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Council Building  
2 High Street  
Perth  
PH1 5PH

06/11/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 15 November 2023** at **09:30**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto: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, 15 November 2023**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 11 OCTOBER 2023 FOR APPROVAL** **5 - 38**  
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATION**
- 5(1)(i) 22/01359/FLM - ERECTION OF REPLACEMENT POLYTUNNELS (IN PART RETROSPECT), COLBEGGIE FARM, KETTINS, BLAIRGOWRIE** **39 - 54**  
Report of Handling by Strategic Lead - Economy, Planning and Development (copy herewith 23/307)
- 5(2) LOCAL APPLICATIONS**
- 5(2)(i) 23/00276/FLL - ERECTION OF DWELLINGHOUSE, FORMATION OF PARKING AND ASSOCIATED WORKS, LAND 40 METRES NORTH EAST OF BIRCHWOOD COTTAGE, ST MARY'S ROAD, BIRNAM** **55 - 74**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 23/308)

**5(2)(ii) 22/01191/FLL - ERECTION OF 16 DWELLINGHOUSES (3 WITH DETACHED GARAGES, ONE WITH DETACHED GARAGE/ANCILLARY ACCOMMODATION), FORMATION OF 6 PLOTS FOR AFFORDABLE DWELLINGHOUSES, FORMATION OF SUDS POND, LANDSCAPING AND ASSOCIATED WORKS, LAND 100 METRES SOUTH EAST OF CRAGTON VILLA, ROST GARDENS, SCOTLANDWELL**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 23/309)

**75 - 100**

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## PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 11 October 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailie C McLaren (Up to Item 5(1)(ii)), Councillors K Allan, B Brawn, D Cuthbert, A Forbes (Substituting for I James), K Harvey, D Illingworth, B Leishman, T McEwan (Substituting for Bailie M Williamson), I MacPherson (Substituting for R Watters) and C Reid.

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

Apologies: Bailie M Williamson, Councillors I James and R Watters.

Councillor I Massie, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

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

### 2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct, Councillor D Illingworth declared a non-financial interest in Item 5(1)(i).

### 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 6 September 2023, be approved.

### 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
22/00817/FLM	5(1)(i)
22/01501/FLM	5(1)(ii)
23/01262/IPL	5(2)(ii)

HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM, COUNCILLOR D ILLINGWORTH LEFT THE MEETING AT THIS POINT.

### 5. APPLICATIONS FOR DETERMINATION

#### (1) Major Applications

- (i) **22/00817/FLM – Erection of 110 dwellinghouses, associated infrastructure, access, SUDS and landscaping, land 150**

## **metres south west of Kintillo Cemetery (H14), Bridge of Earn, Perth**

Mr J Bruce, Chair of Earn Community Council and Dr G Lindsay, both objectors to the application, addressed the Committee and answered Members' questions. Mr R Laird, Planning and Strategic Land Manager, Scotia Homes, addressed the Committee and answered Members' questions.

### **Resolved:**

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

#### **General**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been 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. No development shall commence until a detailed phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Council as Planning Authority. The phasing strategy shall include the following details:
  - (i) The timing and number of dwellings to be developed in each phase;
  - (ii) The timing and delivery of infrastructure, open space and landscaping;
  - (iii) The timing and location of any temporary construction compound;
  - (iv) The timing and delivery of the affordable housing units.

Once approved, the development shall proceed in accordance with the approved delivery phasing strategy to the satisfaction of the Council as Planning Authority.

Reason – In order to ensure the satisfactory implementation and completion of the development.

#### **Drainage and Flooding**

4. The drainage outfall as agreed as part of planning permission 22/02020/FLL or any other agreed in writing scheme by the Council, shall be implemented as part of the SUDs basin delivery to the satisfaction of the Council as Planning Authority.

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

5. Prior to the commencement and completion of works, the watercourse to the northeast of the site, which the SUDs basin outfalls into, shall be cleared of vegetation and debris to the satisfaction of the Council as Planning Authority.

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

6. 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.

7. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the 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 – To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

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

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

#### **Residential Amenity**

9. Prior to the commencement of the development a Dust Management Plan shall be submitted to and agreed in writing by the Council as the Planning Authority and Environmental Health. The plan shall include measures for the control of dust, monitoring, and complaints procedures, at the construction stages of the development.

- Reason – In the interests of residential amenity.
10. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

Reason – In the interests of residential amenity.

### **Roads and Transport**

11. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason – In the interests of vehicle and pedestrian safety and in accordance with the policies of the adopted development plan.

12. Prior to commencement of works on site, the width of Wicks O’Baiglie Road shall be widened to a minimum width of 6 metres from south of 52 Wicks O’Baiglie Road to a distance of 6 metres south of the vehicle access bellmouth into the development, where the width of the road will taper back to the original width over a distance of at least 25 metres. The road widening shall be constructed to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority.

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

13. Prior to commencement of works, a 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. 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 and maintained in full accordance with the agreed scheme.

Reason – In the interests of road safety.

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

- a. restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b. timing of construction traffic to minimise impact on local communities particularly at school start and



- finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c. a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d. arrangements for liaison with the Roads Authority regarding winter maintenance;
- e. emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f. arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g. arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h. arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i. details of information signs to inform other road users of construction traffic;
- j. arrangements to ensure that access for emergency service vehicles are not impeded;
- k. co-ordination with other significant developments known to use roads affected by construction traffic;
- l. traffic arrangements in the immediate vicinity of temporary construction compounds;
- m. monitoring, reporting and implementation arrangements;
- n. arrangements for dealing with non-compliance; and
- o. details of HGV movements to and from the site.

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

Reason – In the interest of proper site management.

15. Prior to the occupation of the tenth dwellinghouse, the developer shall install a bus shelter at Old Edinburgh Road (NaPTAN ID 73729586) with a 3 bay bus shelter supplied and installed with passenger information board, LED spotlights (one per bay), a 28in Ultra-Wide Display Screen for Real Time Passenger Information installed on the approach side of the shelter and a 24/7 electrical power supply to a Haldo pillar adjacent to the shelter to provide power for the LED lighting and Real Time Passenger Information display. The design and specification shall be to the satisfaction of the Council as Planning Authority, in consultation with Perth & Kinross Council's Public Transport Unit. In the event that it is not possible to install at this location, an alternative shall be agreed in writing with the planning authority.

- Reason – In the interest of sustainable travel.
16. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council in consultation with Transport Planning. The RTP 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.  
Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.
17. Prior to the commencement of the development hereby approved, full visibility splays for the vehicle access onto Wicks O' Baiglie Road of 120 metres along the channel line shall be provided to the left and right of the access, at a set-back of 2.4 metres from the edge of the carriageway, measured 1.05m above the road level to the standard and specification required by the Council as Roads Authority to the satisfaction of the Planning Authority. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays. Once formed, the visibility splays shall be permanently retained thereafter, and no visual obstruction of any kind shall be permitted within the visibility splays so formed.  
Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
18. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development.  
Reason – In the interests of pedestrian and cycle safety.
19. The occupation of the tenth dwellinghouse hereby approved shall not occur until the proposed footpath connection surrounding the SUDS at the northern side of the site and linking to both Dunbarney Avenue and Wicks O' Baiglie Road, as shown on drawing number 22/00817/182, has been implemented in line with the specification agreed as part of condition 18, and is operational to the satisfaction of the Planning Authority.  
Reason - In the interest of sustainable transport.
20. The occupation of the fifty-fifth dwellinghouse hereby approved shall not occur until the proposed footpath connection at the southern side of the site, linking this site to both Wicks O' Baiglie Road and The Meadows and the footpath connection to the west of the site linking to The

Meadows, opposite Ptak Way, as shown on drawing number 22/00817/182, has been implemented in line with the specification agreed as part of condition 18, and is operational to the satisfaction of the Planning Authority.

Reason – In the interest of sustainable transport.

21. The Meadows shall not be used at any time by construction traffic associated with the development, unless otherwise agreed by the Council as Planning Authority.

Reason – In the interests of pedestrian and traffic safety, residential amenity.

### **Biodiversity**

22. Prior to the commencement of development a Construction Environmental Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) shall be submitted for the approval of the Planning Authority. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

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

23. The conclusions and recommended action points within the supporting Ecological Survey and Biodiversity Action Plan submitted and hereby approved (document number 90 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.

24. An updated ecological survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the 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 protecting environmental quality and of biodiversity.

25. 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.

26. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs. Thereafter, the hedgehog highways 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.

27. 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 the interests of protecting environmental quality and of biodiversity.

#### **Trees and Landscape**

28. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

29. 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.

30. The areas of public open space indicated in the approved landscape and planting drawings shall be planted in

accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted and agreed in writing by the Planning Authority, prior to the commencement of development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority. Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

31. All landscaped areas outwith the curtilages of the dwellings and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellings hereby approved without the express grant of planning permission by the Planning Authority.

Reason – In the interests of the character and appearance of the development.

32. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to, and agreed in writing by, the Council as Planning Authority. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented and adhered to.

Reason – To ensure satisfactory management of the scheme.

### **Sustainability**

33. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason – To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

**Waste**

34. Prior to the commencement of development a site specific plan detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason – In the interest of the sustainable disposal of waste.

**Contamination**

35. 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.

**Archaeology**

36. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological

resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design (PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

Reason – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

### **Materials**

37. 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.

### **Justification**

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from the relevant Policy 6 of the LDP2.

### **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.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. 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 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.
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.
6. 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](http://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.
7. 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.
8. Prior to the commencement of works a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the C416 Wicks



O'Baiglie Road between the A912 and the M90 overbridge, a distance of approximately 1 km, whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth & Kinross Council.

9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
11. 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 revise layout, materials and garages.
12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
13. 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>
14. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto: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](http://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.
15. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

16. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.
17. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
18. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.
19. The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
20. 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.

THERE FOLLOWED A 5 MINUTE RECESS AND THE MEETING RECONVENED AT 11:15AM.

COUNCILLOR D ILLINGWORTH RETURNED TO THE MEETING AT THIS POINT.

COUNCILLOR K HARVEY JOINED THE MEETING AT THIS POINT.

- (ii) **22/01501/FLM – Erection of 90 dwellinghouses, 2 residential blocks comprising 10 flats, associated infrastructure, access, SUDS and landscaping (in part allocated site H69), land 150 metres south of Station House, Forfar Road, Meigle**

Mr B Starck of Meigle and Ardler Community Council, Ms M Kaufmann, Mr E West and Mr P Menzies, all objectors to the application, addressed the Committee and answered Members' questions. Mr B Robb, Senior Partner, Oliver and

Robb Architects LLP, on behalf of the agent, addressed the Committee and answered Members' questions.

**Motion (Councillors B Brawn and D Cuthbert)**

Refuse, as the proposal is contrary to Policies 1A, 1B(c) and 17 of Perth and Kinross Local Development Plan 2 (2019) and Policy 14 of National Planning Framework 4, due to the significant historical heritage within the village of Meigle, the design of the proposed dwellings and the number of proposed dwellings.

**Amendment (Baillie C McLaren and Councillor T McEwan)**

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

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason – To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.  
Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.  
Reason – In order to safeguard the neighbouring residential amenity in the area.
5. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).  
Reason – In order to safeguard the residential amenity of the area.
6. Prior to the occupation of any dwellinghouse approved as part of this permission, a Real Time Passenger Information Display Screen will be supplied and installed at the bus stop at Meigle Post Office, or another location as agreed with the Public Transport Unit.  
Reason – To encourage the use of sustainable transport to and from the development site.
7. No part of the development shall be occupied until a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The RTP 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.  
Reason – To promote sustainable transport options and to meet advice within Scottish Planning Policy on transport.
8. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
  - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;

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

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

Reason – In the interests of road safety.

9. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation (WSI) which has been submitted by the developer and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. Should the archaeological works, as required by the WSI, identify a requirement for post-excavation analysis, the development as approved shall not be occupied or brought into use until a Post-Excavation Research Design

(PERD) has been submitted to and agreed in writing by the Council as Planning Authority, in consultation with PKHT. The PERD shall be carried out in complete accordance with the approved details. Furthermore, the developer shall afford access at all reasonable times to PKHT or a nominated representative and shall allow them to observe work in progress.

Reason – To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

10. Prior to the commencement of the development hereby approved, a Biodiversity Enhancement Plan for the site shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the agreed scheme shall be implemented to the satisfaction of the Council as Planning Authority.

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

#### **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**

Permission shall not 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 planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto: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](http://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.
4. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The applicant 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.
6. 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>
7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
8. 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
9. No work shall be commenced until an application for building warrant has been submitted and approved.
  10. 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 layout and connections through the site.
  11. 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.

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

5 Members voted for the Motion as follows:

Councillors K Allan, B Brawn, D Cuthbert, A Forbes and C Reid.

8 Members voted for the Amendment as follows:

Councillors K Harvey, D Illingworth, B Leishman, I Massie, Bailie C McLaren, Councillors T McEwan, I MacPherson and G Stewart.

**Resolved:**

In accordance with the Amendment.

THERE FOLLOWED A 45 MINUTE RECESS AND THE MEETING RECONVENED AT 2:30PM.

BAILIE C MCLAREN SUBMITTED APOLOGIES FOR THE REMAINDER OF THE MEETING.

- (iii) **22/02231/FLM – Formation of a 49.99MW battery energy storage compound comprising battery storage units, ancillary buildings and equipment, bogland restoration, landscaping and associated works, Shindour, Feddal Hill Wood, Braco**

**Resolved:**

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

**General**

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



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

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

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

3. The battery energy storage units and ancillary infrastructure shall be removed from the site no later than 50 years after the date when the operation is first brought into use unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of first operation shall be provided to the Planning Authority within one month of that date.

Reason – In order to limit the permission to the expected operational lifetime of the battery storage units and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.

#### **Roads and Access**

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

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

The TMS as approved shall be strictly adhered to during the entire site construction programme to the satisfaction of the Council as Planning Authority.

Reason – To minimise interference with the safety and free flow of the traffic on the access road off the B8033 road.

5. Prior to the commencement of development, a comprehensive Construction Traffic Management Plan shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland  
Reason – To minimise interference with the safety and free flow of the traffic on the trunk road.

#### **Health and Safety**

6. Not less than two months from the date of this planning permission, a detailed scheme for the management of vehicles crossing of the National Grid pipeline at Easting 282178; Northing 709479 and any necessary reinforcement works of that road and or crossing shall be submitted to, and approved in writing by, the Planning Authority in consultation with National Grid. The scheme shall include the frequency of vehicle movements during both the construction and operational phases of development, specify vehicle weights and set out the technical specification of the reinforcement works to the road or crossing point and their delivery. Thereafter, the scheme shall be implemented in complete accordance with the approved scheme and all reinforcement works complete prior to the commencement of development hereby approved.

Reason – In order to ensure that suitable vehicle crossing arrangements are provided.

### **Amenity**

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

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

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

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

### **Landscape**

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

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

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

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

### **Ecology**

11. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted

to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP), Environmental Management Plan (EMP). Proposed measures for bog restoration methods, monitoring and ongoing long-term aftercare and maintenance shall be included. Measures to ensure the public road network is kept free from mud or debris shall also be required. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of protecting environmental quality and of biodiversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

12. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:
- (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) and habitat restoration approved by this permission.
  - (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
  - (c) Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
  - (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.

- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, (including re-instatement and de-commissioning of the construction compounds) hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason – To avoid habitat damage and safeguard natural heritage interests.

13. 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.

14. A minimum of two months prior to the commencement of development, a Detailed Peat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA and the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

Reason – In the interests of protection of existing peatland.

15. A minimum of two months prior to the commencement of development, an updated Habitat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

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

16. The conclusions and recommended action points within the supporting Ecological Appraisal (October 2022) (drawing number 14) and Habitat Survey (October 2022) (drawing number 15) submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

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

17. Prior to the commencement of the development hereby approved, final details of the proposed boundary fencing for the site shall be submitted for the written agreement of the Council as Planning Authority. For the avoidance of doubt the fencing will be required to be deer proofed. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

18. Prior to the commencement of development, the developer shall provide full written details of a scheme for mitigating any potential effects on reptiles on the site during the construction and operation of the energy storage project. This shall include:

- The deployment and searching of artificial reptile refugia to allow the capture and relocation to a suitable and safe area of reptiles within the site. Such measures to be undertaken during the reptile active period of May to October (inclusive).
- After an agreed period with no reptile captures, the site shall be cleared outward to an agreed methodology from the site centre to allow any remaining/undetected reptiles to disperse into adjacent habitats.
- The site shall then be maintained with no vegetation cover until construction works commence.
- Habitat clearance works shall be undertaken during the reptile's active phase i.e., April - October (inclusive).
- Details of proposals for the creation of reptile hibernacula within the site.

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

**Drainage**

19. 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 – To ensure the provision of appropriate and effective drainage for the site.

### **Finishes**

20. 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.

### **Project Lifespan and Site Aftercare**

21. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event, the development shall be decommissioned, and the relevant parts of the site brought into an agreed condition within such timescale as agreed in writing by the Council as Planning Authority.

Reason – To ensure the facility is removed from the site at the end of its operational life, to ensure no adverse impact on the visual amenity of the area and a satisfactory standard of local environmental quality.

### **Restoration**

22. The restoration of the site shall be completed in full within 12 months of its decommissioning and shall be undertaken in full accordance with the submitted restoration scheme to be approved under conditions 23 and 24 of this permission and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason – In the interests of visual and residential amenity.

23. Within 6 months of the date of this decision notice, a detailed decommissioning and restoration scheme for the application site shall be submitted to and approved in writing by the Planning Authority. The scheme shall set out the means for restoring the site to blanket bog following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated

through the grant of a new planning permission for a similar form of development) the restoration of the site shall be implemented in accordance with the approved details and in accordance with the timescales outlined in condition 22 of this permission and in any case before the expiry of the time period set by condition 3 of this planning permission.

Reason – In the interests of visual and residential amenity.

24. Prior to the commencement of the final restoration and re-instatement of the application site as required by conditions 22 and 23 of this permission a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason – To ensure that final contours and an updated restoration plan and aftercare plan are submitted prior to the site ceasing operation thereby ensuring appropriate restoration in the interests of visual amenity and to minimise impacts on the landscape.

25. The approved bond or financial instrument shall be maintained throughout the duration of the operation of the development hereby approved. At five-yearly intervals (as a minimum) from the commencement of the development, an independent review of the approved bond or financial instrument shall be carried out and submitted to the Council as Planning Authority. The Council as Planning Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

Reason – To ensure that at all times there are sufficient funds available to ensure that the removal of all development and site restoration can occur.

### **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**

Permission shall not be issued until a Section 75 legal agreement has been signed and registered to take account of the bond associated with 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 relevant



policies and may ultimately be 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. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto: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](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. An application for Building Warrant may be required.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an

offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. 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. 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.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. The applicant should take note of the information and advice contained within the consultation response from Natural Gas.

## **(2) Local Applications**

- (i) 23/01044/FLL – Change of use of storage shed to form a shop, siting of a workshop unit for furniture recycling/restoration, formation of parking area and associated works, land north east of Causeway Cottage, Scotlandwell, Kinross**

### **Resolved:**

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

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. 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.

3. Reason – In order to safeguard the neighbouring residential amenity in the area.  
The hours of operations shall be restricted to 0700 hours to 1900 hours daily.  
Reason – In order to safeguard the neighbouring residential amenity in the area.
4. The retail floor space shall be restricted to the sale of furniture and associated home furnishing/décor goods in the area as annotated as retail on plan ref 07.  
Reason – In order to control and limit the retail element of the proposal.

### **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. 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.
2. An application for Building Warrant may be required.

**(ii) 23/01262/IPL – Erection of a dwellinghouse (in principle), land 75 metres north west of Mullmac, Saucher, Kinrossie, Perth**

Mr S Geddes, objector to the application, addressed the Committee via telephone and answered Members' questions.

### Motion (Councillors B Brawn and C Reid)

Refuse, as the proposal is contrary to Policy 50 of Perth and Kinross Local Development Plan 2 (2019) due to the proposed use of prime agricultural land.

### Amendment (Councillors T McEwan and I Massie)

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

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development which should accord with

the indicative layout as indicated on approved drawing 09, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, road layout, vehicle parking and turning facilities, levels, drainage including the disposal of surface water and waste management provision.

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

2. This planning permission in principle will last only for five 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 Principle 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.

3. Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

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

4. All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.

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

5. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

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

### **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. No work shall be commenced until an application for building warrant has been submitted and approved.
2. 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.

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

3 Members voted for the Motion as follows:  
Councillors K Allan, B Brawn and C Reid.

8 Members voted for the Amendment as follows:  
Councillors D Cuthbert, K Harvey, D Illingworth, B Leishman, I Massie, T McEwan, I MacPherson and G Stewart.

In terms of Standing Order 24.1, Councillor A Forbes advised he lost internet connection and therefore was not present during consideration of the whole item, and subsequently unable to participate in the decision.

### **Resolved:**

In accordance with the Amendment.

## **6. PROPOSAL OF APPLICATION NOTICES (PAN)**

- (i) **23/00011/PAN – Formation of 49.9MW battery energy storage facility, formation of access and associated works, land 400 metres south east of Endrigg, Jamesfield, Newburgh, Cupar**

Councillor Cuthbert requested due consideration be given to the cumulative impact of similar sites nearby and the associated fire risk.

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

- (ii) **23/00012/PAN – Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, a DNO substation, battery storage facility, security fencing, CCTV cameras, cabling, access tracks and associated works, Kinnon Park Farm, Methven, Perth**

Councillor Illingworth requested due consideration be given to employment impacts, particularly with regard to arable land in comparison to a solar farm, loss of prime agricultural land and food producing land, visual impacts, use of chemicals for cleaning, the core path network, impact on local housing and impacts on flooding.

Councillor Cuthbert requested due consideration be given to elevation of solar panels to allow land beneath to be utilised and minimise loss of arable land.

Councillor McEwan requested due consideration be given to glare from solar panels onto the nearby roads.

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

DRAFT

Perth and Kinross Council  
Planning and Placemaking Committee – 15 November 2023  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 23/307)

**PROPOSAL:** Erection of replacement polytunnels (in part retrospect)

**LOCATION:** Colbeggie Farm, Kettins, Blairgowrie, PH13 9HA

Ref. No: [22/01359/FLM](#)

Ward No: P2- Strathmore

### Summary

This application is for a major development for the erection of replacement polytunnels at Colbeggie Farm, Kettins (in part retrospect).

The proposal is to replace the existing temporary polytunnels with more permanent insulated polytunnel structures, covering a similar footprint as those before. The intention of the proposal is to modernise the current operations at the site and enhance growing abilities across the site.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

1. Colbeggie Farm is situated due east of Coupar Angus and is located on a branch road linking the hamlet of Markethill and the village of Ardler. The application site is situated to the north of a public road which passes through the farm. The topography of the site is generally flat and extends to approximately 14.5 hectares. The application site is not allocated for any particular use within the adopted Perth and Kinross Local Development Plan and is on an area of open farmland.
2. The existing farm buildings include storage and packing facilities, biomass boiler house and fuel storage, water tanks, and an honesty shop. Caravan accommodation for temporary workers is located to the north of the access road. Existing mature trees run along the access road, and there are some groupings of trees and hedges along the farm boundaries. The vegetation along the north-west boundary is denser and provides visual screening from the road. The north-west boundary is defined by a ditch which lies adjacent to the hedgerows. Furthermore, the farm is surrounded on all sides by agricultural fields.
3. Existing polytunnels are arranged in terraced rows in six blocks with access tracks in between. It is proposed to replace the existing temporary polytunnels

with more permanent, insulated polytunnel structures. Some of the works have already been undertaken. Furthermore, it is proposed to reuse the existing site layout as much as possible and preserve the existing links within and beyond the site. There are no proposed changes to the access to the site.

### **Pre-Application Consultation**

4. 15/00167/PREAPP – Relocation of polytunnels – Enquiry received to query whether planning permission was required or not.
5. 19/00112/PREAPP – Replacement of polytunnels – Enquiry received to query whether planning permission was required or not.

### **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework 4**

7. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document. In this instance, the relevant policies are as follows:
  - Policy 1: Tackling the Climate and Nature Crisis
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 5: Soils
  - Policy 22: Flood Risk and Water Management
  - Policy 29: Rural Development

### **Planning Advice Notes**

9. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
  - PAN 40 Development Management
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 69 Planning and Building standards Advice on Flooding



### **Creating Places 2013**

10. 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.

### **National Roads Development Guide 2014**

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

### **DEVELOPMENT PLAN**

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

### **Perth and Kinross Local Development Plan 2**

13. 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.
14. The principal relevant policies are, in summary:
  - Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 8: Rural Business and Diversification
  - Policy 39: Landscape
  - Policy 41: Biodiversity
  - Policy 53A: Water Environment and Drainage: Water Environment
  - Policy 55: Nuisance from Artificial Light and Light Pollution
  - Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

### **15. Site History**

16. [04/02543/FUL](#) Full planning permission was approved on 27 January 2005 for alterations and extension to dwellinghouse
17. [13/02253/PN](#) On 3 January 2014 for installation of a biomass boiler

18. [13/02294/FLL](#) Full planning permission was approved on 7 March 2014 for installation of biomass boiler unit
19. [14/01596/PN](#) was approved on 28 November 2014 for erection of biomass boiler shed
20. [16/01080/FLL](#) Full planning permission was approved on 15 August 2016 for erection of biomass boiler house/fuel store and installation of flues
21. [19/00006/PAN](#) On 27 September 2019 for erection of replacement polytunnels
22. [21/01613/FLL](#) Full planning permission was approved on 17 December 2021 for part change of use of agricultural building to form gin distillery including storage, distribution, and associated works
23. [22/00473/FLL](#) Full planning permission was approved on 26 May 2022 for erection of ancillary honesty shop

## **CONSULTATIONS**

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

### **External**

#### **Coupar Angus And Bendochy Community Council**

25. No response received.

#### **Kettins Parish Community Council**

26. No response received.

#### **Meigle and Ardler Community Council**

27. No response received.

#### **Asset Protection Team (formerly National Grid)**

28. Given the close proximity of the proposed polytunnels to a National Grid owned high pressure gas pipeline, an initial objection to the proposed development was submitted. However, an amended plan was submitted which shows the new polytunnels positioned away from the Easement. The existing polytunnels can remain in the pipeline Easement and can be maintained and repaired like for like, but not upgrade. Therefore, the objection has been removed.

### **Scotland Gas Networks Plc (SGN)**

29. Given the lack of SGN owned high pressure pipelines or gas mains at this location, SGN have no objections to the proposed development

### **Scottish Environment Protection Agency**

30. SEPA has noted that this relates to the replacement of polytunnels which it is understood from the Planning, Design and Access Statement to have been on site since 1997. Therefore, SEPA have no site-specific comments and instead recommends that the applicant refers to the standing advice in Table 2 of the SEPA triage framework: guidance for planning authorities and SEPA in the first instance. The applicant should also refer to SEPA's Flood Risk Standing Advice which includes a section covering open sided agricultural buildings and structures (including poly-tunnels).

### **Internal**

#### **Biodiversity**

31. The Biodiversity Officer requested the following measures are implemented:
- Planting native trees and expand the existing hedgerows.
  - Providing nesting boxes for swallow, house martin and tree sparrows on the storage sheds.
  - Planting native trees or shrubs around the irrigation pond.

#### **Environmental Health**

32. Given that the application site is surrounded by an existing working fruit farm and there have been existing polytunnels on site for in excess of 20 years it is highly unlikely that this development affecting the residential amenity of neighbouring properties. As such, Environmental Health have no objections to the application and no adverse comments to make.

#### **Transport Planning**

33. The polytunnel replacement programme will involve all but one polytunnel to the north of the public road network. In terms of matters relating to roads and roads safety, there are no objections to the proposed development.

#### **Floods**

34. The proposed development site is out with the floods extant, and, therefore, there are no objections to the application. The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood RiskAssessments2021](#) as it contains advice relevant to your development.

## Representations

35. No letters of representation have been submitted as a result of this application. The application is only before the Planning & Placemaking Committee as it constitutes a major development.

## ADDITIONAL STATEMENTS

36.

Screening Opinion	No EIA required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	Not Required

## APPRAISAL

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

### Principle

38. Given that there have been polytunnels on site and in use since 1997, the principle of development has been established. Attention now turns towards the design and detailing of the scheme.

### Design and Layout

39. It is proposed to use multi span polytunnels that are suitable for intense cultivation. Each polytunnel is 9.6m wide and 6.7m in height and is of a steel construction with polycarbonate covers. The polytunnels have a solid structure, advanced ventilation and indoor temperature control systems that make growing flexible and easily adaptable to any weather conditions. The total length of the proposed polytunnels will range from approximately 110 to 190m. The polytunnels will be arranged in terraced rows and will have an overall floor area of 101, 500 square metres, across the whole application site. The polytunnel will be orientated north- west to south – east across the site.

## **Landscape and Soils**

40. Perth and Kinross Council LDP 2, Policy 39: Landscape states that any Development should not erode local distinctiveness, diversity, and quality of Perth and Kinross's landscape character. The proposed polytunnels would replace existing structures of a similar design and scale. The polytunnels have been an established feature at this location for a considerable period of time, and the replacement with similar structures, would not cause any additional negative visual impact on the landscape of the site and surrounding area.
41. The introduction of polytunnels where crops are grown in raised beds, results in a longer term growing solution, and one which is not soil dependant. This being the case, the use of polytunnels greatly reduces any impacts on the landscape, and will not have an adverse effect on soil quality.
42. Given the scale and siting of the proposed works, there are no concerns about impacts on the landscape of the area. As such, the proposal is in accordance with Policy 4(d) of NPF4 and Policy 39 of LDP2.

## **Residential Amenity**

43. Given the remote location of the application site, and the distances from neighbouring, residential properties, there are no concerns about impacts on the amenity of other residential properties. Furthermore, no additional artificial light is required for the proposed development. It is also noted that no letters of representation were received. As such, the proposal will not result in any loss of residential amenity for neighbouring properties and is, therefore, in accordance with Policy 16(g)(ii) of NPF4.

## **Roads and Access**

44. Perth and Kinross Council LDP2 Policy 60: Transport Standards and Accessibility Standards states that encouragement will be given to the retention of existing transport infrastructure. The site is not served by public transport; however, it is easily accessible by car, and there is sufficient parking provision available on site. The existing access and parking arrangements are maintained and are not affected by the proposal. Caravan accommodation for temporary workers is provided in close proximity to the application site, so they do not need to travel. Other workers who live out with the farm, as well as visitors, can access the site by walking or cycling. The proposal will not involve any additional travel generation so it will not have any effect on the safe and efficient operation of the existing road network. The proposal requires no amendments to the access to the site. Furthermore, cycling parking facilities are currently available at the farm. It is also noted that colleagues in Transportation and Development have no objection to the proposed development. The proposed development is, therefore, in accordance with LDP2 Policy 60.

## **Drainage and Flooding**

45. Perth and Kinross Council LDP2 Policy 53a: Water Environment and Drainage states that all new development will be required to employ Sustainable Urban Drainage. Systems. This requirement is addressed by the proposed surface water drainage strategy. Given that the application site is out with the floods extant, the application site is not at risk from flooding.
46. The design of the proposed polytunnels includes purpose built gutters, which carry the water via conventional downpipes to the irrigation pond, and therefore, eliminating any surface water run- off. Furthermore, as the proposal replaces existing polytunnels of a similar size and scale, and that there are no proposed changes to the existing drainage provision and water supply, there will be no increase in run – off. It is also noted that neither SEPA or the Council's Structures and Flooding Team have any objection to the proposal. The proposed development is, therefore, in accordance with LDP2 Policy 53a.

## **Natural Heritage and Biodiversity**

47. Local Development Plan Policy 41: Biodiversity applies. It is stated that no trees or hedgerows will be felled as a result of the proposed development, and there is no history of any protected species living on the application site. Condition 2 has been recommended to ensure no trees are felled. In addition to retaining the existing trees, the proposed development does afford the opportunity for biodiversity enhancement. This being the case, it is recommended the that native trees should be planted throughout the site and the existing hedgerows should be expanded. In addition, nesting boxes for swallow, house martin and tree sparrow, should be erected on the storage sheds. Furthermore, native trees and shrubs should be planted around the irrigation pond. Conditions 3 and 4 are recommended to secure the recommended biodiversity enhancements. The proposed development is, therefore, in accordance with LDP2 Policy 41: Biodiversity and NPF4 Policy 3: Biodiversity.

## **Economic Impact**

48. The farm currently employs 220 people. Of these, 20 are full time with the remainder seasonal workers. However, as the new insulated polytunnels extend the growing season, it is anticipated that full time employees will increase to 80 and seasonal employees reducing to around 120. In light of this, the proposal will contribute to the local economy through the provision of more permanent employment as required by LDP2 Policy 58: Rural Business and Diversification.

## **Developer Contributions**

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

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

50. None required.

## **DIRECTION BY SCOTTISH MINISTERS**

51. 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**

52. 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.

## **RECOMMENDATION**

53. It is recommended that planning permission for the proposed development is approved, subject to the following conditions.

### **Conditions and Reasons for Recommendation**

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. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

3. Within 2 months of the date of this decision notice, a plan shall be submitted to, and for the written approval of, the Planning Authority showing the locations and details of bird boxes for swallow, house martin and tree sparrow. Thereafter, the agreed scheme shall be installed within 1 month of the date of the acceptance of the scheme, and maintained 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.

4. Within 2 months of the date of this decision notice, a landscaping plan shall be submitted to, and for the written approval of, the Planning Authority, showing areas of proposed planting of native trees, and the expansion of existing hedgerows, and including planting around the irrigation pond. Thereafter, the agreed scheme shall be implemented to the satisfaction of the Council as Planning Authority in the first available planting season.

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

5. Should the polytunnels become redundant or unused, within 6 months of them becoming redundant or unused, the polytunnels shall be removed and the site reinstated to its pre-development condition, all to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None applicable.

## **D INFORMATIVES**

1. 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.
2. An application for Building Warrant may be required.
3. 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>
4. 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.
5. 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
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 layout to account for the existing pipeline.
7. The applicant should be aware of the gas pipeline which passes through the site and should consult with the National Grid prior to any further works being undertaken.
8. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto: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](http://www.pkc.gov.uk).

Contact Officer: Alan Atkins  
Background Papers: None  
Date: 3 November 2023

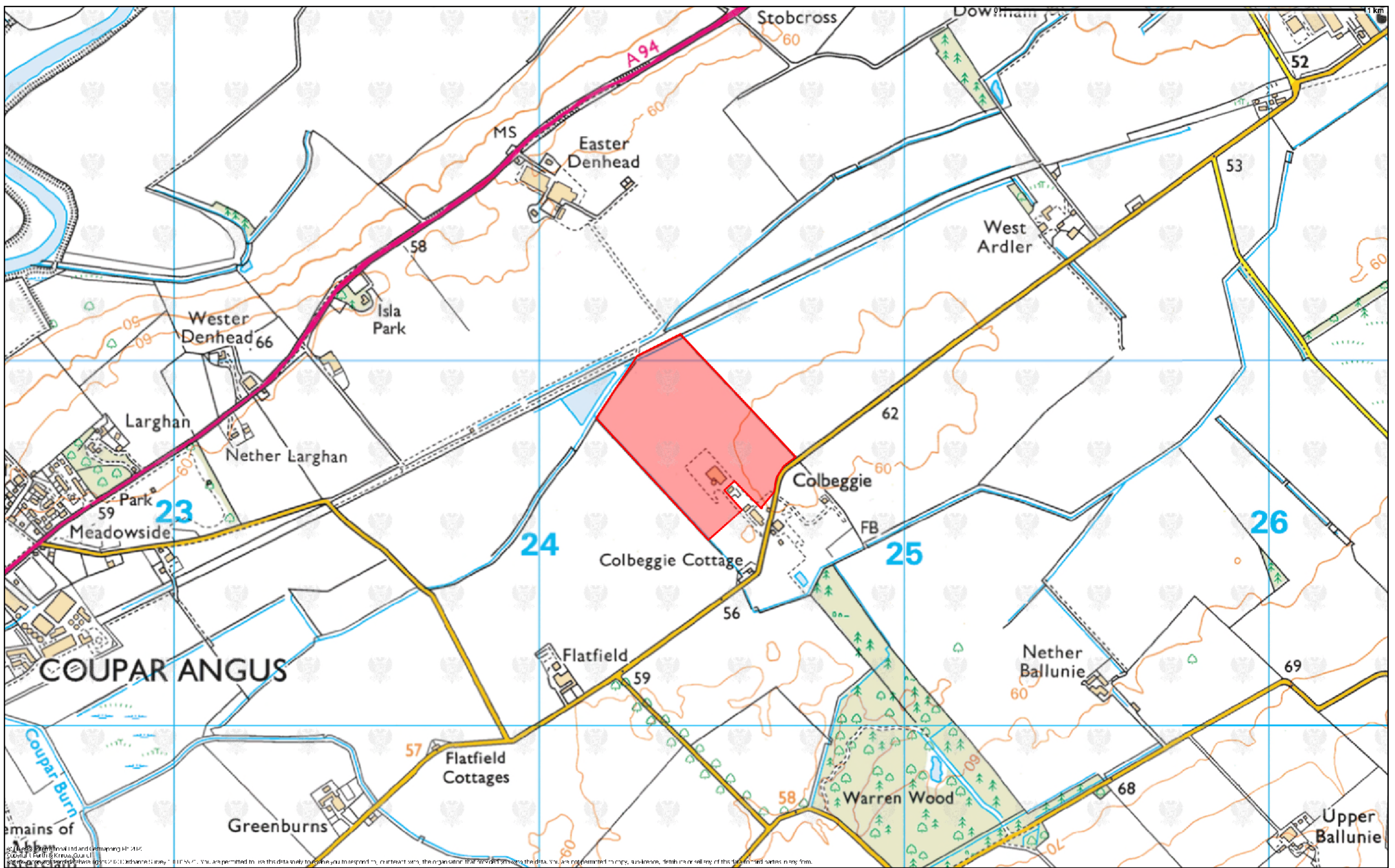
**DAVID LITTLEJOHN**  
**STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

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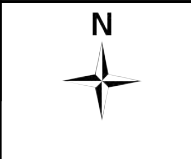
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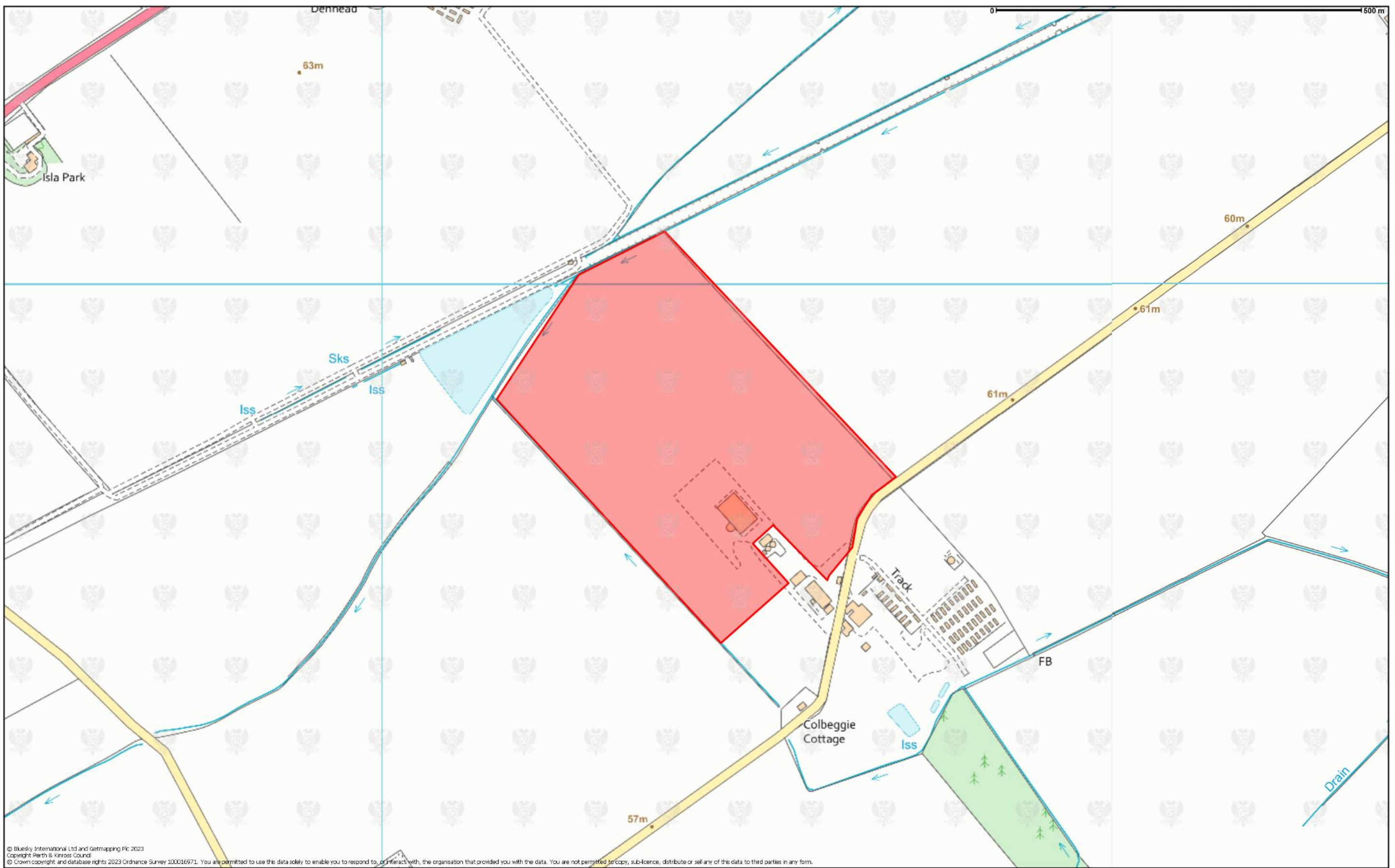
Planning and Placemaking Committee - 15 November 2023  
Scale 1:10000



23/01359/FLM  
Erection of replacement polytunnels (in part retrospect) at Colbeggie Farm, Kettins, Blairgowrie, PH13 9HA







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Planning and Placemaking Committee - 15 November 2023  
 Scale 1:5000



23/01359/FLM  
 Erection of replacement polytunnels (in part retrospect) at Colbeggie Farm, Kettins, Blairgowrie, PH13 9HA





Perth and Kinross Council  
Planning and Placemaking Committee – 15 November 2023  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 23/308)

<b>PROPOSAL:</b>	Erection of dwellinghouse, formation of parking and associated works
<b>LOCATION:</b>	Land 40 Metres North East Of Birchwood Cottage, St Mary's Road, Birnam

Ref. No: [23/00276/FLL](#)  
 Ward No: P5- Strathtay

### 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 site is located on the north-west side of St. Mary's Road within Birnam Conservation Area. It currently contains three disused holiday lodges which are in a poor state of repair, and the site is also overgrown. The site is flanked by several residences to the south and south-west, with a listed dwellinghouse located further uphill to the north. Erigmore Leisure Park is located opposite the public road to the east.
- 2 The site is within the River Tay National Scenic Area, the Tay SAC Catchment, and a small part of the site along its north-east boundary is designated as Ancient Woodland.
- 3 The proposal seeks to introduce a contemporary style five-bedroom dwellinghouse over two levels at the base of the hill. Although the proposal would involve the removal of three trees, all development would be outwith the Ancient Woodland designation.
- 4 The proposal has attracted more than six objections from members of the public and is therefore required to be considered at Planning and Placemaking Committee.

## **Pre-Application Consultation**

- 5 No pre-application advice was sought.
- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

## **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 2: Climate mitigation and adaptation
  - Policy 3: Biodiversity
  - Policy 4: Natural places
  - Policy 6: Forestry, woodland and trees
  - 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 30: Tourism

### **Perth and Kinross Local Development Plan 2019**

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



- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38B: Environment and Conservation: National Designations
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- 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 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

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

### **OTHER POLICIES**

#### **Non Statutory Guidance**

- 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)

### **NATIONAL GUIDANCE**

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

#### **Planning Advice Notes**

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

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places 2013**

- 15 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**

- 16 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**

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

### **Site History**

- 18 13/02230/FLL Full Planning Permission application was Withdrawn On 11 February 2014 for Erection of dwellinghouse.

### **CONSULTATIONS**

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

#### **External**

#### **Scottish Water**

- 20 No objection subject to standard advice. Pre-development enquiry required from applicant in the event of approval.

#### **Internal**

#### **Transportation And Development**

21 No objection, subject to a condition and informatives regarding access construction.

#### **Environmental Health (Noise Odour)**

22 No objection subject to a noise limit condition relating to the proposed air source heat pump and informative regarding the operation of the proposed stove.

#### **Biodiversity/Tree Officer**

23 The Biodiversity Officer has requested three planning conditions relating to: complying the conclusions and recommendations of the biodiversity survey, the provision of three bird nesting boxes on site, and an updated invasive non-native species control plan. An informative has been recommended in respect of works avoiding the bird nesting season.

24 Verbal discussions have taken place between the planning case officer and the Trees Enforcement Officer, and a suspensive condition has been requested in respect of tree protection measures.

#### **Conservation Team**

25 Advise that the proposal would not have harmful impacts on the Category B Listed Dunaird House or the Birnam Conservation Area.

#### **Development Contributions Officer**

26 This proposal is within the catchment of Royal School of Dunkeld Primary School. Education & Children's Services confirm there are no capacity concerns.

#### **Representations**

27 9 representations were received. The main issues raised are:

- Contrary to Development Plan policy
- Disputed Land Ownership
- Inaccurately described as brownfield land
- Impact on nature, trees and biodiversity
- Tree Survey is not detailed enough
- Impact on heritage, including risk of landslips and damage to old road from Torwood House to St Mary's Road by virtue of excavation into the hillside/embankment
- Inappropriate size, scale and design for a conservation area
- Increased risk of flooding due to limited sewage and drainage capacity locally
- Tourism use has not been sufficiently marketed
- Neighbouring amenity concerns, including overlooking of neighbouring windows and gardens
- Overdevelopment of site

- Light pollution
- Loss of open space
- Increased congestion and risk to pedestrians along access route

28 These issues are addressed in the Appraisal section of the report. It should be noted, however, that disputed land ownership is a civil matter, and in any case the referenced area is outwith that to be developed.

**ADDITIONAL STATEMENTS**

29

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Tree Survey, Bat Survey, Extended Phase 1 Habitat Survey, Invasive Species Management Plan, and Drainage Solutions Report submitted.

**APPRAISAL**

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

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

## **Principle**

- 32 NPF4 Policy 16: Quality Homes supports the principle of residential development within settlements where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies. In this case the site is a short walk from the centre of Birnam, its amenities and public transport options.
- 33 The location is also within the settlement boundary of Birnam and is therefore subject to assessment under LDP2 Policy 17: Residential Areas. This policy supports infill residential development and seeks to protect existing residential areas from inappropriate uses.
- 34 NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings supports the sustainable reuse of brownfield land including vacant and derelict land and buildings. The biodiversity value of brownfield land which has naturalised should however be considered. In this instance, three existing vacant and derelict holiday lodges sit within the site and the proposed dwellinghouse is proposed in a similar location. Biodiversity matters are considered below.
- 35 Whilst the application site contains a number of trees, it is not designated as Open Space in LDP2. Notwithstanding this, any development should be assessed against the relevant trees and biodiversity policies.
- 36 NPF4 Policy 30: Tourism has relevance as the proposal, which seeks to replace three disused holiday lodges. Part (c) requires that the change of use of a tourism-facility will only be supported where it is demonstrated that the existing use is no longer viable and that there is no requirement for alternative tourism-related facilities in the area. In this instance, the holiday lodges have lain idle for several years and are in a poor condition and sit amidst overgrown vegetation. Whilst no marketing evidence has been provided, it is clear that the type and age of the properties would limit their desirability. The Erigmore Leisure Park is also located to the east, offering tourist accommodation and facilities. As such, the proposed removal of the three disused holiday lodges is unlikely to significantly impact tourism-related facilities locally and is therefore considered acceptable under NPF4 Policy 30.
- 37 Therefore, the principle of constructing a house on this plot within an existing settlement is accepted against these policies, although subject to detailed consideration of other relevant Development Plan policies, and matters including but not limited to design, residential amenity, parking and access, trees and biodiversity.

## **Design and Layout, Visual Amenity**

- 38 The appearance, orientation, and modern design of the proposed dwellinghouse is considered acceptable and well-integrated into the site and its setting, by virtue of its modest height and position at the base of the hill, away from most public views. This creates an opportunity for a more contemporary design, and the

proposed use of proposed finishes such as black-painted timber cladding of various textures, black brick, and sedum green roofs, would enhance this sensitive response to context, with only three trees proposed to be removed. The agreement of the specific external finishing materials can be agreed via condition (Condition 3).

- 39 An existing leylandii hedge along the south-west boundary is proposed to be replaced with a native hedgerow, in addition to several new trees which will provide higher quality screening along that boundary. The proposed Landscaping Plan is also considered to be acceptable and controllable via condition (condition 9).
- 40 The proposed layout of the site is also considered acceptable, and whilst the house would occupy a larger footprint than its closest neighbours, it represents an appropriate response to the topography and linear nature of the plot without constituting overdevelopment.
- 41 In respect of sustainability, a recommended condition (Condition 6) requires the provision of information relating to the reduction in carbon emissions and the use of low and zero carbon technologies as required through NPF4 Policy 2: Climate mitigation and adaptation and LDP2 Policy 32.
- 42 As such, this element of the proposal accords with NPF4 Policies 2: Climate mitigation and adaptation, 14: Design, quality and place, 16: Quality homes, and LDP Policies 1A and 1B: Placemaking and 32 Embedding Low & Zero Carbon Generating Technologies in New Development.

### **Residential Amenity**

- 43 The single storey elements vary between 4.5 and 6.2 metres from the south-west boundary of the site, thus below the 9 metre distance from built form to boundary. However, the window placement on these elevations has been carefully considered to ensure that there would be no harmful overlooking of 4 and 5 Robertson Court. This is achieved through the use of a combination of high and low level windows facing southwards. In addition the rear (north facing) windows of Birchwood Cottage do not serve habitable rooms and are obscured by a variety of outbuilding structures.
- 44 The first-floor areas are set back at least 13 metres from the south-west boundary and more than the guidance required 18 metres from any neighbouring building. As such, there would be no harmful overlooking of neighbouring properties from this part of the proposal.
- 45 There is no concern regarding overshadowing due to the orientation of the proposal relative to its nearest neighbours, and whilst there would be a greater amount of light emitted from the site than at present, this is not to a level which would adversely impact residential amenity.

- 46 A stove and flue is proposed, and the flue shall terminate above the eaves of the proposed dwellinghouse, aiding dispersal of smoke. Environmental Health have not objected, subject to an informative which recommends adherence to stove specifications.
- 47 An Air Source Heat Pump is proposed, and for this reason Environmental Health have recommended a noise condition (Condition 8). Subject to adherence to this, the impact on residential amenity of noise would be acceptable.
- 48 The amount of private garden ground associated with this proposal would also be acceptable.
- 49 As such, this element of the proposal accords with NPF4 Policies 14: Design, quality and place, and LDP2 Policy 17: Residential Areas.

### **Roads and Access**

- 50 The proposal seeks to use an existing vehicle access from St. Mary's Road, which previously served the existing three holiday lodges. The vehicle access shall be upgraded to Perth & Kinross Council's current standards, and this can be secured by planning condition (Condition 7).
- 51 The applicant has advised that parking for three vehicles is proposed on site, which is in line with the standards within the National Roads Development Guide. A bin store is proposed between the proposed dwellinghouse and the public road, and this is considered acceptable.
- 52 It is acknowledged that objections raise matters of congestion and pedestrian safety along St. Mary's Road, which does not have a dedicated footway close to the site. However, the plot previously accommodated three holiday lodges, and whilst not used in recent years they remain the established baseline and their replacement with a single dwellinghouse is not considered to increase potential traffic or pedestrian safety risks.
- 53 The Council's Transport Planning Team have raised no objections, subject to conditions and informatives relating to the access. As such, the proposal accords with NPF4 Policy 13: Sustainable transport and LDP Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

### **Conservation Considerations**

- 54 The proposal is within Birnam Conservation Area and the setting of B-listed Dunaird House, and its associated Coach House. On this the proposed house and its contemporary design is well shielded from wider views by other dwellinghouses, and the significant tree cover to be predominantly retained. In addition, its effect on the setting of the nearby listed building is minimised by its scale and positioning at the base of a steep hill atop which the listed building sits, as demonstrated in sectional drawings submitted. As such, the proposal is not

considered to adversely affect the setting of the listed building nor adversely impact the appearance of the conservation area.

- 55 It has been mentioned in the public representations that the proposal would conflict with a former road approach to Torwood House. It is considered, having examined 19th century Ordnance Survey mapping, that the route of that former road would have been further uphill towards Dunaird (formerly named Torwoodbank) than the site of the proposed dwellinghouse, where the hill levels off briefly near the north-east edge of the application site. As such, there is no heritage concern in this respect.
- 56 The proposal therefore is considered to accord with NPF4 Policy 7: Historic Assets and Places and LDP2 Policies 27A: Listed Buildings and 28A: Conservation Areas: New Development.

### **Natural Heritage and Biodiversity**

- 57 The concern outlined in representations is acknowledged; the site contains extensive tree cover, and a Tree Survey, Phase 1 Habitat Survey, Bat Survey and Invasive Species Management Plan have been submitted.
- 58 It is considered that the Habitat Survey is sound, subject to a condition (Condition 10) requiring adherence to its conclusions and recommendations. The Bat Survey has not identified bat roosts in the development area, although in the interests of biodiversity enhancement a condition (Condition 11) requires the provision of three bat boxes.
- 59 The extent of tree and hedge removal and replacement planting is also considered acceptable (Condition 9), and a further condition (Condition 4) shall secure the protection of retained trees including an on-site inspection of such measures by the Council's Trees Enforcement officer.
- 60 It is unclear if measures outlined within the Invasive Species Management Plan in respect of rhododendron have been undertaken since 2021 as they appear to have been for giant hogweed, and as such a planning condition (Condition 5) shall require an updated Non-Native Species Control Plan to be submitted prior to the commencement of development, and the implementation of any approved measures which result from that Plan.
- 61 In respect of the National Scenic Area designation, the proposal would not adversely affect the integrity of the area or the qualities for which it has been designated given its sensitive and contemporary design within a mature landscaped setting.
- 62 It is considered that, subject to the recommended conditions and informatives, the proposal accords with the intent of NPF4 Policies 3: Biodiversity, Policy 4: Natural Places, and 6: Forestry, Woodland and Trees, and LDP Policies Policy



38B: Environment and Conservation: National Designations, 40B: Forestry, Woodland and Trees: Trees, Woodland and Development and 41: Biodiversity.

### **Other Matters**

- 63 In response to concerns raised in representations regarding the structural implications of building into the base of the hillside, the applicant's Structural Engineer has analysed the position and provided written assurance that the extent of excavation of the hillside would be limited, and that a low retaining wall (c.1 metre) would form part of the proposals. Such matters would also be covered by the Building Warrant process.
- 64 The public representations regarding drainage and flooding are also acknowledged. However, Scottish Water have not objected and have suggested there is sufficient water and wastewater capacity locally. In the event of planning permission being granted the applicant should engage with them directly, and an informative draw attention to Scottish Water's advice note.
- 65 The site is not identified by SEPA as being vulnerable to surface water or river flooding. Furthermore, the plot size is such that drainage can be satisfactorily accommodated in accordance with Policy 53 of LDP2.

### **Developer Contributions**

- 66 The Developer Contributions Guidance is applicable to this application, but no contributions towards primary education are required as there are no identified capacity constraints in this school catchment. The proposal is therefore in accordance with LDP2 Policy 5 Infrastructure contributions.

### **Economic Impact**

- 67 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development, although bringing into use to a previously developed site which has not contributed to the local economy for some time.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 68 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to supporting documents to provide clarity regarding trees, biodiversity and heritage.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 69 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **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. 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 any works on site, an independent and fully qualified Arboricultural Clerk of Works (ArbCoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration of the construction and shall have the responsibility of ensuring tree protection measures are implemented in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction, and tree protection measures are maintained secure at all times, and until completion of the development. In addition the following is required:
- (a) The developer's appointed ArbCoW to contact the local Planning Authority tree officer to arrange a prestart meeting for inspection of all tree & ground protection measures before commencement of development.

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

5. Prior to the commencement of the development hereby approved, an updated Invasive Non-Native Species Control Plan shall be submitted to and approved by the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

6. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:

- a) the technology types;
- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

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

Reason: To ensure the proposal complies with LDP2 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development.

7. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre

radii kerbing of Type A Road construction detail. The Type A Road construction detail shall continue to the entrance for a minimum distance of 3 metres.

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

- 8 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.

- 9 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.

- 10 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) 29 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 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).

- 11 Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, three bird nesting boxes shall be provided on the completed building or nearby trees. Thereafter, the agreed scheme 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 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).

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken. 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. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
6. 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>.
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](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
8. 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.

9. 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 trees, biodiversity and heritage information.
10. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto: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](http://www.pkc.gov.uk).

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

Background Papers: 9 letters of representation

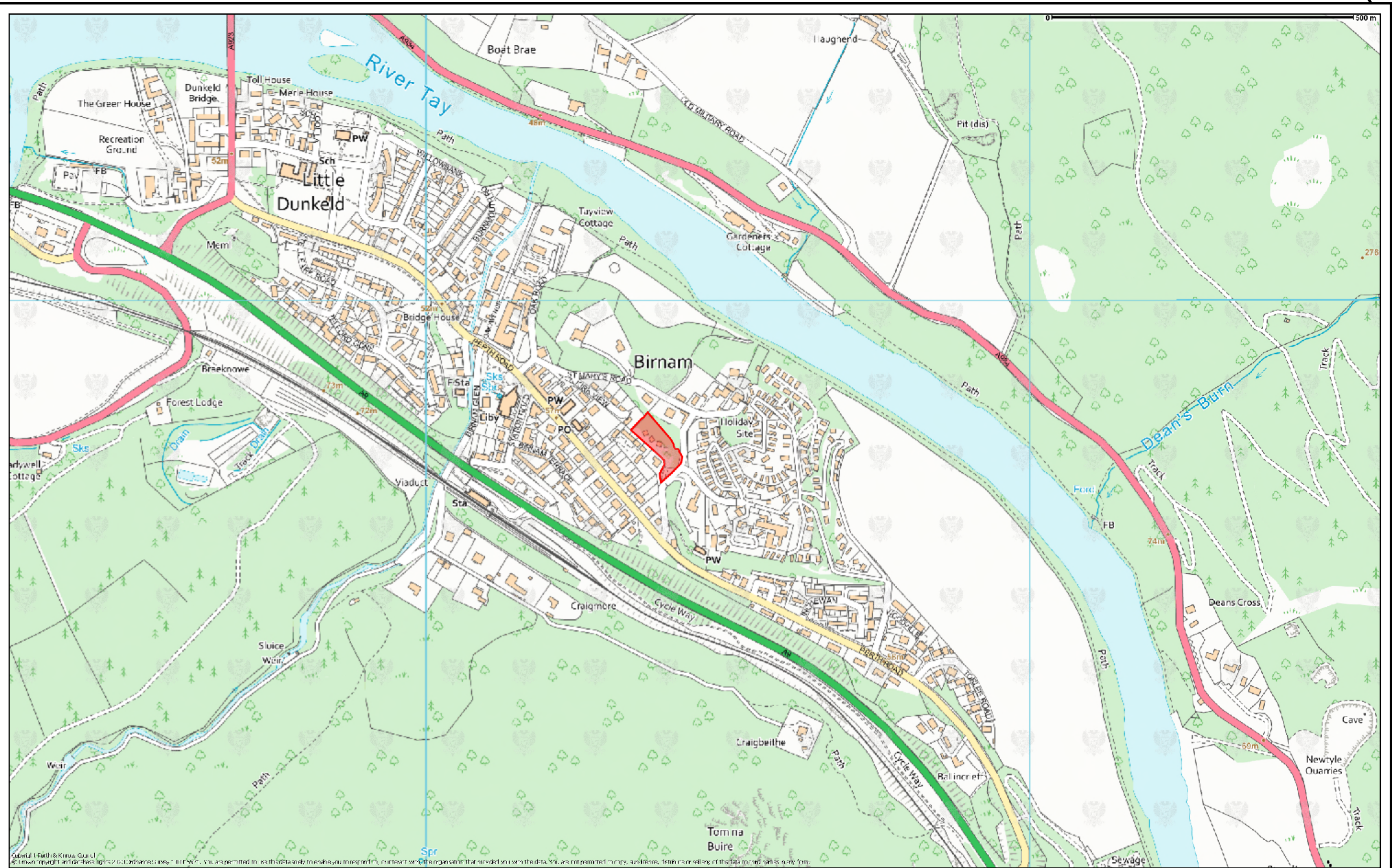
Contact Officer: John Cooney  
Date: 3 November 2023

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

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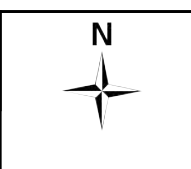
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Planning and Placemaking Committee 15 November 2023  
Scale 1:6000

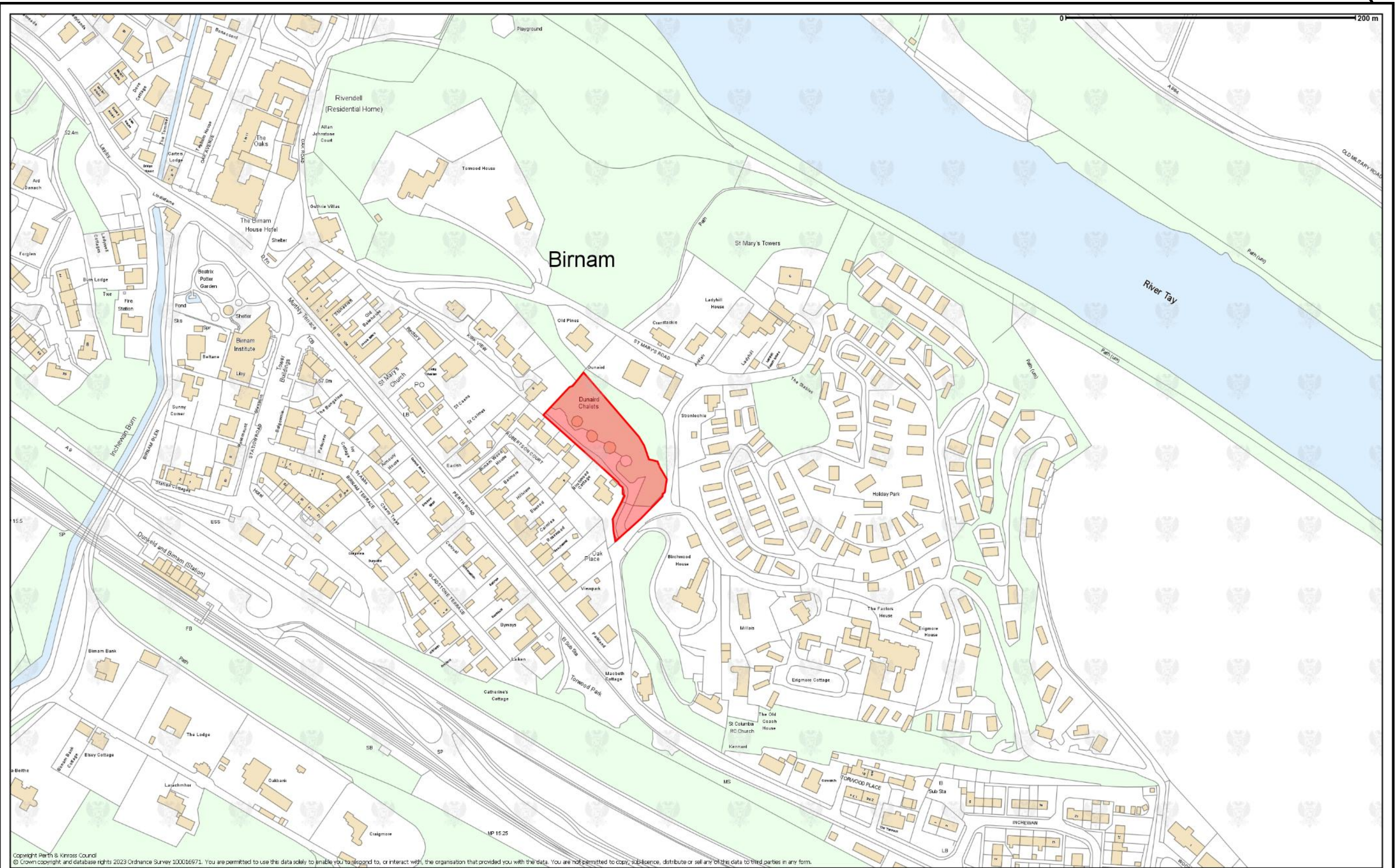


22/01191/FLL  
Erection of 16 dwellinghouses (3 with detached garages, one with detached garage/ancillary accommodation), formation of 6 plots for affordable dwellinghouses, formation of SUDS pond, landscaping and associated works Land 100 Metres South East of Cragton Villa Rost Gardens Scotlandwell





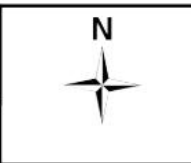




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Planning and Placemaking Committee 15 November 2023  
 Scale 1:2500



23/00276/FLL  
 Erection of dwellinghouse, formation of parking and associated works at Land 40 Metres North East Of Birchwood Cottage, St Mary's Road, Birnam





Perth and Kinross Council  
Planning and Placemaking Committee – 15 November 2023  
Report of Handling by Strategic Lead – Economy, Development and Planning  
 (Report No. 23/309)

<b>PROPOSAL:</b>	Erection of 16 dwellinghouses (3 with detached garages, one with detached garage/ancillary accommodation), formation of 6 plots for affordable dwellinghouses, formation of SUDS pond, landscaping and associated works
<b>LOCATION:</b>	Land 100 Metres South East of Cragton Villa, Rost Gardens, Scotlandwell

Ref. No: [22/01191/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. Prior to the release of planning permission, the applicant shall either require to enter into a satisfactory agreement with the Planning Authority to secure: the necessary provision of the serviced plots for affordable housing; and contributions for community open space.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the erection of 16 dwellinghouses and the formation of 6 serviced plots for affordable housing on a site on the southern edge of Scotlandwell that is allocated for housing (Site H54) in the Perth and Kinross Local Development plan (2019). That allocation identifies the 1.7ha site for between 21-32 homes.
- 2 The area to be developed is currently an agricultural field bounded by existing hedges to the east, west and south. A field access transects the northern boundary of the site. The Causeway/B920 public road runs to the west, whilst existing modern housing on Friar Place is to the north, with the Scotlandwell Conservation Area beyond. The proposal includes a SUDS basin in the south east corner, which will be landscaped. Two vehicle accesses are proposed onto the B920, with one at the point of an existing field access and the other to the south of six self-build/affordable plots.

- 3 14 of the proposed houses are four bed detached properties with accommodation over two levels, the other 2 two bed detached and single storey. All are to be finished in brick, render and timber with slate and pantile roofs on the four bedded units and slate roofs on the bungalows. Plots 1 – 3 in the south-west area have detached garages with an internal width of around 4.5m. Plot 4 has a larger garage (c.6.5m) with ancillary living accommodation above. Plots 5 to 16 all have integrated garages around 3m in width. The details of the 6 affordable plots will be subject to further planning applications and will be subject to design criteria to be approved via condition and in consultation with the Council's Affordable Housing enablers.
- 4 An earlier application (21/00997/FLL) for 22 dwellinghouses was withdrawn in October 2022. This current application is a re-thinking of that proposal, with 6 of the plots for affordable housing – the self-build plots.

### **Pre-Application Consultation**

- 5 Pre application Reference: 22/00197/PREAPP related to Erection of 16no dwelling houses and proposed land for 6 no affordable custom build dwelling houses and associated work
- 6 Pre-application advice was given to the applicant, however due to the tight timing of this being issued and the re-submission some issues raised in the pre-application response were not included and have led to subsequent amendments to the proposals whilst the application has been under consideration.
- 7 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.

### **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

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

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 22: Flood Risk and Water Management

### **Perth and Kinross Local Development Plan 2 – Adopted November 2019**

- 12 The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal policies are:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 17: Residential Areas
  - Policy 25: Housing Mix
  - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
  - Policy 28A: Conservation Areas: New Development
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 39: Landscape
  - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 51: Soils
  - Policy 52: New Development and Flooding
  - Policy 53: Water Environment and Drainage
  - Policy 56: Noise Pollution
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

The following site specific development requirements for H54 are set out in the LDP:

- Houses to be a maximum of one and a half storeys in height.

- Flood Risk Assessment.
- Enhanced traffic calming at village edge.
- Form access from B920, The Causeway.
- Landscape Framework.
- Feasibility study to assess the restoration of the existing culvert.
- Open watercourses retained and minimum 6m buffer strip.
- An appropriate peat survey and management plan to minimise impact and implement suitable mitigation measures.

### **Statutory Supplementary Guidance**

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

### **OTHER POLICIES**

#### **Non-Statutory Guidance**

- Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance - Planning & Biodiversity
- Conservation Areas

### **NATIONAL GUIDANCE**

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

#### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 68 Design Statements

#### **Creating Places 2013**

- 16 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and

contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

### **Designing Streets 2010**

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

### **National Roads Development Guide 2014**

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

### **Site History**

- 19 17/0035/LDP2 A submission was made in 2017 to include the site as a LDP proposal for a residential development of 21-32 units on a 1.7 ha site. At that time, it was acknowledged that the site had previously been allocated for the proposed use.
- 20 21/00997/FLL A Full Planning Permission application was Withdrawn on 29 October 2021 for Erection of 22 dwellinghouses, 3 garages and a garage with ancillary accommodation, formation of SUDS pond, landscaping and associated works (LDP site H54).

### **CONSULTATIONS**

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

#### **External**

#### **Scottish Environment Protection Agency**

- 22 No objection, following submission of information on flood risk and peat management. A ground investigation report including soil sampling confirmed that the soils do not meet the criteria for being peat soil. Furthermore, the assessment of flood risk also demonstrated to SEPAs satisfaction that the site is not in the flood risk area of the River Leven.

#### **Scottish Water**

- 23 No objection. Confirm that there is sufficient capacity in the Glenfarg Water Treatment Works to service the development. Also confirm that there is sufficient

capacity for a foul only connection to the Levenmouth WWTW. They also provide advice for the applicant on Scottish Water requirements.

**(Portmoak) Scottish Gliding Centre**

24 No comments.

**Perth And Kinross Heritage Trust**

25 No objection, subject to a condition to ensure archaeological recording of site is undertaken prior to commencement of development.

**Portmoak Community Council**

26 Object. Concerns raised about affordable housing provision, impact on peat, placemaking and housing mix.

**Internal**

**Transportation And Development**

27 No objection, subject to conditions and informatives.

**Structures And Flooding**

28 No objection, subject to condition relating to drainage. Advise that Flood Team require a detailed SUDS design (be approved) prior to commencement of development.

**Development Contributions Officer**

**Education**

29 No education contribution required.

**Affordable Housing**

30 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, is 'affordable housing'.

31 This sees a requirement for 5.5 affordable units. The plans include 6 custom build plots, and this is permissible in relation to the Developer Contributions & Affordable Housing Supplementary Guidance, which states that discounted serviced plots for self-build can contribute to a site's affordable housing requirement, particularly in rural areas (para 7.9).



### **Affordable Housing Enabler**

- 32 Supports the provision of 6 serviced affordable housing plots.

### **Development Plan**

- 33 Advice given on compliance with Development Plan policies.

### **Community Waste Advisor - Environment Service**

- 34 Information supplied with regard to provision for waste and recycling facilities. Condition and informative note to be attached.

### **Biodiversity/Tree Officer**

- 35 No objection, subject to conditions relating to tree protection, landscaping, works being undertaken in accordance with the Ecological Assessment, and biodiversity mitigation matters.

### **Environmental Health (Noise Odour)**

- 36 No objection. Informative note with regard to woodburning stoves recommended.

### **Community Greenspace**

- 37 No play area would be required as part of this development, however there is an above ground SUDS area that would need to be adopted by PKC.
- 38 A commuted sum of £18,577.90 (22 x £844.45) is required for adoption of any Public Open Space (POS). Although no additional play area is necessary, a contribution towards the maintenance and future renewal of the nearest play area in Scotlandwell is required. This is calculated at £16,137.75. Total Commuted Sum required is £34,715.65.

### **Conservation Team**

- 39 No objection, following visualisations to demonstrate the development would not have an adverse impact on the conservation area setting.

### **Representations**

- 40 Fifteen objections were received. The main issues raised are:
- Contrary to Development Plan
  - Visual amenity
  - Out of character
  - Inappropriate land use

- Road safety, traffic congestion and parking
- Lack of public transport
- Lack of off-road path link to school
- Lack of services
- School capacity
- Impact on peat
- Pollution from woodburning stoves
- Impact on natural heritage
- Lack of housing mix
- Affordable housing
- Foul drainage capacity
- Flood risk
- Lack of play area/recreational space
- Impact on conservation area and archaeology
- Residential amenity
- Wayleave issues along northern boundary
- Construction impact
- Contaminated Land
- Precedent for future development to northeast
- Standard of development in relation to carbon emissions

41 These issues are addressed in the appraisal section of the report.

42 One representation was received in support of the proposal.

**ADDITIONAL STATEMENTS**

43

Screening Opinion	EIA 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	Information submitted including Flood Risk Assessment, Peat survey, ecological survey

**APPRAISAL**

44 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations

indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019.

- 45 The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **Principle**

- 46 National Planning Framework Policy 16, Quality Homes, supports the delivery of high quality, sustainable homes that meets the needs of people throughout their lives. Policy 14 supports development that is consistent with the six qualities of successful places, including health and wellbeing, and safe and pleasant places for people to meet. Policy 9 b) does not support development on greenfield sites unless the site has been allocated for development or the proposal is explicitly supported by policies in the Local Development Plan. Importantly the site is allocated for residential development in the in the Perth and Kinross Local Development Plan (2019).
- 47 The principle of residential development on this site is acceptable, as a consequence of its allocation within the LDP, and subject to meeting the terms of the above requirements and a detailed consideration of Development Plan policies and other matters including but not limited to design, residential amenity, housing mix, parking and access, trees and biodiversity.

### **Design and Layout**

- 48 Policies 1A and B Placemaking of LDP2 and Policy 14, Design, Quality and Place, of NPF4 require the design and scale of development to respect its surroundings and to deliver well designed development.
- 49 The proposal is for 16 detached dwellinghouses and 6 serviced plots for affordable housing, 22 units in total. The proposals were amended from the original submission to create additional greenspace to the south of plot 13 linking the green space to the south of plot 12 and the open area around the proposed suds basin.
- 50 The proposed dwellings use a range of external finishing materials including pantiles, slate, timber and brick. The majority are one and a half storey with two single storey. This reflects the more recent developments at the southern edge of Scotlandwell, either side of the Causeway. Overall the site is relatively flat with Scotlandwell village rising up behind and backdropped by Bishop Hill. A visualisation giving an impression of what the development would look like in the context of its surroundings has been submitted. The existing hedges and vegetation around the site will be retained and strengthened to help to soften the edges of the development, particularly where it adjoins undeveloped areas. Whilst the proposed layout of the site is different from the more organically

developed, well established historic development in other parts of Scotlandwell it is considered acceptable and in accordance with Policies 1A and B and Policy 14 of NPF4.

- 51 Policy 25 of LDP2 Housing Mix requires the provision of an appropriate mix of house types and sizes. This includes (but is not limited to) providing at least 10% of the homes as 1 or 2 bedrooms. This is in addition to affordable housing requirements. To achieve this the proposal has been amended to provide two 2 bed single storey properties, which is sufficient to meet the terms of policy 25 in relation to the 16 units proposed in detail.
- 52 Community Greenspace has assessed the proposal in terms of open space requirements and advises there is no requirement to provide an additional play area. However, a contribution towards the maintenance and future renewal of the nearest play area in Scotlandwell is to be made. The means to secure this either a financial contribution or planning agreement. Securing this would meet the requirements of Policy 14B Open Space within New Developments of LDP2.

### **Landscape**

- 53 The site is an area of flat land to the south of Scotlandwell village with some existing trees and hedges around it, including along the frontage with the Causeway. The main part of the village is set at the foot of Bishop Hill, with development extending to the south, until immediately north. The visual representation demonstrates that the development can be constructed without significant impact on the wider setting of the village and its Conservation Area, thereby being in accordance with Policy 39 Landscape of LDP2.

### **Residential and Visual Amenity**

- 54 The proposed dwellinghouses are all detached, with an adequate level of amenity ground and sufficient space between so as not to cause issues of overlooking or overshadowing. There was an objection relating to possible overlooking from Plot 9 to existing properties to the north on Friar Place. This plot has been amended to see a single-storey and does not cause any concern with overlooking/loss of privacy to neighbouring properties. Particularly as there a vehicular access between the houses proposed at the north end of this site and residential properties in Friar Place.
- 55 Many of the properties are proposed to be fitted with woodburning stoves. As these will be of a domestic scale the impact is unlikely to cause any significant issues. It is noted that that each stove will exit via a chimney either above or close to roof ridge height, which will aid in dispersion of emissions. An informative note (Informative 5) will be added to advise that smoke/odour could be further minimised through the use of fuel recommended by the stove manufacturer.

- 56 The proposal will change the views of Scotlandwell, particularly from the approach from the south on The Causeway. The low lying nature of the site and existing vegetation will ensure the impact on visual amenity is minimised, particularly when coupled with the retention of existing boundary treatments and tree/hedgerow cover, to be supplemented by additional planting, all thereby aligning with Policy 39 Landscape of LDP2.

### **Roads and Access**

- 57 Two junctions will be formed from the public road, creating a loop road within the site. Provision had originally been made for a footpath along the verge along the western side of the site. However, this would have resulted in the loss of the hedge and it is now proposed to retain and strengthen this hedge and direct pedestrians through the development rather than along the road.
- 58 Transport Planning had previously asked for speed limit signs to be relocated. However, this has been superseded by the installation of a 20mph speed limit that now extends past the southern junction. A condition requiring a dropped pedestrian crossing on the B920 to provide a suitable crossing from the existing footway to the north west is recommended (Condition 12). This also addresses some of the concerns raised through representations.
- 59 It is noted that public transport provision in the area is limited. However, a condition will be attached requiring a residential travel plan to encourage more sustainable means of travel (Condition 13). Notwithstanding, access to bus stops are located a short walking distance from the site, on Leslie Road, and the A911.
- 60 While the Community Council has requested that development is deferred until a foot/cycle path is provided to link Scotlandwell to Kinnesswood, this is something that is outwith the scope or control of this planning application and it would be unreasonable to delay determination on this basis. Upgrades to infrastructure can only be sought where they are commensurate to the impact associated to the level of development, and to mitigate the impacts of it. In this instance, any necessary improvements require to be restricted to the immediate environs of the site as outlined through the site requirements relating to site H54.
- 61 The proposal is considered acceptable in relation to roads and access matters and accords with NPF4 Policy 13, Sustainable Transport and LDP2 Policy 60B Transport Standards and Accessibility Requirements: New Development Proposals. The development is also adjoining and will be linked to an existing settlement where there are opportunities to access existing path networks and this would encourage active and sustainable travel.

### **Drainage and Flooding**

- 62 Foul drainage is proposed to connect to existing Scottish Water infrastructure. This will be subject to submitting a Drainage Impact Assessment (DIA) for

confirmation that the foul water drainage infrastructure has capacity to service the development. It is noted in the drainage strategy that for plots 13-22 to connect to the sewer this will require raising of existing ground levels. Plots 1-12 will require foul water to be pumped via a new pumping station to the sewer.

- 63 Surface water will be directed to existing ditches to the east and south with attenuation of surface water run-off being proposed within a detention basin. PKC Flood Team has no objections but has requested full details of surface water drainage be agreed by them prior to commencement of development. A condition will be attached (Condition 14), which ensures the proposals are in accordance with Policy 53 Water Environment and Drainage
- 64 A Flood Risk Assessment was included but revised following an objection from SEPA, this required more detailed survey work due to NPF4, which increased the flood extents climate change uplift by 39%.
- 65 This new information saw SEPA withdraw their objection, and the proposal is therefore considered as being in accordance with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52 New Development and Flooding.

### **Waste Collection**

- 66 The Council's Community Waste Advisers have been consulted and have provided information on what provision should be made for waste and recycling. In summary this is: sufficient space within property boundaries for waste and recycling bins, and that developments of 10 or more houses may also be considered for a glass collection point. Such a facility has been added in the NW corner of the site. An informative note is recommended with regard to waste and recycling provision will be attached to the permission (Informative 7).

### **Conservation Considerations**

- 67 The proposed site is to the south of the Scotlandwell Conservation Area boundary and the landscape setting of the conservation area is key to its character and interest, with the relatively compact and linear village on sloping ground with Bishop Hill forming a backdrop to the north. Distant views into and from the conservation area are of particular significance.
- 68 Information, in the form of visualisations of the proposed development have been submitted to demonstrate that the proposed houses would generally be set at a lower level than the existing historic development and will not cause an undue intrusion into the landscape setting and the setting of the Scotlandwell Conservation Area.
- 69 Perth and Kinross Heritage Trust (PKHT) has been consulted and note that the site lies within an area that is considered to have moderate archaeological potential for currently unrecorded features that pre-date historic mapping. It is also located adjacent to a known important historic site: Scotlandwell Priory

(MPK8536). There have also been archaeological finds close to the site and due to the proximity to areas of archaeological interest a suspensive condition (Condition 3) is recommended. Requiring that prior to commencement of development there is an assessment of the character, condition and significance of any archaeological deposits that may be present, the extent to which the development will impact upon them and to inform a mitigation strategy if required. This would ensure the proposal is in compliance with NPF4 policy 7 Historic Assets and Places and Policy 26B: Scheduled Monuments and Archaeology: Archaeology.

### **Natural Heritage and Biodiversity**

- 70 Policy 40, Forestry, Woodland and Trees, states that the Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 71 All trees are to be retained and the existing hedgerows will see limited removal and areas infilled to retain habitat connectivity within the site, allowing wildlife to move between gardens and other spaces and provide feeding and breeding opportunities. The planting of trees and shrubs linked to the existing soft landscaping will encourage biological diversity.
- 72 A detailed landscaping plan indicating species, location and density will be secured by condition (Condition 5). Species should be native to Scotland and include fruit-bearing trees to maximise the biodiversity value.
- 73 Policy 41, Biodiversity, states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. The submitted Preliminary Ecological Appraisal Report (PEAR) was undertaken at the correct time of year and does not recommend that any further survey is required for the presence of protected species.

### **Breeding Birds**

- 74 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. Clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive (Informative 8).
- 75 If the development work takes place during the main nesting season it is recommended that a pre-works nesting bird check be carried out immediately beforehand, to identify and protect any active nests until the young fledge.

## Biodiversity Enhancement

- 76 Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations.
- 77 The submitted Design and Access Statement confirms that 5 Bat and 6 Swift Boxes are to be added to plots around the proposed development, which represents 25% of all houses and is in accordance with the PKC Planning for Nature Guidance. An informative note will be added to request that the swift boxes are moved closer together, reflecting the social nature of these birds.
- 78 Hedgehogs are a key species in the Tayside Local Biodiversity Action Plan and enhancing connectivity is an objective. There are records of hedgehogs in the area and a condition will be attached to ensure that access for hedgehogs commuting through the development is provided (Condition 11). Otherwise, to avoid amphibians becoming trapped in gullies, a condition to require that wildlife kerbs are installed adjacent to all road gullies constructed in association to the development will be added (Condition 10).
- 79 An informative note will be added to advise that development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats.
- 80 The proposal provides opportunities to retain and strengthen existing landscape features and to provide enhancement for biodiversity. As such it accords with NPF Policy 3 and LDP2 Policy 40, Forestry, Woodland and Trees and Policy 41, Biodiversity.

## Soils and Peat

- 81 One of the site specific developer requirements was for “An appropriate peat survey and management plan to minimise impact and implement suitable mitigation measures”
- 82 A peat survey report was submitted with the application and SEPA consulted, who initially objected. Further information was submitted, including a Ground Investigation Report which showed the results of additional soil sampling and lab testing of organic matter at different depth horizons in the soil profile across the site. The results of this investigation demonstrated that the soil organic content is less than 60% in all sampled depths and it was concluded that it does not meet the criteria for being a peat soil. It is instead an ‘organo-mineral’ or ‘peaty’ soil. On this basis SEPA removed its objection and removed the requirement for a peat management plan.
- 83 The intention is that the excavated peaty/organi-mineral soil will be taken to Turffit, the local turf company, which has a Waste Transfer Licence. There is no



requirement to condition this although it is noted that transferring this material to a local company will minimise green house gas emissions in accordance with NFP4, Policy 1. It is also noted that the movement and use of soil is a regulatory matter. An informative note will be added with regard to this (Informative 6). This would therefore be compliant with the requirements of Policy 5 Soils of NPF4 and Policy 51 Soils of LDP2.

#### Embedding Low and Zero Carbon Generating Technology in New Development

- 84 Policy 32 of the LDP requires that a proportion of the energy use of each building is provided by low and zero-carbon generating technology. The applicant has proposed that heat pumps and solar panels will be provided, although in some cases wood burning stoves are included. A condition (Condition 15) will be applied to require calculations to demonstrate compliance with policy 32 of LDP2, and the wider principles of Policy 1: Tackling the Climate and Nature Crisis, and Policy 2: Climate Mitigation and Adaptation of NPF4, with measures in place prior to occupation of the properties.

#### **Developer Contributions**

##### Affordable Housing

- 85 Policy 20 of the Local Development Plan requires developments of five or more units to include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. In this case the proposal for 22 dwellinghouses, with 6 serviced plots for affordable housing. This exceeds the 5.5 unit requirement, which would meet the policy and associated supplementary guidance on Developer Contributions & Affordable Housing.
- 86 The Council will acquire the serviced plots from the Developer and will market them as affordable for sale, initially via PKC's self-build register. The means through which this would be secured is likely to be via a s75 Planning obligation, which would also cover the necessary contributions towards open space/recreation. Planning permission will be required for each house, which will be controlled by a Design Code and Plot Passport that will set out guidelines for development of the plots. (Condition 16)

##### Education

- 87 While concerns were raised through representations in respect of education capacity, consultation with the Developer Obligations Officer has confirmed that the proposal is within the catchment of Portmoak Primary School, and that Education and Children's Services (ECS) have no capacity concerns in this catchment area. The impact of the H54 allocation would also have been taken into consideration and accounted for by ECS at the time the site was allocated for housing development during the preparation of the LDP.

### **Other matters raised in representations**

- 88 The other matters raised and not already considered above relate to: concern over the impacts of the proposal in respect of Scottish Water wayleaves. However, this is ultimately a civil matter which the developer would require to address, and may already have undertaken some due diligence upon. It is not a consideration to be addressed through the planning application process.

### **Economic Impact**

- 89 The site will provide economic benefit during the construction phase of the development and see additional economic activity associated to Scotlandwell as a result of an increased population.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 90 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 house design, revised house types on plots 9 and 16, provision of additional information with regard to flood risk and peat.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 91 A satisfactory agreement with the Planning Authority is required to secure: the necessary provision of the serviced plots for affordable housing, and contributions for community open space.

### **DIRECTION BY SCOTTISH MINISTERS**

- 92 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**

- 93 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.
- 94 Accordingly the proposal is recommended for approval subject to the conclusion of a satisfactory agreement with the Planning Authority to secure: the necessary provision of the serviced plots for affordable housing, and contributions for community open space, together with the following conditions.

## **RECOMMENDATION**

Approve the application.

### **Conditions and Reasons**

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. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

4. Prior to the commencement of any works on site, all trees and hedgerows on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

5. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written

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

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

- 6 Prior to commencement of development and in association with condition 5 a detailed landscaping plan for open space illustrating accurate locations and species for all planting, a maintenance schedule and areas of public open space for adoption by the Council should be submitted for the written agreement of the Council as Planning Authority in conjunction with Community Greenspace.
7. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (Design and Access Statement and Preliminary Ecological Assessment) 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.

8. 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.

9. Prior to commencement of development an updated ecological survey shall be undertaken and be submitted to the Council as Planning Authority for written agreement. 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).

10. Prior to the completion of the development hereby approved, wildlife kerbs shall be installed adjacent to road gullies associated to the sites development. Thereafter, these 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.

11. Prior to the completion or occupation of each dwellinghouse hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on the related plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs.

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

12. Prior to the occupation of the first dwellinghouse hereby approved, provision of a dropped pedestrian crossing shall be provided on the B920 to provide a suitable perpendicular crossing from the existing footway to the proposed development footway (to the north west of the site). These details shall be submitted, and approved in writing to satisfaction of the Council as Planning Authority in consultation with the Roads Authority.

Reason: In the interests of pedestrian and traffic safety.

13. Prior to the bringing into use of the first dwellinghouse hereby approved a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall have been submitted to and approved in writing by the Council in consultation with Transport Planning. The RTP 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.

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

14. The hereby approved development shall not commence 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.

15. Prior to the commencement of the development hereby approved, a statement which demonstrates that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and

operation of low and zero-carbon generating technologies shall be submitted to and approved in writing by the Council as Planning Authority. The approved statement shall thereafter be implemented in full.

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

16. Prior to the commencement of the development hereby approved a scheme, including a design code (referring to the entire site) and plot passport (for individual plots) outlining what can and cannot be built on each plot including maximum size/footprint of dwellings, heights, recognised building lines, boundary treatments and materials palette), shall be submitted for the written agreement of the Council as Planning Authority. The agreed scheme shall thereafter inform and guide the delivery of the self build plots.

Reason: In order the interests of ensuring consistency throughout the overall development, in the interests of visual and residential amenity, and to ensure a satisfactory standard of local environmental quality.

### **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. 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. The developer is advised to contact the Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for archaeological work required.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that

smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

6. The applicant should note the contents of SEPA's letter dated 6th September.

Details of SEPA's regulatory requirements and good practice advice, for example in relation to private drainage and soil removal can be found on the regulations section of SEPA's website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [FASP@sepa.org.uk](mailto:FASP@sepa.org.uk)

7. The developer should please note the following:

Refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; 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 specified collection point until full access is made available for refuse collection vehicles. The developer should make contact with the Community Waste Team to discuss bin collections as the site progresses.

Perth & Kinross council aim to introduce twin stream recycling and therefore additional space is required for a second recycling bin. Further information is available by contacting the Community Waste Team [communitywasteadvisers@pkc.gov.uk](mailto:communitywasteadvisers@pkc.gov.uk)

8. 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.
9. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess) Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
10. The applicant is advised 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 Environment

Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.

11. The applicant is advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
12. The Road Maintenance Partnership wish make the applicant aware of the existence of a surface water pipe along the verge of the B920 in the vicinity of the proposals.
13. Development lighting should be low lux-level, downward facing and directed away from hedgerows, treelines and woodland to avoid fragmentation of foraging and commuting opportunities for bats. Guidance is available: [Planning Guidance - Planning & Biodiversity - Perth & Kinross Council \(pkc.gov.uk\)](http://pkc.gov.uk/Planning-Guidance-Planning-Biodiversity)

### **Procedural Notes**

Not Applicable.

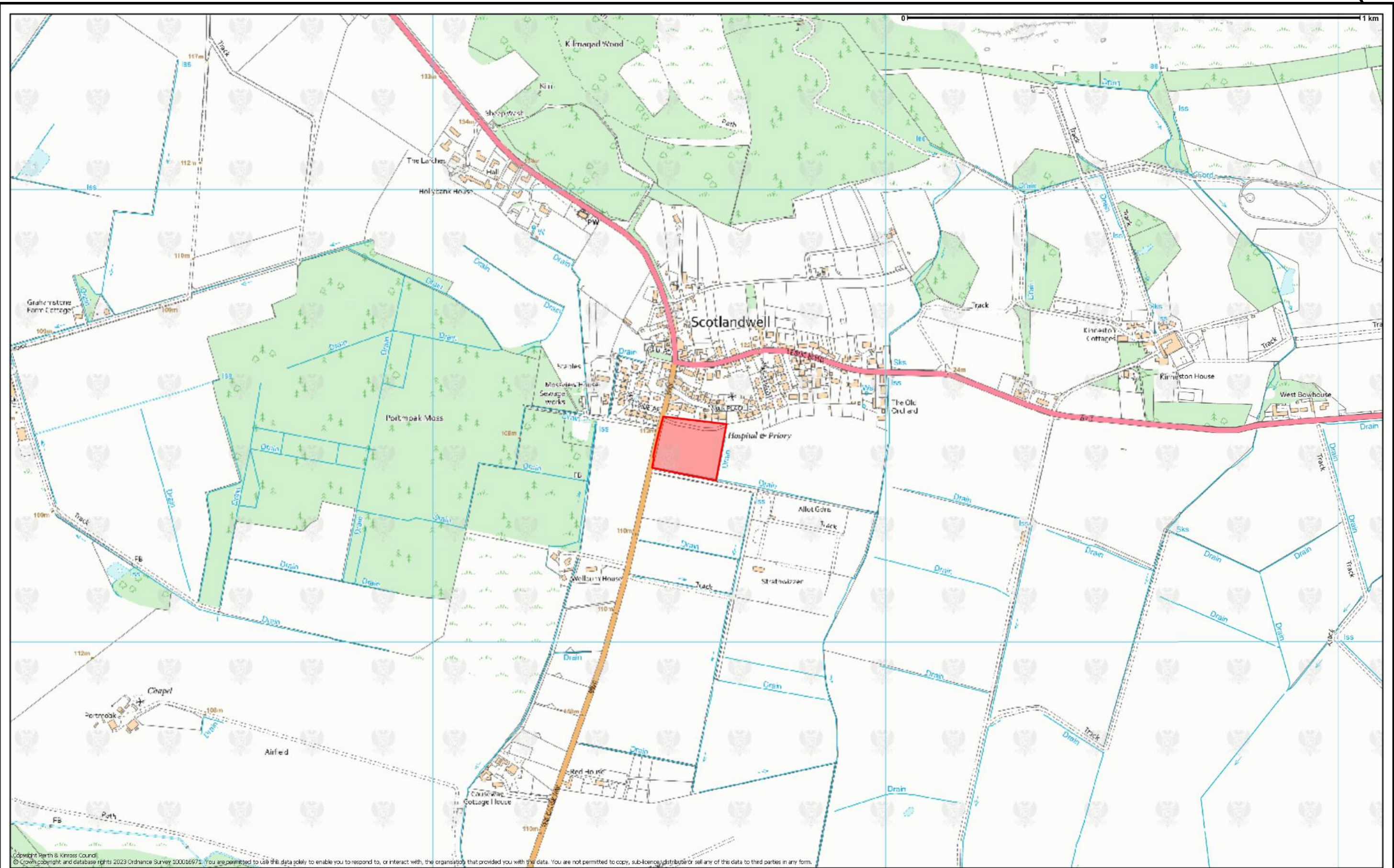
### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

Background Papers: 15 letters of representation  
Date: 3 November 2023

### **DAVID LITTLEJOHN STRATEGIC LEAD – ECONOMY, DEVELOPMENT & PLANNING**

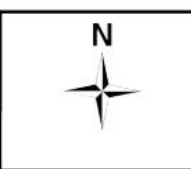
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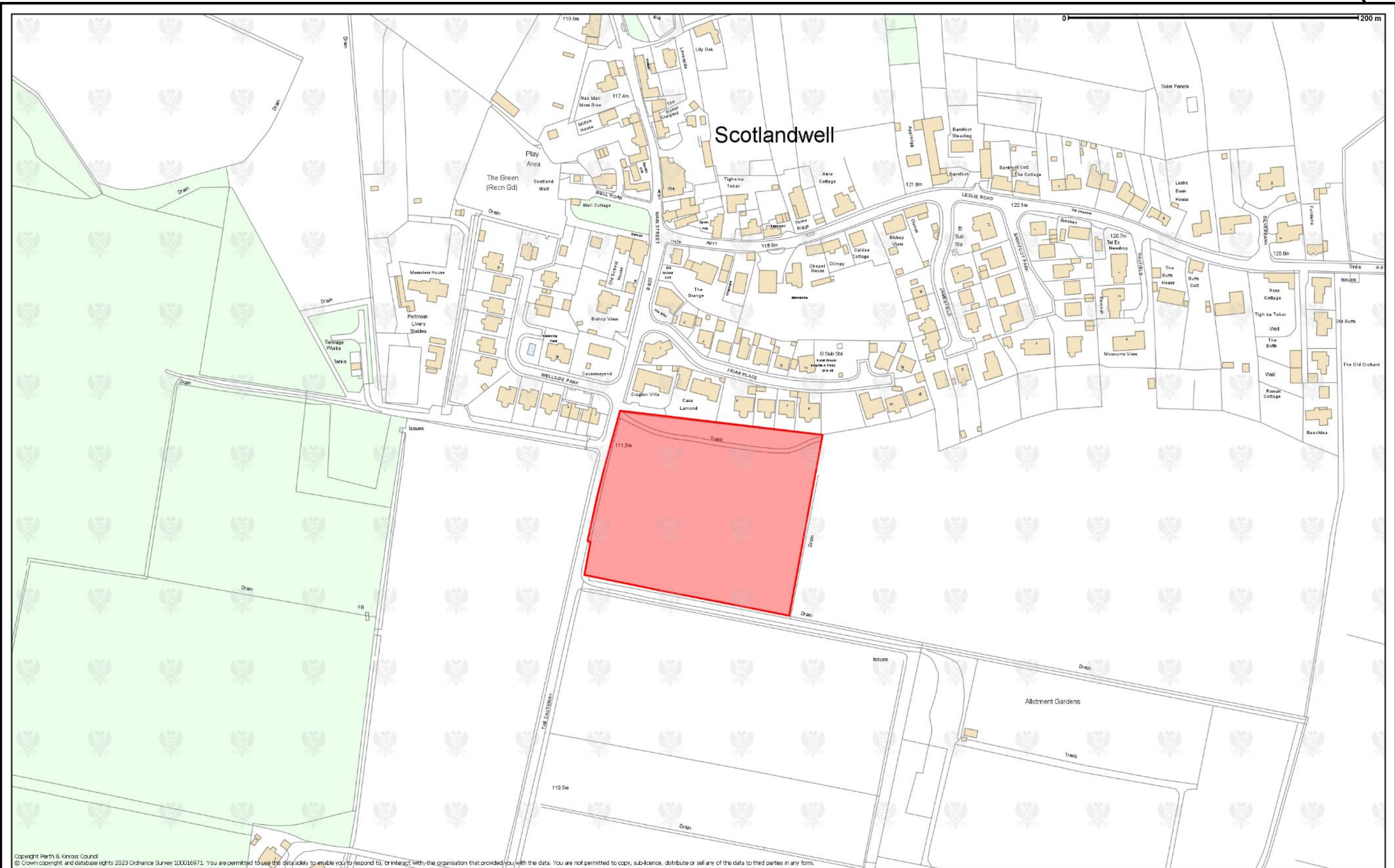
Planning and Placemaking Committee 15 November 2023  
Scale 1:8000





22/01191/FLL  
Erection of 16 dwellinghouses (3 with detached garages, one with detached garage/ancillary accommodation), formation of 6 plots for affordable dwellinghouses, formation of SUDS pond, landscaping and associated works Land 100 Metres South East of Cragton Villa Rost Gardens Scotlandwell







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