding (former taxi runways/parking areas for planes) and grassed areas - both of which have been used for outside storage.
- 2 All three of the buildings have been renovated over the years, with new external cladding and internal alterations. Those alterations are not part of this planning application as they are considered to be a mix of either permitted and / or de-minimis development which does not require to be regulated.
- 3 Vehicular access to the site is via a private access which is partially shared with several residential properties. The access is immediately adjacent to some of

those properties' residential curtilages. A large area of land adjacent to the vehicular access has been included within the planning application site boundary. This area is not proposed for any outside storage but was included within the planning submission to allow for alternative access 'options' to be available to the applicant if deemed necessary and appropriate.

PRE-APPLICATION CONSULTATION

- 4 The proposal is not of a scale which requires formal pre-application consultation with the local community.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 The proposal is not of a scale which requires assessment through EIA.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 7 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 8 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 14: Design, Quality and Place
- Policy 26: Business and Industry

Perth and Kinross Local Development Plan 2 (2019)

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

10 The principal part of the site is located within the settlement of the Grange/Errol Airfield, and the area has been identified as a mixed use site. A small section of the existing access which is proposed to be use to access the site is located outwith the settlement boundary. The following policies are therefore applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Developer Contributions
- Policy 6: Settlement Boundaries
- Policy 7B: Mixed Use Sites
- Policy 41: Biodiversity
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport Standards and Accessibility Requirements

Statutory Supplementary Planning Guidance

11 The following statutory SPG are applicable to this proposal,

- Placemaking 2020
- Developer Contributions and Affordable Housing 2023

OTHER PKC POLICIES

Non-Statutory Planning Guidance

12 The following non-statutory PG is applicable,

- Planning & Nature 2020

NATIONAL PLANNING GUIDANCE

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

Planning Advice Notes

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

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

SITE HISTORY

- 15 21/00827/LAW - Use of land as (Class 4) business and light industry (existing). This application was refused due to insufficient evidence to demonstrate that the existing use(s) were lawful.
- 16 22/00101/LAW - Use of units as business and light industry, general industrial and storage or distribution (existing) - This application was refused due to insufficient evidence to demonstrate that the existing use(s) were lawful. A subsequent appeal of that decision to the DPEA was dismissed.

CONSULTATIONS

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

External

Scottish Water

- 18 No objection to the proposal.

Internal

Transportation and Development

- 19 No objection to the proposal in terms of the means of the vehicular access and parking provision, subject to improvements to the junction to the public road.

Flooding and Structures

- 20 No objection subject to conditions concerning surface water disposal and clarification of alternative routes to and from the site, and a flood action plan during a flood event.

Community Waste

- 21 No objections in terms of waste and recycling provision.

Developer Contributions Officer

- 22 No requirement for any developer contributions.

Environmental Health

- 23 No objection in terms contaminated land issues or noise, subject to conditions being attached to any permission.

REPRESENTATIONS

- 24 Thirteen letters of representation have been received, of which six are objecting and seven are offering support. In terms of the letters of objections, the main issues which have been raised are,
- Contrary to the Development Plan
 - Inappropriate land use
 - Traffic concerns
 - Impact on residential amenity via noise nuisance
- 25 These issues are addressed below in the main appraisal section.
- 26 In terms of the letters of support, these largely relate to the economic benefit that the proposal would bring to the area. In addition to the individual representations, the Local Community Council have made a representation which is neutral, suggesting that if the proposal was to be supported then conditions relating to the junction, the surface of the road and operating hours should be considered.

ADDITIONAL STATEMENTS

27

| | |
|--|-------------------------|
| Screening Opinion | Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not applicable |
| Appropriate Assessment under Habitats Regulations | AA Not Required |
| Design Statement or Design and Access Statement | Supporting statement |
| Report on Impact or Potential Impact | Noise Impact Assessment |

APPRAISAL

- 28 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the LDP2 and statutory SPG. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 29 In terms of other material considerations, this involves considerations of the sites previous planning history, and consideration of the Council's non-statutory planning guidance.

Policy

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

- 31 Within the NPF4, Policy 3 (biodiversity) places biodiversity front and centre of all planning decisions whilst Policy 14 (Design, quality and place) promotes high quality design for all new proposals. Policy 26 (business and industry) supports and promotes new businesses and the expansion of existing ones in suitable locations but only in cases when they are proven to be compatible with existing land uses.
- 32 Within the LDP2, with the exception of the proposed (existing) vehicular access, the principal area of the site lies within the settlement of Grange/Errol Airfield where land use Policies 1 (placemaking), 6 (Settlement Boundaries), 7B (mixed use sites), 41 (biodiversity), 55 (Artificial light), 56 (noise nuisance) and 60 (Transport Standards) are all applicable.
- 33 Policy 1 seeks to ensure that all new developments do not have an adverse impact on the local environment, which includes visual and residential amenity impacts. Policy 6 looks to limit new development on area which are immediately adjacent and outwith settlement boundaries. Policy 7B identifies areas for mixed use which are intended to promote the integration of employment opportunities with housing, but subject to certain criteria being met and delivered. Policy 41 seeks to protect both local and protected wildlife, whilst Policies 55 and 56 looks to protect residential amenity from both artificial light pollution and noise nuisance. Policy 60 looks to ensure that all matters concerning access and parking related matters comply with both the Council's standards and that of the NRDG.
- 34 In terms of statutory SPG, the Council's policies on Placemaking, Developer Contributions and Housing in the Countryside are all applicable, and the content of these broadly follows the comparable LDP2 policies.

Land Use Acceptability

- 35 With the exception of part of the (existing) vehicular access site, the majority of the site has been identified within the LDP2 as an existing area of mixed use where Policy 7B of the LDP2 is directly applicable. In terms of this policy, 'mixed use' is defined as being a range of uses including residential, offices, light industry, surgeries and leisure, and new proposals which look to introduce these uses into areas identified as being of 'mixed use' will generally be acceptable. For the avoidance of doubt, light industry is typically defined as a use which can be undertaken in a residential area without detriment to the amenity of the area by generating noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 36 On the site at present there is a mix of different uses, however these are all industrial and commercial in nature with no residential. There are however existing residential uses along the vehicular access to the site.
- 37 In addition to the uses listed under Policy 7B of the LDP2, this planning application seeks the approval for a General Industrial Use (Class 5), which is what the activities associated with Alfa Doors would typically fall under. With the

exception of Alfa Doors, the other existing uses across the site would typically fall under a combination of Class 4 (business) and Class 6 (Storage and Distribution). To allow for flexibility, this application seeks approval for all three classes across the site, without specific restrictions on individual buildings and / or operators.

- 38 In order to comply with Policy 7B of the LDP2 and the more general requirements of Policy 56 of the LDP2, the proposed uses must be proven to be compatible with residential amenity, and ordinarily a Class 5 use could be incompatible with a residential use, depending on the individual location, relationships between the uses and the circumstances of the businesses. On a similar theme, Policy 26: Business and Industry of NPF4 also outlines that proposals will be supported where they are compatible with the primary business function of the area, whilst also in part d) consider the impact on surrounding residential amenity.
- 39 To demonstrate the level of noise arising from the current operators, a Noise Impact Assessment (NIA) was undertaken and submitted to support the planning application. Within the NIA, predicted 'worse' case scenarios have been established, and the results show that in the event of all the building(s) being in operation, including the use of 'noisy' machinery and 'noisy' working, the predicted impact on the residential properties would be within acceptable levels. The NIA indicates that the principal noise generator in terms of activities onsite is Alfa Doors in Building/Yard 74, and after visiting the site the Council does not dispute this position.
- 40 The NIA has been reviewed by Environmental Health, and the methodology and assumptions are all in accordance with recognised standards. Subject to the imposing of a number of compliance conditions, the amenity of existing residential properties should be protected to acceptable levels. The most significant conditions are that noise from each building should not exceed 35db during daytime and 25db during the night (Condition 4). A separate condition requires further technical assessments and then mitigation, if a valid noise complaint is raised and verified, in relation to activities within the principal industrial areas (Condition 8). In light of these conditions, and the presumptions made within the NIA, it is not considered necessary to restrict this permission to the existing user.
- 41 Within the representations, a number of similar concerns have been raised relating to noise and dust which is directly generated by HGVs visiting the site for deliveries as opposed to those collecting waste /recycling. The NIA principally covers operational noise from the site, but the NIA has considered noise levels from deliveries and vehicles movements which are typical in terms of their timings and volume. The noise data does not suggest noise levels of unacceptable standards. There is no doubt that the surface of the road is poor and a better surface adjacent to the affected residential properties would help to reduce both noise levels from movement and also dust during dry periods. However, a bound service from the junction to the site would be unreasonable, unproportionate and unjustified and would fail to meet the tests of a competent

condition. Alternatively, a minor improvement to the 2nd bend is more reasonable and proportionate to protect residential amenity and has been recommended as a condition (Condition 10).

- 42 In terms of the location of the access, and it being outwith the settlement boundary, this does not raise any concerns. The access is existing, and it would be unreasonable to take a view that the development was contrary to Policy 6 of the LDP2 for this reason. The area adjacent to the access which was included to allow the applicant 'options' to amend the access route if it was required, will be conditioned out of this permission as development (outside storage) within that area would be considered contrary to the LDP2 (Condition 12).
- 43 Subject to conditions, the proposal is considered to be consistent with the relevant land use policies of the LDP2, and Policy 26 of the NPF4 which supports business and industry in suitable locations.

Visual Amenity, Design and Layout

- 44 The principal impact on the visual amenity of the area is the potential for outside storage to cause visual clutter, which can often occur with unfettered outside storage. At the time of the most recent site visit the outside space was being managed in a way which did not raise any visual offence, and in the absence of any existing planning controls, this would largely be due to the diligence of the occupiers of the various buildings. It is also the case that the area is not that readily visible from the public road, and anyone taking offence at the visual appearance of the site would have to be visiting the site, and visiting one of the operating businesses or employed there.
- 45 The existing position could however change fairly quickly with a new operator / owner coming in, and in light of this and in order to monitor the appearance of the site it is recommended that permission is granted for areas of outside storage but only for a temporary period. After the expiry of that, a review of the successfulness of the self-regulation can be made and a decision made as to whether or not a further period of temporary permission should be forthcoming (Condition 9).

Residential Amenity

- 46 In support of the planning application, a noise impact assessment (NIA) has been submitted. Within that assessment 'worse' case scenarios have been predicted, and the results show that in the event of all the buildings being in operation for uses which fall within general industry i.e. the use of machinery and 'noisy' working, the impact on the residential properties is within acceptable levels. The NIA has taken into account typical delivery times and the volume of HGVs using the vehicular access. The NIA has been reviewed by Environmental Health, and subject to conditions to a number of compliance conditions they have no concerns in relation to noise matters. It should be noted that one of these conditions requires further technical assessments and then mitigation, if a valid

noise complaint is raised in relation to activities within the principal industrial areas (Condition 8).

- 47 In terms of artificial light, a compliance condition is recommended which will ensure that light spillage is controlled so that it does not spill onto neighbouring land (Condition 6).
- 48 As addressed above, there is a slight concern over the condition of the access where it bounds the curtilages of the residential properties. Surfacing a short stretch of this access would reduce the potential for dust, and inevitably would also reduce some of the noise levels coming from HGVs.

Roads and Access

- 49 In principle, the proposal raises no issues in terms of the vehicular access or parking related matters – which are all as existing. It is noted that a number of the representation raises concerns over the access, and whilst it is recommended that part of the access is surfaced (for amenity reasons), in terms of road and pedestrian safety matters the existing arrangement is acceptable and raises no concerns in relation to compatibility with Policy 60 of the LDP2.

Trees

- 50 There are trees to the west of the site, however these trees are not affected by the proposal and suitable protection measures can be implemented to ensure that no unnecessary damage occurs in relation to the access improvement works.

Impact on Biodiversity

- 51 The uses are all existing, so the impact on biodiversity is low. There does remain an opportunity to provide for some bio-diversity enhancements, and to deliver this it is recommended that 4 bat boxes and 4 bird nesting boxes are installed within the curtilage of the site (Condition 11). Subject to this, the proposal raises no issues with the bio-diversity policies contained within the Development Plan.

Drainage and Flooding

- 52 The proposal raises no issues in terms flooding issues. The principal part of the site is not liable to be affected by flood risk, whilst only parts of the vehicular access are identified as being at potential risk of flooding. Nevertheless, to ensure that the operators of the site have suitable contingencies in place for emergencies during a flood event, it is recommended that a flood action plan is submitted to and then approved in writing by the Council as Planning Authority. It should also be borne in mind that due to the nature of the development, the number of people 'on site' at any one time would not significant and largely limited to staff, and those making deliveries In terms of drainage matters, the

applicant has indicated that there is agreement in place to connect to an existing system which is already installed and servicing the property to the south. Subject to the necessary agreement from Building Standards, and SEPA the principle of this raises no concerns.

Developer Contributions

- 53 The proposal has no requirement for any Developer Contributions or Affordable Housing provision.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 54 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 55 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, the adopted Local Development Plan 2 (2019) and statutory SPG. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application, subject to the following conditions,

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

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

2. The hours of operation shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no operations permitted on Sundays.

Reason - In order to protect existing residential amenity.

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

Reason - In order to protect existing residential amenity.

4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to protect existing residential amenity.

5. The sound insulation and sound transmission properties of the structure and finishes shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the Council as Planning Authority.

Reason - In order to protect existing residential amenity.

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason - In order to protect existing residential amenity.

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

Reason - In order to protect existing residential amenity.

8. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant (approved in writing by the Council as Planning Authority) to carry out a noise assessment to verify compliance with conditions 4, 5 and 7 above. The assessment will be carried out to an appropriate methodology that has been approved in writing with the Council. If the noise assessment shows that the noise levels do not comply with conditions 4, 5 and 7 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Council with 28 days of the assessment. The approved mitigation scheme shall thereafter be implemented in full and within the approved timescales.

Reason - In order to protect existing residential amenity.

9. All areas of outside storage use are temporary until 30 June 2029.

Reason - In order to reserve the right of the Council to consider the appropriateness of the use of areas for outside storage within a reasonable timeline.

10. Within 3 months from the date of the decision notice, a detailed scheme for the improvements of the vehicular access up to the 2nd bend from the public road, shall be submitted to and approved in writing by the Council as Planning Authority. The details must include specification, timing and long-term maintenance strategy, together with any necessary tree protection. Thereafter, the approved details shall be implemented in full within the approved timeline.

Reason - In order to protect existing residential amenity.

11. Within 3 months from the date of the decision notice, 4 bat boxes and 4 bird nesting boxes shall be installed within the curtilage of the site. The boxes shall be installed as per the guidance and specifications of the Scottish Wildlife Trust, and after installation thereafter retained in a usable condition.

Reason - In order to provide a bio-diversity enhancement.

12. For the avoidance of doubt, the area adjacent to the access is not subject to any permission for outside storage use.

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

13. Within 1 month of the date of the decision, a flood action plan for the entire site shall be submitted to and approved in writing by the Council as Planning Authority. The plan must include contingency measures for emergency vehicles to access the site during a flood event. The approved details shall thereafter be implemented in full at all times.

Reason - In the interests of safety and to minimise risk to life and property.

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

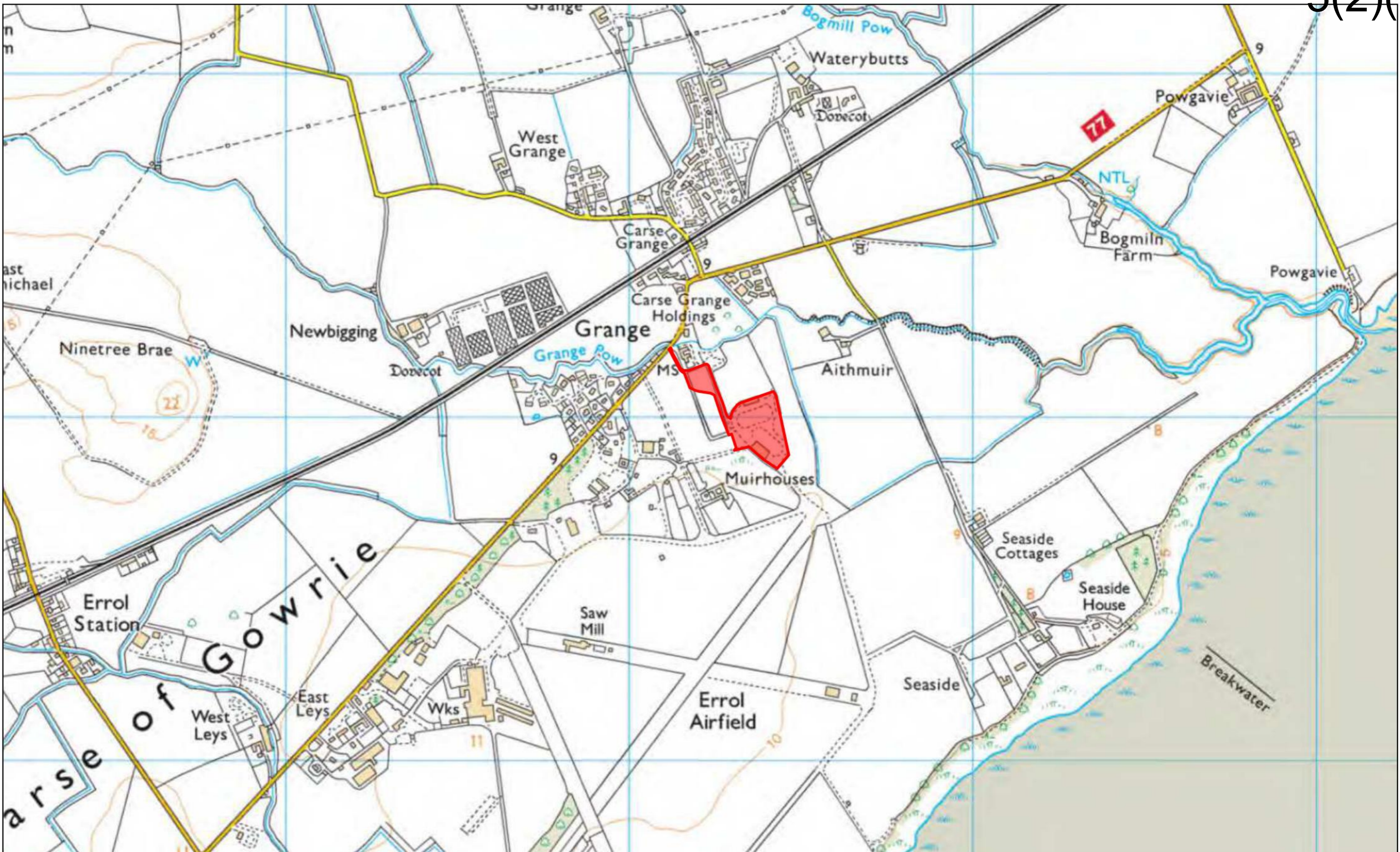
Background Papers: 13 letters of representation
Contact Officer: Andy Baxter
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



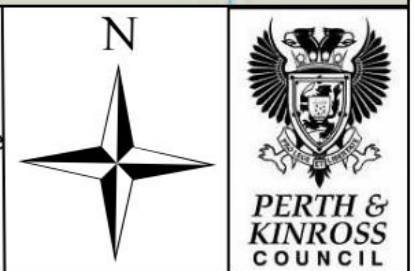
© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

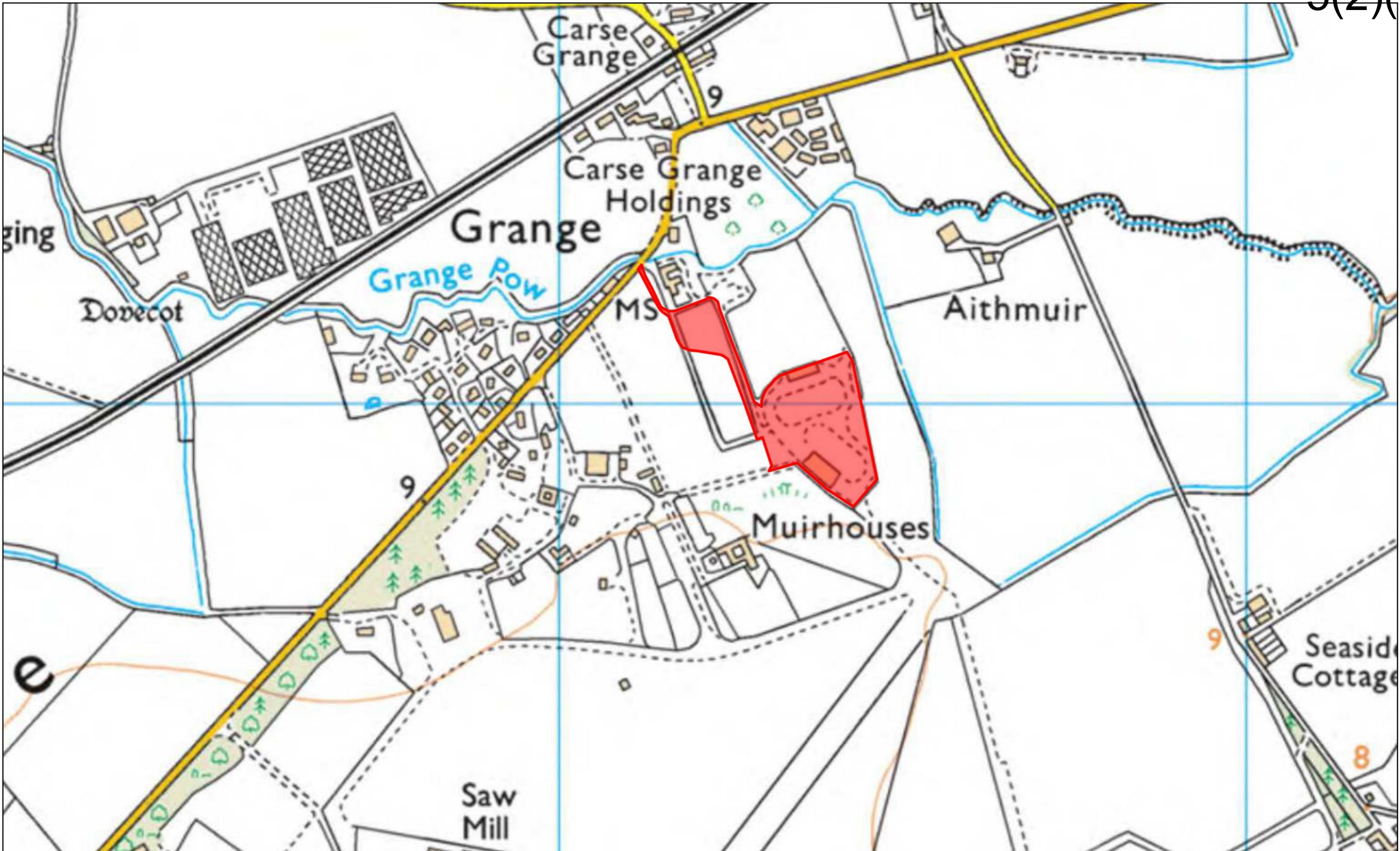
Planning and Placemaking Committee - 5 June 2024

Scale
1:10,000

23/00960/FLL

Change of use of agricultural buildings and land to business (class 4), general industry (class 5), storage and distribution (class 6) (in retrospect) on land 250 Metres South East of Isla Villa Grange Errol





© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
1:5,000

23/00960/FLL

Change of use of agricultural buildings and land to business (class 4), general industry (class 5), storage and distribution (class 6) (in retrospect) on land 250 Metres South East of Isla Villa Grange Errol



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

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

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

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

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

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

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

Site History

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

PRE-APPLICATION CONSULTATION

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

DEVELOPMENT PLAN

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

National Planning Framework 4

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

- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 13 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crises
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 6: Forestry, Woodland and Trees
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
 - Policy 12: Zero Waste
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 20: Blue and Green Infrastructure
 - Policy 22: Flood Risk and Water Management
 - Policy 23: Health and Safety
 - Policy 27: City, Town, Local and Commercial Centres
 - Policy 30: Tourism

Perth and Kinross Local Development Plan 2019

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 6: Settlement Boundaries
 - Policy 13: Retail and Commercial Leisure Proposals
 - Policy 14A: Open Space Retention and Provision: Existing Areas
 - Policy 15: Public Access
 - Policy 18: Pubs and Clubs in Residential Areas
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 47: River Tay Catchment Area
 - Policy 52: New Development and Flooding
 - Policy 53B: Water Environment and Drainage: Foul Drainage

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

OTHER POLICIES

Statutory Supplementary Guidance

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

PKC Non-Statutory Guidance

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

NATIONAL GUIDANCE

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

Planning Advice Notes

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

Creating Places 2013

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

Designing Streets 2010

- 19 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

CONSULTATIONS

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

External

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

Internal

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

REPRESENTATIONS

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

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

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

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

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

ADDITIONAL STATEMENTS

40

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

APPRAISAL

41 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations,

this involves considerations of the Council's other approved policies and supplementary guidance and issues raised in the representations.

Principle

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

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

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

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

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

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

Design and Layout

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

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

Residential Amenity

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

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

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

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

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

Roads and Access

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

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

Drainage and Flooding

- 85 A Drainage & Flood Statement reports the application site is not at risk from fluvial flooding and a small area of the site is shown to have a medium-low likelihood of surface water flooding. It reports this isolated patch appears to be the result of run-off from a steep slope to the east. A perimeter drain is proposed during the construction phase and the drainage design incorporates measures to ensure surface water run-off will be low.
- 86 The drainage layout plan (Document 70) and Drainage & Flood Statement (Document 66) were revised during the application process in consultation with the Council's Flooding Team. Given site constraints and space restrictions, two sets of cellular storage crates are proposed as the main form of attenuation for all surface water run-off. Filter trenches are proposed to capture run-off from the adjacent slopes. Due to concerns raised by Transport Planning, the applicant has relocated the attenuation tank at the east of the site, as this was to be located within the embankment supporting the road to residential properties, with the risk of causing damage to the embankment supporting this road. The surface water will be treated within the site before discharging to the existing surface water sewer in Ferry Road. A maintenance schedule is included. In respect of foul water this will drain to the existing public combined sewer located in Ferry Road.
- 87 SEPA were consulted and have no objection to the proposal. Following review of the further information submitted, the Council's Flooding Team are satisfied with the drainage design and that there is no risk of flooding.
- 88 The proposal satisfies NPF4 Policy 22 Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding, LDP2 Policy 53B: Foul Drainage and LDP2 Policy 53C: Surface Water Drainage.
- 89 In respect of NPF4 Policy 22 d) and Policy 53E: Water Supply, as noted in the external consultation responses, the site is in a Drinking Water Protected Area and Scottish Water requested further information during the application process on the abstraction volume. The impact on Water Resources of the operation of the brewery and accompanying amenities has been reviewed against the confirmed abstraction volume of 200,000 litres per annum (0.2Ml/annum). Assuming this water usage remains consistent with these values, this proposal can be considered as low-medium risk regarding Water Resources. Scottish

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

Waste Collection

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

Natural Heritage and Biodiversity

Open Space

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

Biodiversity

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

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

Trees

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

Core Path

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

Contamination

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

Material Considerations

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

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

Developer Contributions

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

- 118 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the north elevation of the building and the vehicular access.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 119 None required.

DIRECTION BY SCOTTISH MINISTERS

- 120 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 121 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the

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

RECOMMENDATION

Approve the application subject to conditions.

CONDITIONS AND REASONS FOR RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

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

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

12. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

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

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

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

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

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

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

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

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

17. A Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise, deliveries, compressor etc and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

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

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

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

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

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

20. The asserted right of way/core path on Ferry Road must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

21. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

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

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

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

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

Reason - In the interest of proper site management.

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

Reason - In the interests of road safety.

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

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

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

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

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

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

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

JUSTIFICATION

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

INFORMATIVES

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

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

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.

4. Please note the consultation response on file from Network Rail - A railway underbridge located in close proximity to the site (UB 290/063 crossing Ferry Road) has a headroom of 4.2m. The applicant should ensure that all vehicles required for construction and operation are able to clear this height.
5. Please note the consultation response from Scottish Water on file - this includes a request that prior to work commencing on site they are notified at protectdwsources@scottishwater.co.uk as they may wish to take water samples as a precaution to protect water quality.
6. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the front elevation and vehicular access.
7. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.
8. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
11. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a

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

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

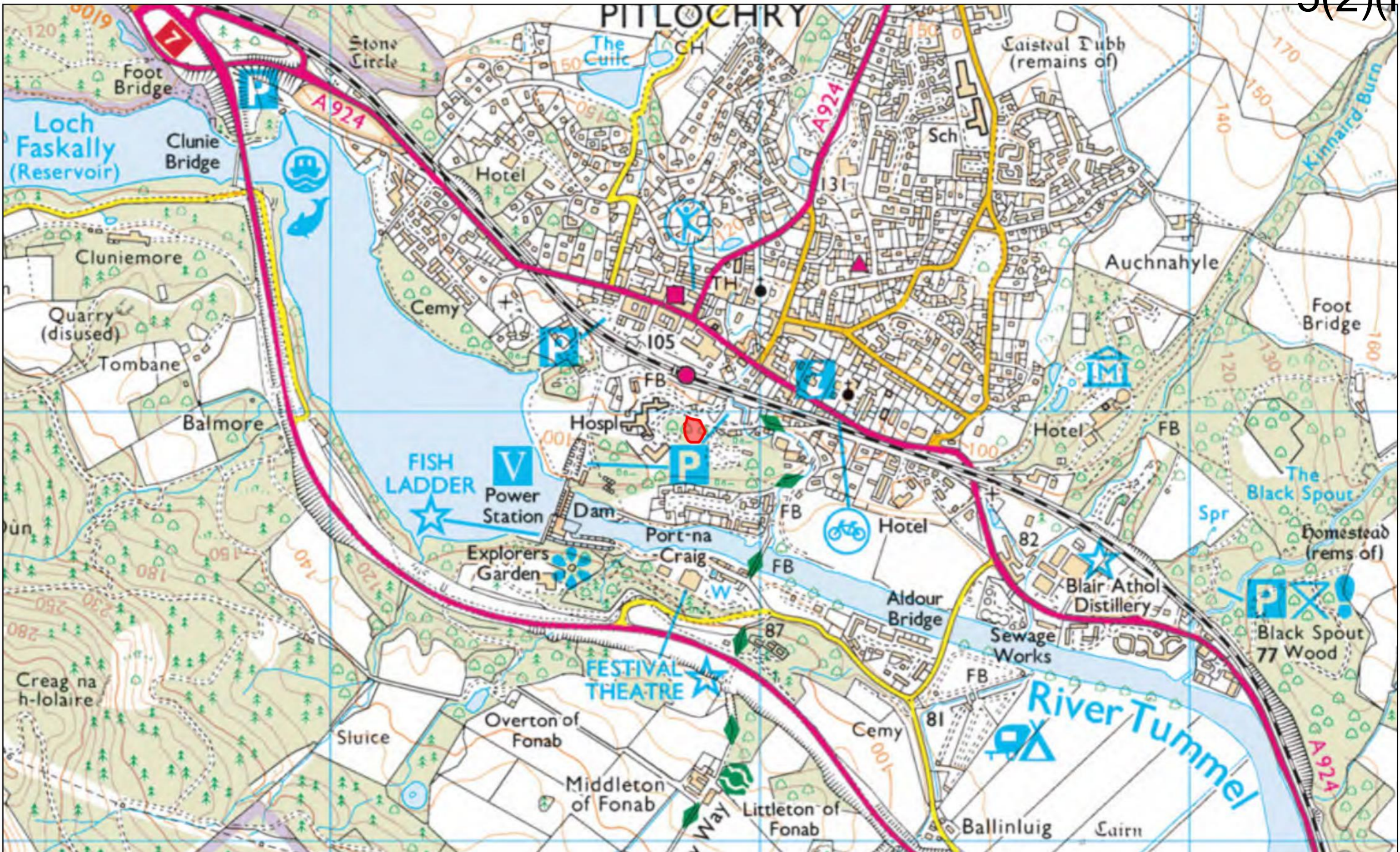
Background Papers: 30 letters of representation
Contact Officer: Claire Myles
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

| |
|---|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|---|

| |
|--|
| You can also send us a text message on 07824 498145. |
|--|

| |
|--|
| All Council Services can offer a telephone translation facility. |
|--|



© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
1:8,000

23/01742/FLL

Erection of a brewery, tap room, storage, formation of vehicle access, parking area, installation of EV charging point, formation of outdoor seating area, landscaping and associated works on land 50 metres South of Council Cottages, Ferry Road, Pitlochry





© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
1:5,000

23/01742/FLL

Erection of a brewery, tap room, storage, formation of vehicle access, parking area, installation of EV charging point, formation of outdoor seating area, landscaping and associated works on land 50 metres South of Council Cottages, Ferry Road, Pitlochry



Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Report of Handling by Strategic Lead: Economy, Development and Planning
 (Report No. 24/169)

| | |
|------------------|--|
| PROPOSAL: | Part change of use and alterations to building to form 10 short-term let accommodation units |
| LOCATION: | 54 - 56 High Street Kinross KY13 8AN |

Ref. No: [23/01349/FLL](#)
 Ward No: P8- Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks planning permission for the part change of use and alterations to form 10 short-term let accommodation units at a commercial building on High Street, Kinross. The works are proposed to the first and second floors of an existing building. The ground floor of the building is currently in use as a supermarket. The upper floors are used for storage in association with the supermarket.
- 2 The proposals are for 8 one bedroom units at first floor level and 2 one bedroom units at second floor level. All have ensuite facilities and a kitchenette. A communal seating/lounge area is sited at first floor level.
- 3 The proposal is associated with an existing car park where there are currently 47 spaces. 10 of these spaces will be allocated for use of the guests of the self-catering units.
- 4 The site is within the Kinross Town Centre, Kinross Conservation Area and Loch Leven Catchment.
- 5 The proposal has attracted more than six objections and is therefore required to be considered at Planning and Placemaking Committee.

PRE-APPLICATION CONSULTATION

- 6 Pre application Reference: None.
- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 9 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 7: Historic Assets and Places
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 27: City, Town, Local and Commercial Centres
 - Policy 30: Tourism

Perth and Kinross Local Development Plan 2019

- 12 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.
- 13 The principal relevant policies are:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 10: City, Town and Neighbourhood Centres

- Policy 28A: Conservation Areas: New Development
- Policy 46A: Loch Leven Catchment Area
- Policy 46B: Loch Leven Catchment Area
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

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

OTHER POLICIES

Non Statutory Guidance

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

NATIONAL GUIDANCE

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

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation

Creating Places 2013

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

Designing Streets 2010

- 17 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

Site History

- 86/00176/FUL Full Planning Permission was Approved on 2 March 1987 for Display of Sign at Sands Supermarket
- 86/00177/FUL Full Planning Permission was Approved on 2 March 1987 for Display of Sign at Sands Supermarket
- 93/01166/FUL Full Planning Permission was Approved on 8 October 1993 for Demolition and Construction New Wall and Fence and Fence (in retrospect) at Car Park.
- 95/00331/FUL Full Planning Permission was Approved on 23 May 1995 for Alterations to Shop Front and Disabled Access
- 09/01670/FLL Full Planning Permission was Approved on 9 November 2009 for Alterations to shop
- 10/00123/FLL Full Planning Permission was Approved on 11 March 2010 for Alteration to glazed entrance screen to accommodate ATM machine.
- 12/01085/ADV Advertisement Consent was Approved on 27 July 2012 for Display of signs
- 13/01702/ADV Advertisement Consent was Approved on 15 November 2013 for Erection of illuminated totem
- 17/02260/ADV Advertisement Consent was Approved on 15 February 2018 for Display of signs
- 22/02228/FLL Full Planning Permission was Approved on 8 March 2023 for Alterations to building and associated works
- 23/01098/FLL Full Planning Permission on 30 June 2023 for Construction of serviced apartments within the first and second floor of the existing building – Application returned.

CONSULTATIONS

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

External

Kinross Community Council

- 20 The Community Council object to the proposal on the following grounds:

- Conflict with delivery vehicles manoeuvring in the car park close to the entrance, increase in deliveries due to loss of supermarket storage
- Query the appropriateness of the use
- Noise – impact on amenity

- Parking – impact on town centre parking
- Impact on Loch Leven from additional sewerage
- Impacts on waste collection
- Technical considerations relating to fire escape provision

Scottish Water

- 21 No objection. There is sufficient capacity at the Glenfarg Water Treatment Works, and the applicant should contact SW with a pre development enquiry form relating to the Waste Water Treatment Works.

Internal

Communities Housing Strategy

- 22 The postcode district level of saturation of potential short-term lets for KY13 is 1.0% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.
- 23 The number of units in the application would represent a 45% increase of self-catering units in the area (based on 2021 figures) as the numbers are low in the area. However, the overall saturation would still be below 1.1% and therefore not deemed to be a significant loss of residential accommodation for the area.

Transportation And Development

- 24 No objection following receipt of further details of parking arrangements and facilities provided for users of the accommodation.

Environmental Health (Noise Odour)

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

Development Contributions Officer

- 26 No comments to make in terms of the Developer Contributions and Affordable Housing Supplementary Guidance.

REPRESENTATIONS

- 27 7 representations were received. The main issues raised within the representations are:
- Traffic and Parking – unclear where occupants of the units would park, conflict with supermarket deliveries

- Sufficient provision already in the area of short term lets. No need for more
- Loss of privacy / overlooking
- Design - does not enhance the Conservation Area and is contrary to requirements set out in the Conservation Area Appraisal. Need hard landscaping and tree planting
- Drainage, environmental impact, additional water use and sewerage – already an issue with drain at the end of Piper Row with odour/capacity issue
- Development should be in conjunction with civic improvements as set out in Conservation Area Appraisal
- Density of units/over intensive development
- Use of the units is unclear – what is short-term use
- Concern at how the units would be managed, and also matters such as waste disposal
- Potential impacts through noise and odour (smoking etc)
- Loss of storage to supermarket
- No design statement or impact assessment submitted
- Lack of fire escapes

28 A further concern was also raised that the plans were inaccurate with regard to land ownership – this matter has been addressed and revised site plans were received removing a small section of the site that were in another ownership. Any other unresolved land ownership issues are not material to the consideration of this application and are a civil matter for discussion/agreement between interested parties.

29 The reference to the presence of fire escapes would ultimately be a matter for consideration through a parallel application for Building Warrant.

ADDITIONAL STATEMENTS

30

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

APPRAISAL

31 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance

with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely

- 32 In this instance, section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

- 33 The proposal seeks to change the use of the upper floors of an existing building in Kinross Town Centre to 10 short term let units. These could be for holiday or other uses such as for short term workers in the area.
- 34 LDP2 Placemaking Policies 1A and 1B, and 10, City, Town and Neighbourhood Centres have relevance for a proposal of this nature. Both seek to ensure that new developments do not have an adverse impact on the area in which they are located. Policy 10 specifically encourages the retention and development of housing and other uses on upper floors, particularly where property is underutilised and the use would be compatible with existing town centre uses. NPF4 Policy 27: City, Town, Local and Commercial Centres is also relevant as it promotes proposals which increase the mix of uses in city centres and enhance and improve the vitality and viability of such centres.
- 35 NPF4 Policy 30(e): Tourism, is relevant to this proposal. This states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:
- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or
 - ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
- 36 The building is not currently in use as residential accommodation so criterion ii of (e) is not relevant. However it is noted that the postcode district level of saturation of potential short-term lets for KY13 is 1.0% and below the level at which it may be considered appropriate to introduce a control area in order to help manage high concentrations of STLs where it affects the availability of residential housing or the character of a neighbourhood.
- 37 Whilst the number of units in the application would represent a 45% increase of self-catering units in the area (based on 2021 figures) the numbers in general are low in the area. However, the overall saturation would still be below 1.1% and there will not be a loss of residential accommodation for the area.

- 38 The site is within a Conservation Area where the NPF4, Policy 7, Historic assets and place, looks to protect historic assets from inappropriate new developments. while Policy 28 of LDP2, Conservation Areas, seeks to protect historic heritage.
- 39 In this case the principle of the use for short term let is supported by policy 10 of LDP2. The proposal will bring an active use to a building currently underutilised that does not readily lend itself for mainstream residential or other commercial uses. The provision of 10 short term lets which do not need the amenity ground provision etc of mainstream residential development is a sustainable use of the building for a particular market at this time. The development will contribute to the increase in the mix of uses in the town centre and will add to the vitality and viability of the centre as required by policy 27 of NPF4.
- 40 Criterion (i) of NPF4 Policy 30(e), will not support proposals where there is an unacceptable impact on local amenity or the character of a neighbourhood or area. The site is within a town centre location close to retail and other commercial uses. Whilst there will be an increase in footfall this will not impact on the character or amenity of the area so long as good management practices are in place. In this case the application site's town centre location with its mix of uses, is such that the levels of activity associated with the short term let accommodation will not adversely impact the amenity or character of the area.
- 41 The proposal therefore accords in principle with NPF4 Policy 30(e): Tourism, and the intent of NPF4 Policy 27: City, Town, Local and Commercial Centres, and LDP2 Policies 1A and 1B: Placemaking and Policy 10: City, Town and Neighbourhood Centres.

Design, Layout and Visual Amenity

- 42 NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1Aa nd 1B, Placemaking, and LDP2 Policy10 City, Town and Neighbourhood Centres supports proposals that are compatible with existing uses, the amenity and character of the surrounding area, and consistent with the six qualities of successful places. Representations refer to the lack of a Design Statement. This has not been requested given the limited architectural qualities of the host building. Whilst the site is in Conservation Area the proposals are limited in their visual impact and their scope to impact on its character or appearance. Internal and external alterations are required to subdivide the building into 10 ensuite bedrooms and provide windows to a building that has in the past been primarily used for storage. There will be no change to the east (front elevation). Two new windows will be installed at first floor level on the north elevation and a line of new windows will be installed on the west (rear) elevation at first floor level including removal of one window and some railings. Given the associated distances to the nearest residential property, and the existence of some windows at first floor level already, there are no concerns in respect of privacy or overlooking.

- 43 The wall is currently blank and relatively non-descript. The addition of windows on the east and north elevation will not impact on the visual amenity or character of the area and as such is in accordance with Placemaking and Design policies, Placemaking 1B of the LDP and Policy 14, Design of NPF4.

Landscape

- 44 The town centre area close to the site was subject to an environmental enhancement scheme some years ago. Trees from this scheme provide some vegetation and landscape features in the area. The proposal will not impact on these or any other landscape features.

Residential Amenity

- 45 NPF4 Policy 14: Design, Quality and Place and LDP2 Policies 1A: Placemaking, and 10 City, Town and Neighbourhood Centres supports proposals that are compatible with existing uses, the amenity and character of the surrounding area, and consistent with the six qualities of successful places. Policy 56, Noise Pollution, does not support the siting of activities that generate high levels of noise alongside noise sensitive uses. It is acknowledged that short term lets can result in additional levels of disturbance and noise concerns, and that the primary avenue to regulate such matters is via the separate licensing regime.
- 46 In this instance, there is the potential for noise from the users of the properties to affect neighbouring residential properties. The introduction of Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 requires these to be licensed and noise conditions will form part of the Licence.
- 47 As set out in an appeal decision in 2023 from the DPEA elsewhere in Perth and Kinross at Birnam (ref: PPA-340-2155), management guidelines cannot be relied upon as a means to restrict or control the adverse impacts on neighbouring properties and harm to amenity. In this case the potential for noise nuisance has been raised in representations. However, the immediate area has a mix of uses, and the property is situated above a supermarket on a busy through route for vehicles passing through the town centre. It is considered that the proposed use as a short-term let is compatible with the established character and is unlikely to increase noise and disturbance to a harmful extent. Notwithstanding, these would ultimately be controlled through a parallel Short Term Let licence.
- 48 Representations have also raised concern with regard to overlooking and loss of privacy. As noted above, in this case the orientation of the building and distance from rear and side elevations would not result in overlooking or loss of privacy from the development.
- 49 As such, the proposal accords with the intent of NPF4 Policy 14(c): Design, Quality and Place and LDP2 Policies 1A and 1B, Placemaking and 10, City,

Town and Neighbourhood Centres in respect of residential amenity. It also accords with Policy 56, Noise Pollution, of LDP2.

Roads and Access

- 50 The existing car park for the site currently allows one-hour free parking for customers of the supermarket. Parking for the site is stated in the planning application at 47 spaces. Additional clarification was sought from the applicant as to how car parking for users of the units would be allocated. Revised plans show that 10 of the existing spaces will be allocated for the use of the guests of the self-catering units. While this would result in the loss of ten parking spaces for the existing supermarket, this is a private facility which is not always at capacity, and would leave a sufficient level of parking for both the existing and proposed use.
- 51 The site is in the centre of Kinross with easy access including by foot and by cycle to local facilities including public transport. Transport and Development do not raise any matters of concern.
- 52 The proposal satisfies policy 13, Sustainable Transport, of NPF4 and policy 60B of LDP2.

Drainage and Flooding

- 53 The proposal is within the Loch Leven Catchment. The proposal will connect to existing drainage infrastructure and as such satisfies Policy 46 parts A and B, Loch Leven Catchment, which requires development within the Catchment to connect to a publicly maintained drainage system incorporating phosphorus reduction measures.
- 54 An objection refers to capacity issues with an external drain. This is an existing situation and not a material consideration. Notwithstanding, Scottish Water (SW) have confirmed that they have no objection to this planning application, and that there is currently sufficient capacity in the Glenfarg Water Treatment Works. In respect of waste water, the applicant is advised to contact SW to undertake a pre development enquiry form. Notwithstanding, it is the responsibility of the applicant to address if capacity issue, and maintenance of sewerage connections in general).

Waste Collection

- 55 The application form states that the proposal will make use of the existing waste collection services used for the property. An informative note with regard to this will be added.

Conservation Considerations

- 56 Policy 7 of NPF4 and Policy 28 of LDP2 share an aim to enhance and preserve the character and appearance of Conservation Areas. The alterations relate to a sizable building with little in the way of architectural merit. The provision of new windows on the rear and side elevations will not have an adverse impact on the character and appearance of the conservation area. As such, the works are considered compatible with policy and can be supported due to the positive benefit the alterations will have on the proposal to find a new use for an under utilised part of the building.
- 57 The proposal is in accordance with Policy 7, Historic Assets and Places of NPF4 and Policy 28 Conservation Areas of LDP2.

Developer Contributions

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

Economic Impact

- 59 The economic impact of the proposal is likely to be limited to guest expenditure in the local economy and construction works required to convert the building.

VARIATION OF APPLICATION UNDER SECTION 32A

- 60 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the site plan to clarify parking arrangements.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 61 None required.

DIRECTION BY SCOTTISH MINISTERS

- 62 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

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

Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

CONDITIONS AND REASONS FOR RECOMMENDATION

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

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

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

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

3. The development hereby approved shall be used solely for short term accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - In order to clarify the terms of the permission; to control and restrict the use of the building.

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. An application for Building Warrant may be required.
4. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

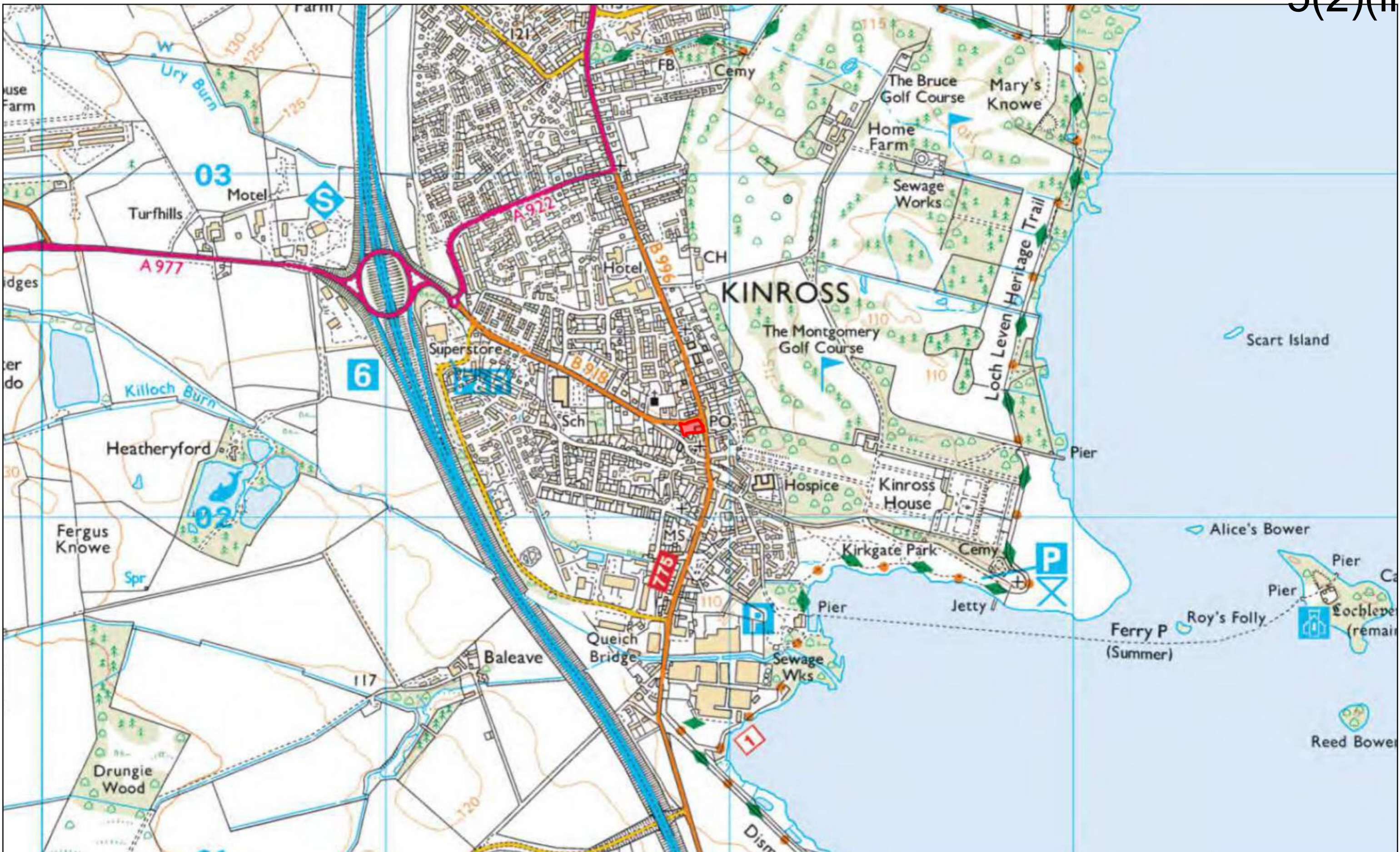
Background Papers: 7 letters of representation
Contact Officer: Persephone Beer
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

| |
|---|
| If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000. |
|---|

| |
|--|
| You can also send us a text message on 07824 498145. |
|--|

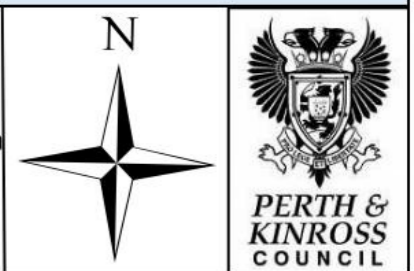
| |
|--|
| All Council Services can offer a telephone translation facility. |
|--|



© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024
 Scale
 1:10,000

23/01349/FLL
 Part change of use and alterations to building to form 10 short-term let accommodation units 54 - 56 High Street Kinross KY13 8AN





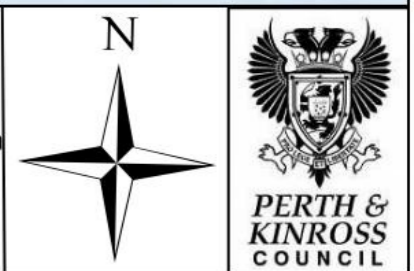
© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
1:5,000

23/01349/FLL

Part change of use and alterations to building to form 10 short-term let accommodation units 54 - 56 High Street Kinross KY13 8AN



Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Report of Handling by Strategic Lead: Economy, Development and Planning
 (Report No. 24/170)

| | |
|------------------|---|
| PROPOSAL: | Erection of a dwellinghouse |
| LOCATION: | Land 15 metres East of Borrowdale, Blairadam, Keltybridge |

Ref. No: [23/01695/FLL](#)
 Ward No: P8- Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for a single storey dwellinghouse in the garden ground of an existing single storey dwellinghouse. The site is located on a corner plot on the south side of the junction of Blairadam Road with Main Street, Keltybridge.
- 2 The application site has been cleared of vegetation, levelled and a retaining wall built on the west boundary of the site. There is a hedge screening the site on the north, east and south boundaries.
- 3 Prior to being cleared, the garden ground sloped gently downwards west to east. The existing dwellinghouse is in an elevated position with its front elevation overlooking Main Street and the open countryside (east). The existing vehicular access is from the north, Blairadam Road, and there is in curtilage parking and a double garage located to the west of the entrance. The amenity space around the dwellinghouse is a mix of hard and soft landscaping.
- 4 Located at a lower level to the existing house, in front of a retaining wall (2.5m), the proposed 4-bedroom bungalow reflects the layout of the existing bungalow and will overlook the public road to the east. A new vehicle access is proposed on the east boundary from Main Street and 3 parking spaces are proposed in the curtilage of the new dwellinghouse together with amenity garden space to the front and side.

- 5 The site is in an established residential area in the settlement of Keltybridge. The site is bound to the north and east by a public road; to the south is an access road to a residential development which is between the site and two 18th century Category C listed houses.
- 6 The application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design and layout of the dwellinghouse.

Site History

- 7 22/02027/FLL Full Planning Permission application was withdrawn on 6 April 2023 for the erection of a dwellinghouse.

PRE-APPLICATION CONSULTATION

- 8 Pre application Reference: None.
- 9 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

DEVELOPMENT PLAN

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

National Planning Framework 4

- 11 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 13 The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crises
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 7: Historic Assets and Places
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management
- Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2019

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 17: Residential Areas
 - Policy 27A: Listed Buildings
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 42: Green Infrastructure
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 58B: Contaminated and Unstable Land: Unstable Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Statutory Supplementary Guidance

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

PKC Non-Statutory Guidance

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

NATIONAL GUIDANCE

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

Planning Advice Notes

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

Creating Places 2013

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

Designing Streets 2010

- 19 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

CONSULTATIONS

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

External

- 22 **Cleish and Blairadam Community Council** - Objection. Contrary to NPF4 and LDP2 placemaking and detrimental impact on setting and views of listed building.

23 **The Coal Authority** – Initial objection was removed following the submission of a risk assessment for review. Conditions are recommended.

24 **Scottish Water** - No objection. The consultation response highlights there is live Scottish Water infrastructure in the proximity of the development area.

Internal

25 **Environmental Health (Private Water)** - No objection subject to condition.

26 **Environmental Health (Contaminated Land)** – No objection. Condition recommended for a detailed survey report to be provided prior to the commencement of works on site.

27 **Conservation Team** - No objection. Initially concerned about the impact on the setting of the Category C listed buildings. Revised scheme lessens the impact and conditions recommended to mitigate visual impact.

28 **Transportation and Development** - No objection, subject to conditions. Initial response required the applicant/agent to review the layout of parking. Revised site plan submitted for review.

29 **Development Contributions Officer** – No contributions required.

REPRESENTATIONS

30 3 representations have been received objecting to the proposal. The main issues raised within the representations are:

- Visual impact
- Impact on setting of listed buildings
- Overdevelopment of site
- Incompatible with rural character and amenity of the area and settlement pattern
- Contrary to NPF4 and LDP2 placemaking policy
- Road Safety

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

ADDITIONAL STATEMENTS

32

| | |
|--|---|
| Screening Opinion | EIA Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not applicable |
| Appropriate Assessment under Habitats Regulations | Habitats Regulations Appraisal / AA Not Required |

| | |
|---|---|
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | Submitted – Coal Mining Risk Assessment |

APPRAISAL

- 33 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council’s other approved policies and supplementary guidance, namely.
- 34 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities in considering applications which has a potential to affect the setting of a listed building of preserving the building or its setting.

Principal Policies

- 35 The application site is located in an established residential area in the settlement of Keltybridge. LDP2 reports the settlement has limited facilities but lies close to the much larger Kelty. Due to the growth that has taken place in Keltybridge, a tight settlement boundary has been drawn to limit any significant future growth.
- 36 The principal policies for consideration include NPF4 Policy 14: Design, Quality and Place which states development which is poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported. LDP2 Policy 1: Placemaking aligns with this national policy and states development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development. Policy 1B sets out the placemaking criteria which should be met.

- 37 The site is in an established residential area and LDP2 Policy 17: Residential Areas states that in general, encouragement will be given to proposals which fall into one or more categories of development (listed as a-e) and which are compatible with the amenity and character of the area, with the following categories being relevant to the proposal –
- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs, and
 - (c) Proposals which will improve the character and environment of the area or village.
- 38 NPF4 Policy 16: Quality Homes encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations. Policy 16 f) states proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances and relevant to the proposal is part (iii) the proposal is for smaller scale opportunities within an existing settlement boundary.
- 39 Located to the south of the application site are two 18th century Category C listed houses (LB5286). Protecting the setting of the listed buildings is considered through NPF4 Policy 7 and LDP2 Policy 27A.
- 40 These policies are assessed further in the report below.

Design, Layout and Residential Amenity

- 41 The existing dwellinghouse is positioned in an elevated position in a large residential plot measuring 1726 sqm. There is a level change of 3m from the dwellinghouse to the east boundary and Main Street. The lower garden ground, the application site, measures 775 sqm and has been cleared of vegetation and a retaining wall (which is seeking retrospective permission for) built on the west side. There is a hedge on the north, east and south boundaries which screens the site.
- 42 The proposed 4-bedroom bungalow is to be located in front of the existing bungalow, on ground 2.5m below with a retaining wall to the rear. Designed to mirror the position of the existing bungalow the proposed dwellinghouse will overlook the public road to the east. The rear windows of the proposed dwellinghouse will be screened by the retaining wall.
- 43 Finishing materials include rubble stone on the front elevation (east) and white render on the rear (west) and side elevations (north and south) with stone quoins, a clay pantile roof and UPVC or timber windows and doors (Drawings 19 and 20). A new vehicle access is proposed on the east boundary from Main Street and 3 parking spaces are proposed in the curtilage of the new dwellinghouse (Drawing 22).

- 44 A supporting statement (Document 23) outlines that the proposed finishing materials, rubble stone and pantile roof, reflect the surrounding historic environment and more recent developments in the area. The single storey property will be built on a lower level to the existing bungalow and residential amenity and privacy have been carefully considered. At its closest point, there are 7.3 metres from the front wall of Borrowdale, to the rear wall of the proposed house. However, with the change in levels and retaining wall, it is considered that any intervisibility between windows would be limited. Similarly, the ridge level of the proposed dwelling, would also sit around mid window level of the dwelling above (at a separation of around 11.4 metres), therefore any impacts on daylight and sunlight would be avoided. The hedge is to be retained to provide screening and respect the setting of the listed buildings.
- 45 The proposal is for a small-scale infill opportunity in a settlement boundary which is in line with NPF4 Policy 16: Quality Homes paragraph f) (iii). The surrounding density is mixed due to modern residential developments and recent infill developments and the proposed family sized dwellinghouse respects this and would not be out of character and would be an efficient use of the site.
- 46 The proposed design and layout acknowledge the constraints of the site, its topography and the amenity of the existing dwellinghouse. Surrounding residential amenity is protected as a result of the sympathetic layout and the retention of the boundary hedge. The amenity garden ground afforded to the existing dwellinghouse (465 sqm) and proposed dwellinghouse (245 sqm) is sufficient and is comparable with the surrounding residential area. The design complements the existing dwellinghouse and respects the character and amenity of the surrounding area.
- 47 In respect of the design, no information has been provided on the installation and operation of low and zero-carbon generating technologies as required by NPF4 Policy 2 and LDP2 Policy 32. A condition is therefore recommended to ensure that prior to the commencement of development a statement is submitted for approval in writing by the Council to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies (Condition 12).
- 48 In respect of visual amenity, conditions are also recommended to ensure full details of the finishing materials and boundary treatments are submitted for written approval of the Council as Planning Authority, prior to the commencement of the development (Conditions 3 and 4). Further, it is recommended that householder permitted development rights are removed to ensure there is no detrimental impact on visual amenity and the setting of the listed buildings from any extension to the dwellinghouse or erection of outbuildings in the curtilage (Condition 5).
- 49 The proposal will contribute positively to the surrounding environment and the character and amenity of the place. The proposal satisfies NPF4 Policy 14

Design, Quality and Place, NPF4 Policy 16 Quality Homes, LDP2 Policy 1: Placemaking and LDP2 Policy 17: Residential Areas, subject to conditions.

Conservation Considerations

- 50 NPF4 Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. LDP2 Policy 27A: Listed Buildings requires the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting to be appropriate to the building's character, appearance and setting.
- 51 There are two 18th century Category C listed houses to the south of the application site (LB5286). The listed houses are gable to the street and the rear of the houses back onto the south boundary of the application site. There is an access road to a residential development between the listed buildings and the application site. The existing view from the approach north is largely screened by the boundary hedge and the rear elevation of the westernmost listed building, of lesser interest due to later alterations and extension, will be screened by the proposed development with the view of the end listed house retained. The view of the listed buildings from the approach south is retained and not impacted significantly by the proposal.
- 52 A supporting statement (Document 23) outlines that the proposed rubble stone finish of the dwellinghouse reflects the historic environment and the hedge is to be retained to respect the setting of the listed buildings. During the application process the proposal was amended to reduce the footprint of the dwellinghouse and create a more respectful distance between the listed buildings and the application site. Overall, the proposal has been sensitively designed to respect the listed buildings.
- 53 As outlined previously, conditions are recommended to ensure full details of the finishing materials and boundary treatments are submitted for written approval of the Council as Planning Authority, prior to the commencement of the development (Conditions 3 and 4). Further, it is recommended that householder permitted development rights are removed to ensure there is no detrimental impact on visual amenity and the setting of the listed buildings from any extension to the dwellinghouse or erection of outbuildings in the curtilage (Condition 5).
- 54 The proposal satisfies NPF4 Policy 7 Historic Assets and Places and LDP2 Policy 27A: Listed Buildings, subject to conditions.

Roads and Access

- 55 A new vehicle access is proposed from the public road, Main Street, on the east boundary of the site. During the application process, an amended proposed site plan was submitted to address initial consultation comments from Transportation and Development. The plan shows a reduction to the hedge height on the east

boundary and an additional parking bay in the curtilage with three spaces proposed in total (Drawing 22). Transportation and Development are satisfied with the proposed vehicular access and the level of in curtilage parking. Conditions are recommended to ensure the access is formed as per the Council's Road Development Guide and the hedge is retained at a maximum height of 1.05m in the interests of road safety (Conditions 10 and 11).

- 56 The application site is in an established residential area in the settlement boundary of Keltybridge. The proposal satisfies NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

- 57 There is no flood risk associated with the site. The proposed site plan shows porous drainage to the driveway with attenuation tanks set below to manage surface water drainage from the development (Drawing 22). Foul drainage is proposed to connect to the public drainage network. Full details of surface water drainage and foul drainage will be required to be submitted with a building warrant.

- 58 The proposal satisfies NPF4 Policy 22 Flood Risk and Water Management, LDP2 Policy 53B: Water Environment and Drainage: Foul Drainage and LDP2 Policy 53C: Water Environment and Drainage: Surface Water Drainage.

- 59 The development is in a village with private water supplies believed to serve properties in the vicinity (including Maryburgh and Keltybridge Supply). Environmental Health recommend a condition and informative to ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance. This is in line with NPF4 Policy 22 d) and LDP2 Policy 53E: Water Environment and Drainage: Water Supply.

Contamination

- 60 The proposed development is within a former mining area. The Coal Authority initially objected to the proposal on the grounds of mining concerns and a Coal Mining Risk Assessment was requested for review during the application process. This was subsequently updated at the request of The Coal Authority (Document 09).

- 61 The Coal Authority whilst withdrawing its objection to the proposed development, remain concerned regarding the level of assessment contained within the Coal Mining Risk Assessment of the risk posed by coal mining legacy to development at the application site. The Coal Authority request conditions are attached to any permission granted to ensure that prior to the commencement of development

intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance (Conditions 6 and 7). This is in line with NPF4 Policy 9 c) and LDP2 Policy 58B: Contaminated and Unstable Land: Unstable Land.

- 62 Environmental Health note there is a risk of ground gas contamination to future users. Further information is required to determine this risk and a condition is recommended to ensure a Preliminary Risk Assessment (Phase 1 Desk Study) is submitted for consideration by the Council as Planning Authority prior to the commencement of the development (Condition 9). This is in line with NPF4 Policy 9 c) and LDP2 Policy 58A: Contaminated and Unstable Land: Contaminated Land.

Natural Heritage and Biodiversity

- 63 There is a hedge around the north, east and south boundary of the site and this green infrastructure is protected as part of the development. The hedge adds to the visual amenity of the area as well as providing a shelter and habitat for biodiversity. The proposed drawings show its retention and a condition is recommended to ensure the hedge is retained in perpetuity (Condition 4). Transport planning have requested the hedge on the east boundary is maintained to a height of 1.05m for road safety reasons as the vehicular access is proposed on this boundary and a condition is recommended to ensure this (Condition 11).
- 64 The proposal satisfies NPF4 Policy 14 Design, Quality and Place and NPF4 Policy 20 Blue and Green Infrastructure and LDP2 Policy 1: Placemaking, subject to the aforementioned conditions.

Material considerations

- 65 Three representations have been received objecting to the proposal.
- 66 The issues raised have been fully considered and addressed in the report and are not of sufficient weight to justify refusal of the planning application.

Developer Contributions

- 67 None required in line with Supplementary Guidance.

Economic Impact

- 68 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 69 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design and layout of the dwellinghouse.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 None required.

DIRECTION BY SCOTTISH MINISTERS

- 71 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 72 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application, subject to conditions.

CONDITIONS AND REASONS FOR RECOMMENDATION

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

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

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

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

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

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier. For the avoidance of doubt the existing hedgerow shall be retained in perpetuity.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

5. No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 or any Order revoking and re-enacting that Order, shall be erected within the curtilage of the dwellinghouse hereby approved.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

6. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

7. Prior to the occupation of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the

completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

8. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the commencement of the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

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

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

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

10. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B

Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 3 metres from the boundary of the public road surface.

Reason - In the interests of road safety.

11. Prior to the commencement of the development hereby approved, the existing hedge along the east boundary and in the location of the proposed vehicle access shall be trimmed to a maximum height of 1.05m. The hedge height on the east boundary shall be permanently retained thereafter.

Reason - In the interests of road safety.

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

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

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority.

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design and layout.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
11. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Background Papers: 3 letters of representation
Contact Officer: Claire Myles
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

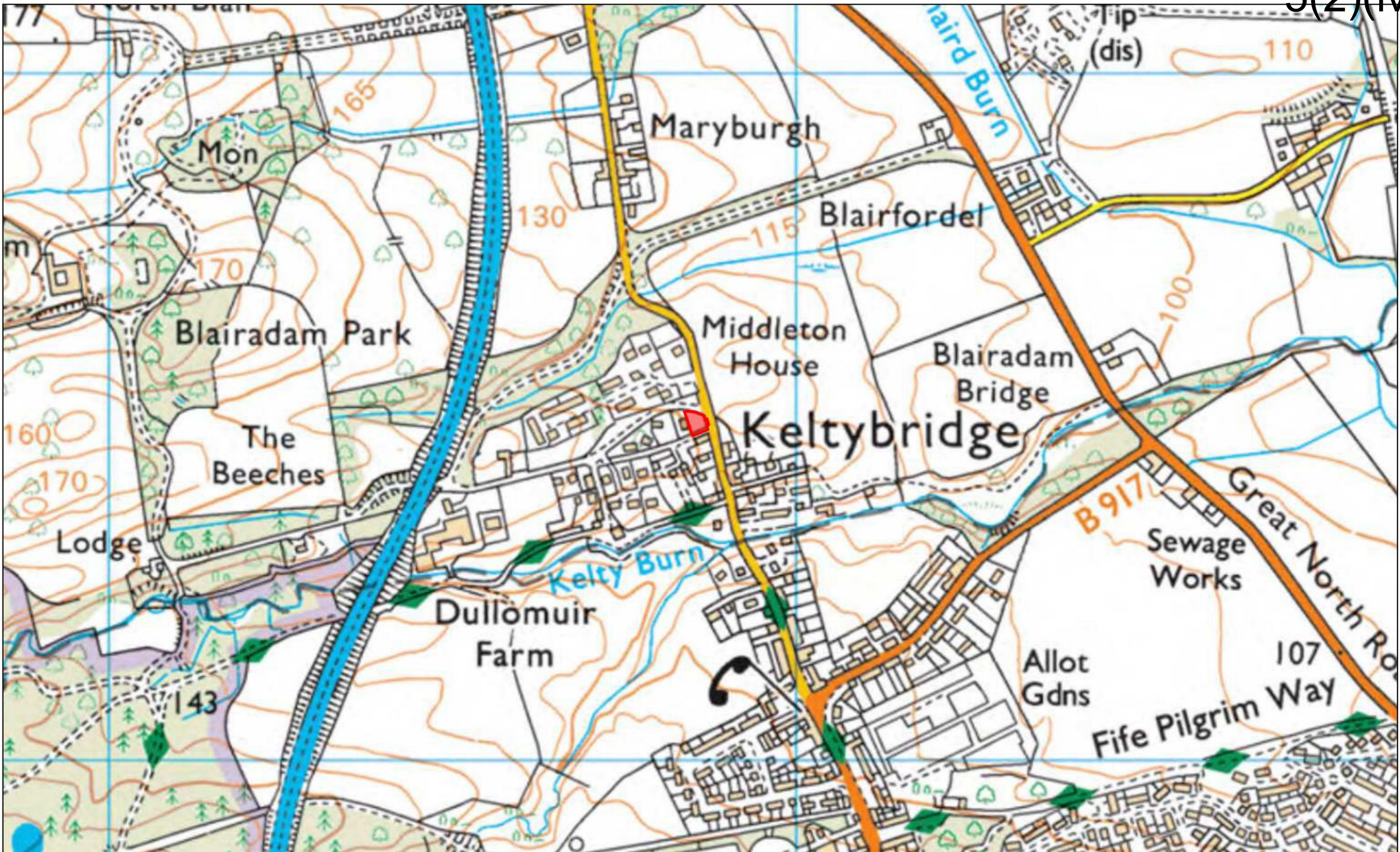


© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024
 Scale
 1:8,000

23/01695/FLL
 Erection of a dwellinghouse on Land 15 Metres East Of Borrowdale Blairadam Keltybridge

PERTH & KINROSS COUNCIL



© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024
 Scale
 1:5,000

23/01695/FLL
 Erection of a dwellinghouse on land 15 metres East of Borrowdale, Blairadam, Keltybridge



Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Pre-Application Report by Strategic Lead – Economy, Development and Planning
 (Report No. 24/171)

| | |
|------------------|--|
| PROPOSAL: | Formation of a 49.9MW battery energy storage facility and associated works |
| LOCATION: | Land 200 Metres North of Pitcurran House, Newburgh Road, Abernethy, Perth |

Ref. No: [24/00004/PAN](#)

Ward No: P9- Almond and Earn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for formation of a 49.9MW battery energy storage facility and associated works at land 200 metres North of Pitcurran House, Newburgh Road, Abernethy, Perth, PH2 9LH. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 10 April 2024. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for formation of a 49.9MW battery energy storage facility and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
2. This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant. It is noted that a screening opinion has already been provided reference 24/00580/SCRN, and is not subject of an EIA development.

PRE-APPLICATION PROCESS

4. The PoAN (reference **24/00004/PAN**) confirmed that two public exhibitions will be held at Williamson Hall, Kirk Wynd, Abernethy, PH2 9JD on 22nd April and 22nd May 2024 between 2.30pm and 6.30pm. The Ward Councillors, and Abernethy and District Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

DEVELOPMENT PLAN

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

National Planning Framework 4

6. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
7. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 20: Blue and Green Infrastructure
 - Policy 21 Play, Recreation and Sport
 - Policy 22: Flood Risk and Water Management
 - Policy 29 Rural Development
 - Policy 54: Health and Safety

Perth and Kinross Local Development Plan 2019

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

10. The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 31: Other Historic Environment Assets
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 33B: Renewable and Low Carbon Energy: Repowering and Extending Existing Facilities
- Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
- Policy 35: Electricity Transmission Infrastructure
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

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

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)

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

NATIONAL GUIDANCE

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

Planning Advice Notes

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

PLANNING SITE HISTORY

14. **24/00580/SCRN** on 6th May 2024 for installation of 49.9MW stand alone battery electricity storage system and ancillary equipment to connect to the grid at Abernethy Substation

CONSULTATIONS

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

External

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Asset Protection Team (formerly National Gas)
- Health and Safety Executive
- Perth and Kinross Heritage Trust
- Abernethy and District Community Council
- Scottish Fire and Rescue Service

Internal

- Environmental Health – Noise, Odour, Private Water Supply and Contaminated Land
- Community Greenspace including Access
- Transportation and Development
- Structures and Flooding
- Economic Development
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

CONCLUSION AND RECOMMENDATION

18. This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

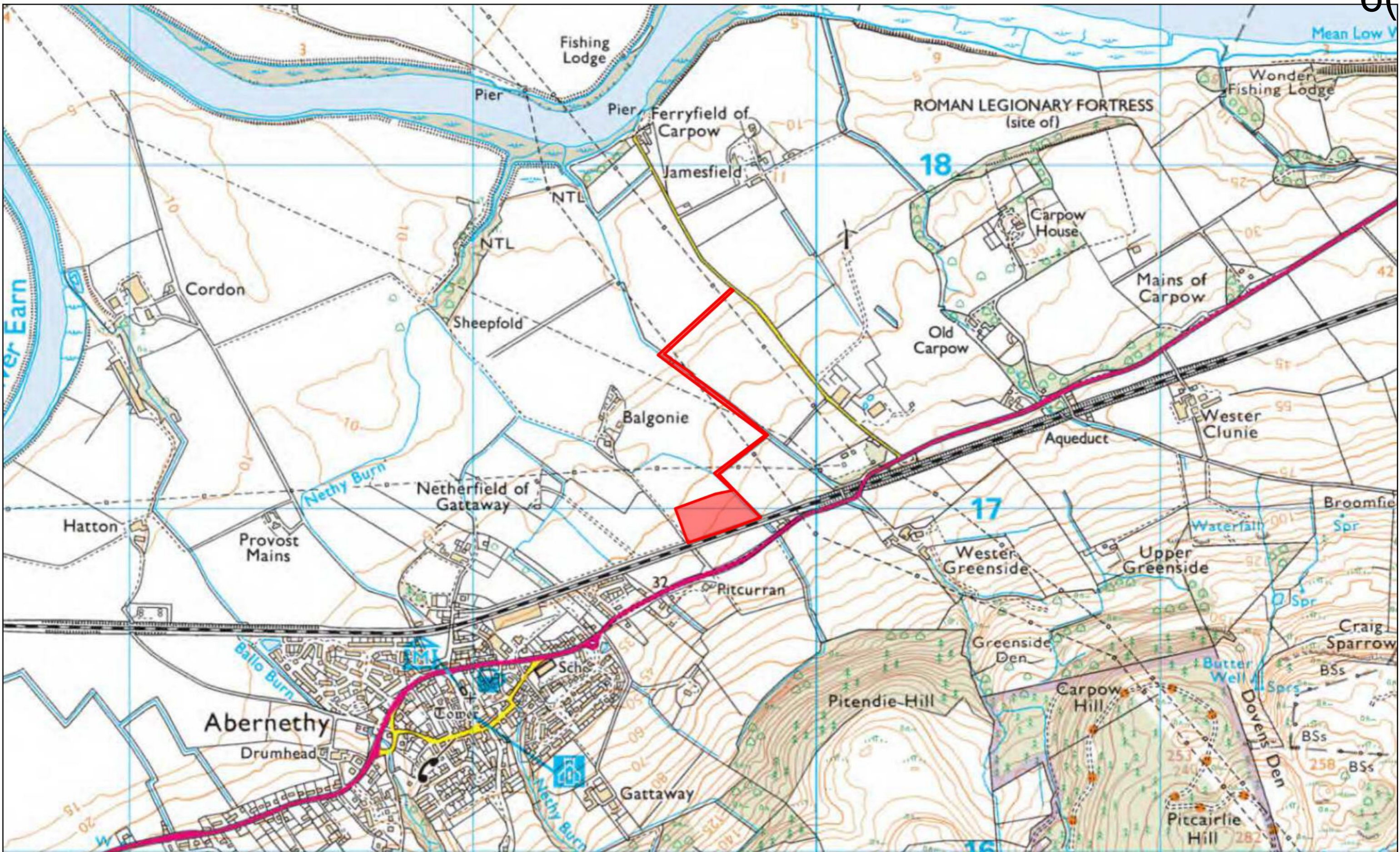
Background Papers: None
Contact Officer: Kirsty Strong – Ext 01738 475333
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT & PLANNING

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

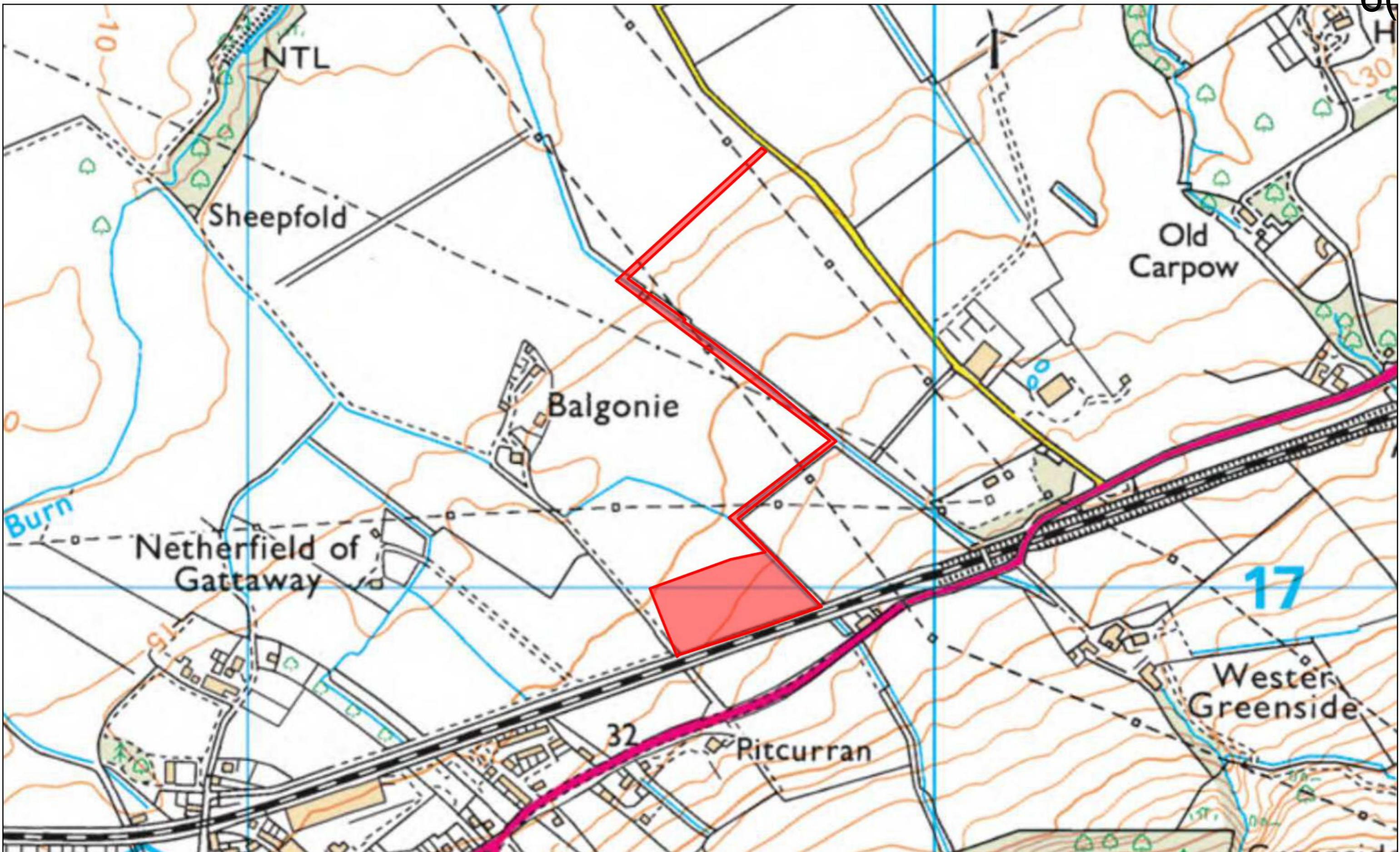
Planning and Placemaking Committee - 5 June 2024

Scale
1:10,000

24/00004/PAN

Formation of a 49.9MW battery energy storage facility and associated works on land 200 metres North of Pitcurran House, Newburgh Road, Abernethy





© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
1:5,000

24/00004/PAN

Formation of a 49.9MW battery energy storage facility and associated works on land 200 metres North of Pitcurran House, Newburgh Road, Abernethy



Perth and Kinross Council
Planning and Placemaking Committee – 5 June 2024
Pre-Application Report by Strategic Lead - Economy, Development & Planning
 (Report No. 24/172)

| | |
|------------------|--|
| PROPOSAL: | Formation of a 49.9MW battery energy storage facility and associated works |
| LOCATION: | Land 300 Metres West of Tir Artair, Killin |

Ref. No: [24/00005/PAN](#)
 Ward No: P4-Highland

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for formation of a 49.9MW battery energy storage facility and associated works at land 300 metres West of Tir Artair, Killin, FK21 8TX. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

1. In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 10 April 2024. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for formation of a 49.9MW battery energy storage facility and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
2. This PoAN seeks to formally establish a major development comprising formation of a 49.9MW battery energy storage facility and associated works. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant. It is noted that a screening opinion has already been provided reference 24/00581/SCRN, and is not subject of an EIA development.

PRE-APPLICATION PROCESS

4. The PoAN (reference **24/00005/PAN**) confirmed that two public exhibitions will be held at McLaren Hall, Main Street, Killin, FK218UW on 24th April and 21st May 2024 between 2.30pm and 6.30pm. The Ward Councillors, and Glenlyon and Loch Tay Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

DEVELOPMENT PLAN

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

National Planning Framework 4

6. The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
7. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 20: Blue and Green Infrastructure
 - Policy 22: Flood Risk and Water Management
 - Policy 29: Rural Development

Perth and Kinross Local Development Plan 2019

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

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 31: Other Historic Environment Assets
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 33B: Renewable and Low Carbon Energy: Repowering and Extending Existing Facilities
- Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
- Policy 35: Electricity Transmission Infrastructure
- Policy 38B: Environment and Conservation: National Designations
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

10. The following supplementary guidance and documents are of particular importance in the assessment of this application:
 - [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
 - [Planning Guidance - Planning & Biodiversity](#)
 - [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)
 - Perth and Kinross Community Plan 2013/2023
 - Perth and Kinross Local Transport Strategy (2010)
 - [Supplementary Guidance - Air Quality](#) (adopted in 2020)

- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

NATIONAL GUIDANCE

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

Planning Advice Notes

12. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:
 - PAN1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 73 Rural Diversification
 - PAN 75 Planning for Transport

PLANNING SITE HISTORY

13. **24/00581/SCRN** on 10 May 2024 for installation of 49.9MW stand alone battery electricity storage system and ancillary equipment to connect to the grid at Killin Substation

CONSULTATIONS

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

External

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust
- Glenlyon and Loch Tay Community Council
- Scottish Fire and Rescue Service
- Stirling Council

Internal

- Environmental Health – Noise, Odour, Contaminated Land
- Transportation and Development
- Structures and Flooding
- Economic Development
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

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

CONCLUSION AND RECOMMENDATION

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

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

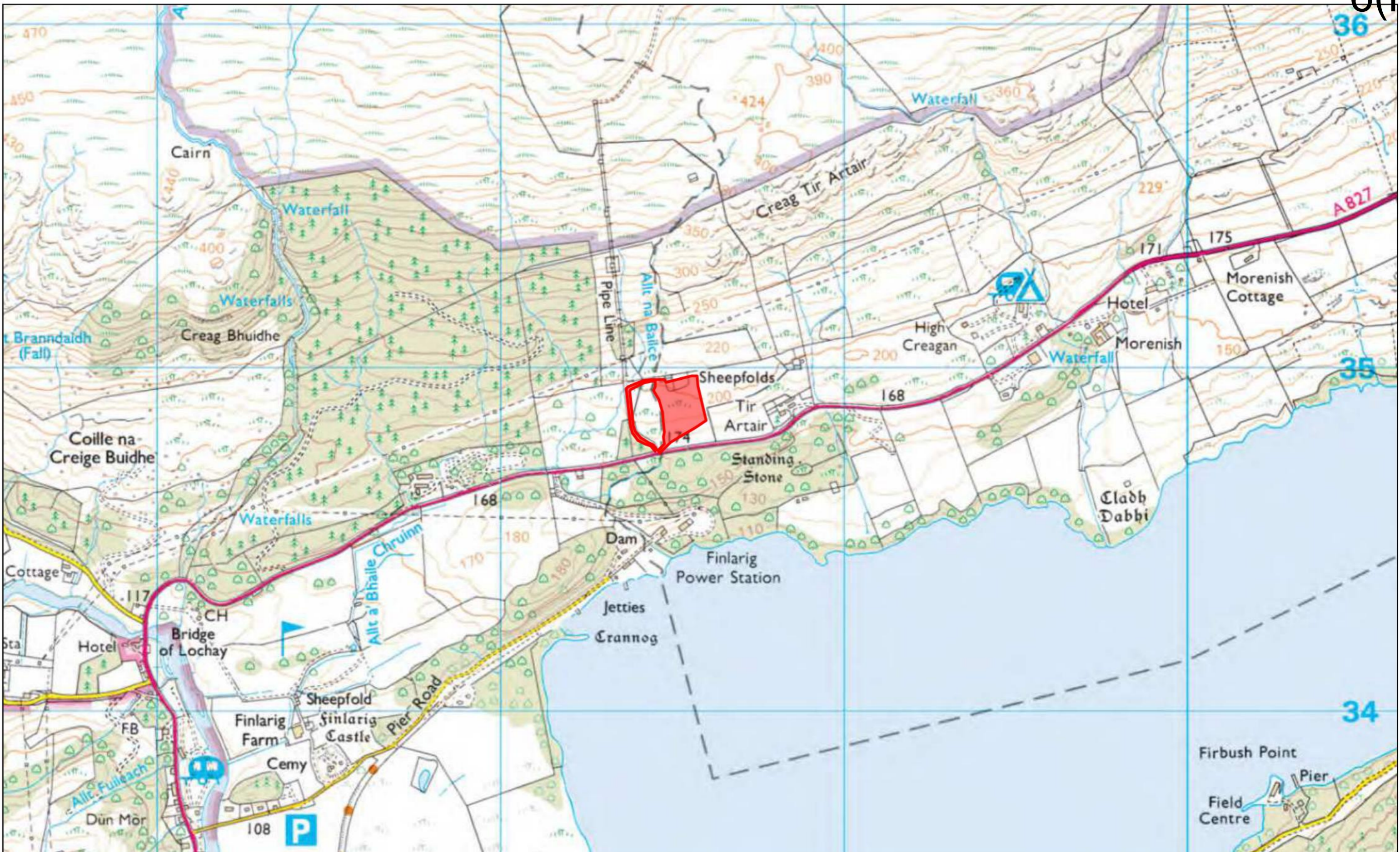
Background Papers: None
Contact Officer: Kirsty Strong – Ext 01738 475333
Date: 24 May 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT & PLANNING

| |
|--|
| <p>If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.</p> |
|--|

| |
|---|
| <p>You can also send us a text message on 07824 498145.</p> |
|---|

| |
|---|
| <p>All Council Services can offer a telephone translation facility.</p> |
|---|



© Crown copyright [and database rights] 2024 OS AC0000805756. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

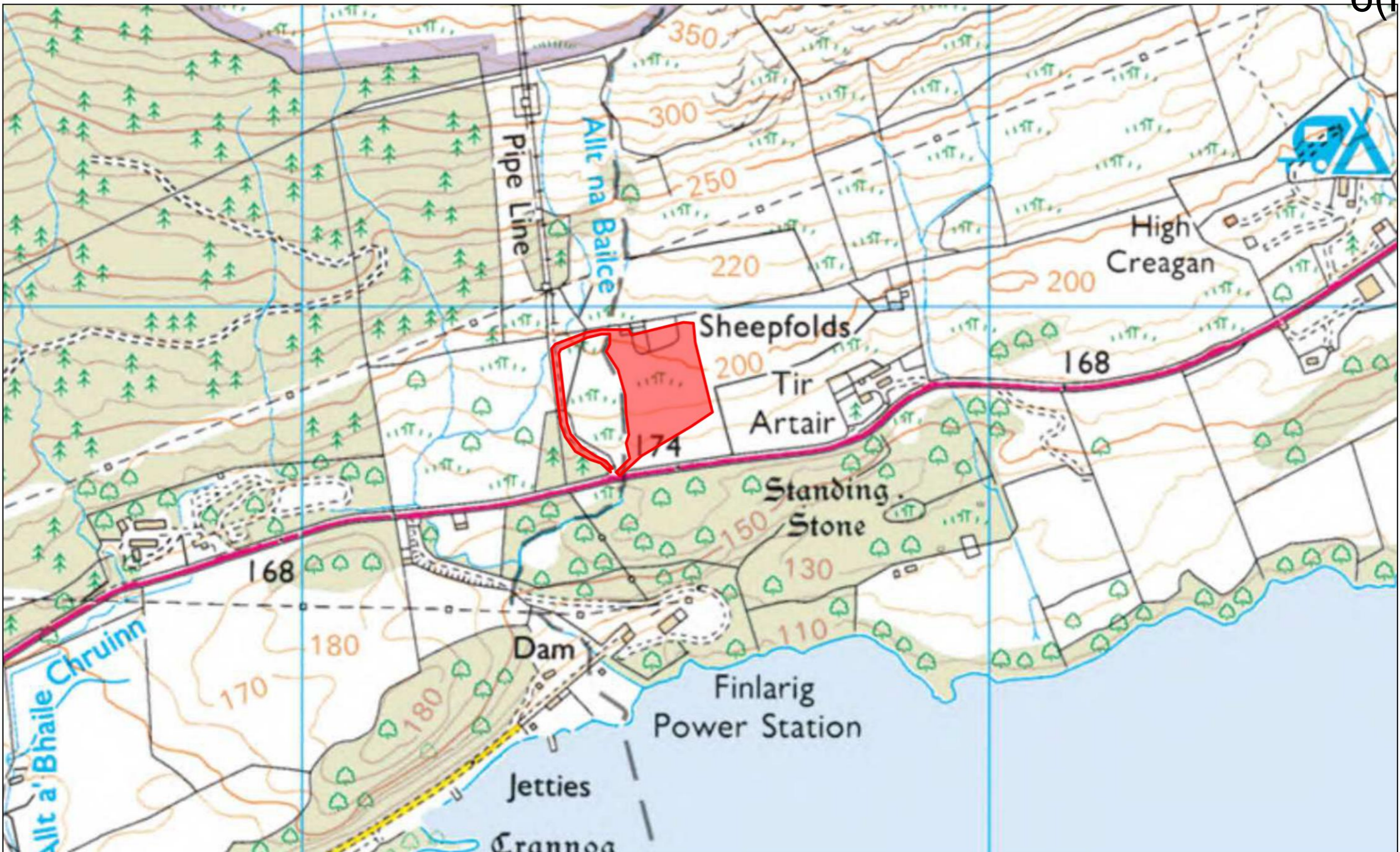
Planning and Placemaking Committee - 5 June 2024

Scale
1:10,000

24/00005/PAN

Formation of a 49.9MW battery energy storage facility and associated works on land 300 metres West of Tir Artair, Killin

PERTH & KINROSS COUNCIL



© Crown copyright [and database rights] 2024 OS
 AC0000805756. You are permitted to use this data solely to
 enable you to respond to, or interact with, the organisation
 that provided you with the data. You are not permitted to
 copy, sub-licence, distribute or sell any of this data to third
 parties in any form.

Planning and Placemaking Committee - 5 June 2024

Scale
 1:5,000

24/00005/PAN

Formation of a 49.9MW battery energy storage facility and associated works on land 300 metres West of Tir
 Artair, Killin



