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Council Building  
2 High Street  
Perth  
PH1 5PH

24/06/2024

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 03 July 2024** 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, 03 July 2024**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 5 JUNE 2024 FOR APPROVAL** **5 - 34**  
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 23/01341/FLM - MIXED USE DEVELOPMENT COMPRISING GOLF DRIVING RANGE (CLASS 11) WITH CAFÉ (CLASS 3), RETAIL UNIT (CLASS 1A), FORMATION OF VEHICULAR ACCESS AND PARKING, LANDSCAPING AND ASSOCIATED WORKS, LAND 240 METRES NORTH EAST OF LETHANGIE WASTE WATER TREATMENT WORKS, KINROSS** **35 - 64**  
Report of Handling by the Strategic Lead - Economy, Development and Planning (copy herewith 24/204)
- 5(1)(ii) 23/02134/IPM - MIXED USE DEVELOPMENT COMPRISING OF THE ERECTION OF A POULTRY PROCESSING FACILITY AND DEMOLITION OF EXISTING POULTRY PROCESSING FACILITY FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL USES INCLUDING PARKING AREAS, VEHICULAR ACCESS, LANDSCAPING AND ASSOCIATED WORKS, 2 SISTERS FOOD GROUP, GEORGE STREET, COUPAR ANGUS, BLAIRGOWRIE, PH13 9LU** **65 - 102**

Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/205)

- 5(1)(iii) 24/00594/AMM - S42 APPLICATION TO VARY CONDITION 9 (SIGNALISED JUNCTION) OF PERMISSION 21/02137/AMM, THE JAMES HUTTON INSTITUTE, ERROL ROAD, INVERGOWRIE, DUNDEE, DD2 5DA** **103 - 126**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/206)

**5(2) LOCAL APPLICATION**

- 5(2)(i) 24/00589/FLL - ERECTION OF A DWELLINGHOUSE AND GARAGE, SEAFORTH, KINTILLO ROAD, BRIDGE OF EARN, PERTH, PH2 9AZ** **127 - 142**  
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/207)

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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 5 June 2024 at 9.30am.

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

In Attendance: D Littlejohn, Strategic Lead – Economy, Development and Planning, A Baxter, L MacLean, C Morilly, S Panton, L Reid and P Williamson (all Economy, Place and Learning); A Brown, S Dockerill, G Fogg and J Guild (all Strategy, People and Resources).

Apologies: Councillors B Leishman, I James and R Watters.

Councillor I Massie, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

### 2. DECLARATIONS OF INTEREST

In terms of the Councillors Code of Conduct:

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

### 3. MINUTES

The Minute of Meeting of Planning and Placemaking Committee of 8 May 2024 was submitted and approved as a correct record.

### 4. DEPUTATIONS

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

<b>Planning Application No.</b>	<b>Item No.</b>
23/01167/AMM	5(1)(i)
23/00960/FLL	5(2)(i)
23/01742/FLL	5(2)(ii)

## 5. APPLICATIONS FOR DETERMINATION

### (1) Major Application

- (i) **23/01167/AMM – Erection of 209 dwellinghouses, formation of SUDS landscaping and associated works (approval of matters specified in conditions of 15/01237/IPM) (LDP Sire MU7), land 300 metres south west of Tighnacaille, Broich Road, Crieff (Report No. 24/166)**

Mr R Patrick, Ms S Carruthers, Mr E McLaughlan and Mr G Scotland, on behalf of the applicant, and Mr J McCallum, agent on behalf of the applicant, answered Members questions.

#### **Resolved:**

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

#### **Conditions**

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

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

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

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

3. Prior to commencement of development on site, a detailed design showing the frontage of the development site onto Broich Road shall be submitted for the written approval of the Council as Planning Authority. The submission shall include the provision of the following:
  - a) a signalised toucan crossing on the B8062 Broich Road to link the development site to the northern side of Broich Road, confirming the extents of wall to be removed on the northern side of Broich Road;
  - b) the position of uncontrolled crossing location(s) along the frontage of the site to link the development site to the northern side of Broich Road;
  - c) the location of the bus stop and bus shelter to be located at the rear of the footway. The bus shelter shall be equipped with 24/7 electrical power supply to a Haldo pillar adjacent to each shelter to facilitate LED lighting and Real Time Passenger Information

- display, all of which must also be provided by the Developer, and associated road markings;
- d) the footway on the southern side of Broich Road, to be a minimum width of 2 metres along the full frontage of the site;
  - e) the carriageway widening of Broich Road to a minimum of 6 metres in width along the frontage of the development site, thereafter the road will taper back to the original width;
  - f) the location of road drainage on the B8062 Broich Road along the frontage of the site; and
  - g) the location of road signage.

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

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

4. Prior to the commencement of the development hereby approved, a detailed design showing the vehicle link to the north-western boundary connecting to the wider approved PPP site shall be submitted and approved in writing by the Council as Planning Authority. The submission will include details of:
- a) The provision of the road and footways to the north-western boundary of the site;
  - b) The provision of the cyclepath link to connect into the wider approved PPP site; and
  - c) The submission will also confirm the specification of materials to be used.

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

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

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

The roads, footways and cyclepath as approved in writing, shall be implemented in accordance with the

approved details to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

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

Reason - In the interests of road safety.

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

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

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

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



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

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

Reason - In the interest of proper site management.

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

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

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

10. All recommendations and mitigation measures shall be implemented in accordance with Section 7, Appendix A, Figures 3 - 8 and Table 13 of the approved Noise Impact Assessment reference Broich Road, Crieff dated 11 July

2023 which was undertaken by KSG Acoustics to the satisfaction of the Planning Authority.

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

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

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

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

Reason - To ensure the preservation of the historic environment.

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

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

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

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

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

Authority. Thereafter the approved scheme shall be installed to the satisfaction of the Planning Authority.  
Reason - In the interests of sustainable transport.

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

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

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

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

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

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

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

after such written agreement has been issued by the Council.

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

20. Prior to the commencement of development, a scheme shall be submitted for the written approval of the Planning Authority detailing safety measures surrounding the approved SUDS basin. For the avoidance of doubt, the measures should include either life saving equipment or suitable fencing. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the SUDS basin, whichever is the earlier. The scheme shall then be maintained in perpetuity for the life of the development.

Reason - In the interests of safety and to reduce the risk of drowning.

### **Justification**

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

### **Procedural Notes**

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

### **Informatives**

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

3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
5. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](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.
6. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
9. The developer should please note the following:  
Refuse collection vehicles will only enter the site during development where there is clear access, adequate turning, and a suitable road surface with no raised ironworks. This means that Waste Services may not be

able to provide a full kerbside recycling service to residents whilst the build is ongoing, and bins may have to be emptied from a collection point, specified by the area Community Waste Adviser, until full access is made available for refuse collection vehicles. The developer must contact the Community Waste Team to discuss bin collections as the site progresses.

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

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

## **(2) Local Application**

- (i) 23/00960/FLL – Change of use of agricultural and land to business (class 4), general industry (class 5), storage and distribution (class 6 )(in retrospect), land 250 metres south east of Isla Villa, Grange, Errol (Report No. 24/167)**

Mr S Farmer, applicant, answered Members questions.

### **Resolved:**

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

### **Conditions**

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. The hours of operation shall be restricted to between 0700 hours and 1900 hours Monday to Friday and 0700 hours to 1700 hours on Saturdays only, with no operations permitted on Sundays.  
Reason - In order to protect existing residential amenity.
3. Servicing of and deliveries to the premises shall be carried out between 0700 hours and 1900 hours Monday to Friday, and 0700 hours and 1700 hours on Saturdays only, with no servicing or deliveries permitted on Sundays.  
Reason - In order to protect existing residential amenity.
4. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all

windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In order to protect existing residential amenity.

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

Reason - In order to protect existing residential amenity.

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

Reason - In order to protect existing residential amenity.

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

Reason - In order to protect existing residential amenity.

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

Reason - In order to protect existing residential amenity.

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

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

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

details shall be implemented in full within the approved timeline.

Reason - In order to protect existing residential amenity.

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

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

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

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

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

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

#### **Justification**

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

#### **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.

THERE FOLLOWED A FIVE MINUTE RECESS AND COMMITTEE RECONVENED.

BAILIE A BAILEY RETURNED TO THE MEETING FOR THE REMAINING ITEMS OF BUSINESS.



HAVING DECLARED AN INTEREST IN THE FOLLOWING ITEM OF BUSINESS, BAILIE M WILLIAMSON LEFT THE MEETING AT THIS POINT.

- (ii) **23/01742/FLL – Erection of brewery, tap room, storage, formation of vehicle access, parking area, installation of EV charging point, formation of outdoor seating area, landscaping and associated works, land 50 metres south of Council Cottages, Ferry Road, Pitlochry (Report No. 24/168)**

Miss R McPhee, objector, followed by Mr J Low, on behalf of the applicant, addressed and Committee and answered Members questions.

COUNCILLOR D ILLINGWORTH LEFT THE MEETING AT THIS POINT.

**Resolved:**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document(s) Ecological Appraisal by Tay Ecology 3 October 2023 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.  
Reason - In the interests of protecting environmental quality and of biodiversity.
4. Prior to the occupation of the building hereby approved, evidence that the bird and bat boxes have been installed shall be submitted for the written approval of the Council as Planning Authority, reference drawing 52. Thereafter, the bird and bat boxes shall be maintained in a reasonable condition for the life of the development to the satisfaction of the Council as Planning Authority.  
Reason - In the interests of protecting environmental quality and of biodiversity.

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

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

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

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

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

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

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

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

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

- Reason - In order to safeguard the residential amenity of the area.
10. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.  
Reason - In order to safeguard the neighbouring residential amenity in the area.
11. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.  
Reason - In order to safeguard the neighbouring residential amenity in the area.
12. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.  
Reason - In order to safeguard the residential amenity of the area.
13. No odours from the distillery shall be discernible on the boundary with the nearest residential property.  
Reason - In order to safeguard the residential amenity of the area.
14. All mitigation measures as detailed within Section 6 of the Odour Assessment undertaken by The Airshed, reference AS 1020 Pitlochry Brewery Airshed, dated 18 October 2023 shall be fully implemented.  
Reason - In order to safeguard the residential amenity of the area.
15. All mitigation measures as detailed within Section 7 of the Noise Impact Assessment undertaken by CSP Acoustics, reference 1866 R001 V3 AH, dated 12 December 2023 shall be fully implemented.  
Reason - In order to safeguard the residential amenity of the area.
16. Noise from operations on site shall not exceed L A90,1 hour background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics when measured at any residential property in accordance with BS4142:2014+A1:2019.  
Reason - In order to safeguard the residential amenity of the area.
17. A Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise, including patron noise, deliveries, compressor etc and the measures that will be put in place to minimise and/or

control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

18. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 10, 15, 16 and 17 above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with conditions 10, 15, 16 and 17 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority for written approval within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.
- Reason - In order to safeguard the residential amenity of the area.

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

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

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

21. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the

completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

22. Prior to the commencement of the development hereby approved, the applicant shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS). The TMS shall take cognisance of the fact that no loading and unloading of vehicles shall be undertaken on the public road and shall include the following:

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

n) details of HGV movements to and from the site.  
The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason - In the interest of proper site management.

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

Thereafter, the approved plan shall be adhered to for the life of the development.

Reason - In the interests of road safety.

24. Prior to commencement of any development on site, a detailed design showing the frontage of the development site onto Ferry Road shall be provided with the following schemes being provided:

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

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

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

25. Prior to commencement of any development on site, a detailed design for the proposed cycle parking facility for a minimum of 10 cycles shall be submitted to and approved in writing by the Planning Authority in

consultation with the Roads Authority. The cycle parking, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

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

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

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

#### **Justification**

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

#### **Informatives**

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
4. Please note the consultation response on file from Network Rail - A railway underbridge located in close proximity to the site (UB 290/063 crossing Ferry Road)

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



11. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>
12. Road drainage may be in the vicinity of the new access and require remedial works at the applicants expense. Contact Perth & Kinross Council Road Maintenance Department for further details.
13. Street lighting infrastructure present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of infrastructure and its relocation to facilitate the vehicle access. Relocation to be undertaken at applicant's expense. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
14. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.

BAILIE M WILLIAMSON AND COUNCILLOR D ILLINGWORTH REJOINED THE MEETING FOR THE REMAINING ITEMS OF BUSINESS.

**(iii) 23/01349/FLL – Part change of use and alterations to building to form 10 short-term let accommodation units 54-56 High Street, Kinross KY13 8AN (Report No. 24/169)**

**Resolved:**

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period. Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. The development hereby approved shall be used solely for short term accommodation and shall not be occupied as the sole or main residence of any occupant.

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

4. The windows serving the bedroom suites on the rear (west) elevation are not approved. Prior to the commencement of the development hereby approved, an amended rear elevation which replaces the windows with either high level windows; single aspect (angled) windows or alternatively privacy screens shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall be implemented in full, and the rear elevation shall remain unaltered thereafter.

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

### **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. An application for Building Warrant may be required.
4. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should

ensure adequate measures are provided on site to allow for the collection of waste.

- (iv) **23/01695/FLL – Erection of a dwellinghouse, land 15 metres east of Borrowdale, Blairadam, Keltybridge (Report No. 24/170)**

THERE FOLLOWED A FIVE MINUTE RECESS AND COMMITTEE RECONVENED.

Motion (Councillors D Cuthbert and B Brawn)

Refuse, as the proposal is contrary to Policies 1A and 1B(c): Placemaking, Policy 17: Residential Area and Policy 27A: Listed Buildings of Perth and Kinross Local Development Plan 2 (2019), due to the close proximity of the adjacent listed buildings and the prominence and setting of the proposed dwelling within the village.

Amendment (Bailies A Bailey and M Williamson)

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

**Conditions**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.  
Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.
4. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development,

whichever is the earlier. For the avoidance of doubt the existing hedgerow shall be retained in perpetuity.

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

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

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

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

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

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

7. Prior to the occupation of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

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

be so maintained insofar as it relates to the development hereby approved.

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

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

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

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

10. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth and Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 3 metres from the boundary of the public road surface.

Reason - In the interests of road safety.

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

Reason - In the interests of road safety.

12. Prior to the commencement of development hereby approved, a statement shall be submitted for approval in

writing by the Council as Planning Authority to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The statement as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

### **Justification**

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

### **Informatives**

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

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

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

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts

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

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider. If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.



7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](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.
8. This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the design and layout.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)
11. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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

4 members voted for the Motion as follows:

Councillors, B Brawn, D Cuthbert, Bailie C McLaren and C Reid,

9 members voted for the Amendment as follows:

Councillors K Allan, H Anderson, Bailie A Bailey, K Harvey, D Illingworth, I Massie, I MacPherson, G Stewart, and Bailie M Williamson.

**Resolved:**

In accordance with the Amendment.



## 6. PROPOSAL OF APPLICATION NOTICES

- (i) **24/00004/PAN – Formation of a 49.9MW battery storage facility and associated works, land 200 metres north of Pitcurran House, Newburgh Road, Abernethy, Perth (Report No. 24/171)**

Councillor D Illingworth requested due consideration be given to water supply to the nearby Balgonie Farmhouse, close proximity to housing, fire risk, screening, the proposed active travel route, noise pollution, use of prime agricultural land and the cumulative impact of other similar sites in the vicinity.

Bailie C McLaren requested due consideration be given to the cumulative impact of other similar sites in the vicinity.

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.

- (ii) **24/00005/PAN – Formation of a 49.9MW battery storage facility and associated works, land 300 metres west of Tir Artair, Killin (Report No. 24/172)**

The contents of the Report by the Strategic Lead – Economy, Development and Planning, were noted.



Perth and Kinross Council  
Planning and Placemaking Committee – 3 July 2024  
Report of Handling by Strategic Lead - Economy, Development & Planning  
 (Report No. 24/204)

**PROPOSAL:** Mixed use development comprising golf driving range (class 11) with café (class 3), retail unit (class 1A), formation of vehicular access and parking, landscaping and associated works

**LOCATION:** Land 240 metres North East of Lethangie Waste Water Treatment Works, Kinross

Ref. No: [23/01341/FLM](#)

Ward No: P8- Kinross-shire

### Summary

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is approximately 9.9 hectares in area and is located on prime agricultural land to the east of Kinross and Milnathort in the Burleigh Sands area adjacent to Loch Leven. The site is located out-with any settlement boundary and not designated for any specific land use within the Local Development Plan 2 2019 (LDP2). It is located within the Loch Leven and Lomond Hills Local Landscape Area (LLA) and Loch Leven Special Protection Area (SPA). Loch Leven is approximately 250m south from the site.
- 2 The C945 public road is located to the south of the site with agricultural land beyond. The north and east of the site is bound by agricultural land and to the west is a vehicular access serving Milnathort Wastewater Treatment Plant. Core paths (MTHT/102, MTHT/104 and MTHT/112) surround the site to the north, east and west, with MTHT/112 connecting to the Loch Leven Heritage Trail to the south.
- 3 Burleigh Castle, a scheduled monument, is located further north of the site. The proposed development lies within the direct line of sight between Loch Leven and Burleigh Castle. Kinross House, a category A listed building, and its Garden and Designed Landscape (GDL) are located further south of the site. The driving range proposed is located approximately 0.5km to the north of the GDL and Kinross House is approximately 2km away.

- 4 Mature trees lie along the site's eastern boundary, albeit out-with the red line site boundaries of the site. Otherwise, the site has open views.
- 5 The proposal relates to a mixed-use development comprising a 19 bay golf driving range (class 11) with a café (class 3), retail unit (class 1A), formation of vehicular access and parking, landscaping and associated works. Putting and pitching green practice areas are also proposed as is secure cycle storage and a covered zone for e-bikes. The café and retail unit would be open to the general public and are not private amenities for the driving range customers.
- 6 There are no existing access points into the site. A vehicle access is proposed from the C945. It is also proposed to connect the site to the existing core paths MTHT/102 and MTHT/112 on the sites east and west boundaries to create pedestrian and cycle links to the wider area. It should however be noted that the connecting path proposed to the east, particularly for those looking to use the Heritage Trail Paths, will involve works out-with the red line boundaries of the site which will require the submission and approval of a further planning application, should the Applicant be successful in gaining planning approval for the current proposal.
- 7 The proposed SUDs Geocellular Storage is proposed within the southwest corner of the site. It is noted that the outfall to the river will also require works out-with the red line boundary of the site which will require the submission and approval of a further planning application.

### **PRE-APPLICATION CONSULTATION**

- 8 Pre application Reference: 22/00004/PREAPM
- 9 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was required to undertake a formal pre-application consultation with the local community and a Pre-Application Consultation (PAC) Report has been submitted in support of the application which confirmed the extent of consultation activity undertaken and in this case it complies with the content of the measures agreed through the Proposal of Application Notice.

### **Environmental Impact Assessment (EIA)**

- 10 An EIA screening has been undertaken by the Agent, concluding that an EIA is not required, as the proposal is not considered likely to have significant environmental effects. Nevertheless, a combined suite of supporting environmental information has been included in the supporting information, including assessment of the following areas:
  - Transport
  - Ecology Survey Report
  - Archaeological Survey

- Arboricultural Report
- Flood Risk Assessment and Drainage Strategy
- Habitats Regulations Assessment
- Town Use Sequential Assessment
- Supporting Statement including Design and Access Statement; Landscape and Visual Impact Assessment; Noise & Lighting Assessment

## **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

- 12 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.

- 13 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

- 14 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crises
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 22: Flood Risk and Water Management

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

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

16 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 15: Public Access
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- Policy 38B: Environment and Conservation: National Designations
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 46A: Loch Leven Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

### **Statutory Supplementary Guidance**

17

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2023)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

## **PKC Non Statutory Guidance**

18

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

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

### **Planning Advice Notes**

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

- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

### **Creating Places 2013**

21 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**

22 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**

23 [23/00001/PAN](#) Mixed use development comprising of 19 bay golf driving range with cafe (class 3), retail unit (class 1), formation of parking and associated works. Approved March 2023.

## CONSULTATIONS

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

### External

- 25 **Historic Environment Scotland (HES)** – Originally objected as the proposal had the potential to have a significant adverse impact on the integrity of Loch Leven and Burleigh Castles. The objection was withdrawn following the submission of additional information.
- 26 **Scottish Water**- No objections. Advise there is currently sufficient capacity to service the proposed development at Glenfarg Water Treatment, however, a Pre-Development Enquiry (PDE) is required to be submitted to Scottish Water to establish if there is capacity at Milnathort Waste Water Treatment Works. Early contact directly with Scottish Water is encouraged.
- 27 **NatureScot** – No objections.
- 28 **Kinross Community Council** – A neutral comment has been provided. The points raised are as follows:
- Transport concerns.
  - Biodiversity including impact on SSSI, RAMSAR and SPA.
  - Lighting having an impact on wildlife.
  - Fencing having an impact on wildlife.
- 29 **Milnathort and Orwell Community Council** - Object on the following grounds
- Transport concerns.
  - Loss of view to Loch Leven, Burleigh Castle, Lomond Hills and Ochil Hills.
  - Flood Risk.
  - Lighting having an impact on wildlife.
  - Permanent loss of agricultural land if the proposed driving range is not successful.
  - Loss of countryside.
- 30 **Scottish Environment Protection Agency (SEPA)**– Outstanding objection in relation to potential flood risk.
- 31 **Balado Airfield** – No comments.
- 32 **Perth And Kinross Heritage Trust (PKHT)**- No objection subject to condition.
- ### Internal
- 33 **Environmental Health (Contaminated Land)** -No objection.



- 34 **Environmental Health (Noise Odour)** - No objection. Advise that standard conditions are required in respect of noise/odour/lighting.
- 35 **Development Plan** – Objects to the proposal due to level of café numbers not being an ancillary element which would also have a significant impact on the town centres of Milnathort and Kinross.
- 36 **Structures and Flooding** - No objection, following clarifications and further information. Advise that a condition is required in respect to SUDS and storm water drainage.
- 37 **Conservation Team** – No objections.
- 38 **Transportation and Development** – No objections subject to conditions.
- 39 **Development Contributions Officer** – No comments.
- 40 **Biodiversity/Tree Officer** – No objection subject to conditions.
- 41 **Community Greenspace** – No objection subject to condition and informative.

## **REPRESENTATIONS**

- 42 Twelve representations were received (from eleven different households) including Milnathort and Orwell Community Council. The main issues raised within the representations are:

- Visual impact
- Noise
- Flood Risk
- Inappropriate Land Use
- Light Pollution
- Loss of Open Space
- Loss of Trees
- Out of Character with Area
- Traffic/Road Safety Concerns
- Excessive Height
- Contrary to Development Plan Policy
- Would not increase employment significantly
- Loss of prime agricultural land
- Impact on Biodiversity/Wildlife
- Not financially viable
- Potential impact on SSSI, RAMSAR and SPA
- Over Intensive Development
- Overlooking
- Loss of Sunlight or Daylight
- Over provision of car parking
- Impact on Core Path users

- 43 These issues are addressed in the Appraisal section of the report.
- 44 Neutral comments have also been received from The Kinross-shire Civic Trust and Kinross Community Council. These comments relate to road/traffic concerns, biodiversity, potential impact on SSSI, RAMSAR and SPA, proposed lighting, fencing and loss of agricultural land.
- 45 One late comment has been received in support of the proposed development.

### ADDITIONAL STATEMENTS

46	Screening Opinion	EIA Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Completed
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Habitats Regulations Assessment</li> <li>• Planning Statement</li> <li>• Town Centre Sequential Assessment</li> <li>• Noise Impact Assessment</li> <li>• Flood Risk Assessment and Drainage Strategy</li> <li>• Ecology Survey Report</li> <li>• Archaeology Survey</li> <li>• Arboricultural Report</li> </ul>

### APPRAISAL

- 47 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.
- 48 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.

## Principle

- 49 In relation to rural development, the policy context is set out in NPF4 Policy 29: Rural Development, LPD2 Policy 8: Rural Business and Diversification, NPF4 Policy 5: Soils and LDP2: Policy 50 Prime Agricultural Land which are relevant to the overall principle of the development.
- 50 NPF4 Policy 29 supports proposals which contribute to the viability, sustainability and diversity of rural communities and local rural economy. Examples are given in the policy - none of which would apply to this proposal; however, the list of examples is not exhaustive.
- 51 LDP2 Policy 8 supports the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements but sites out-with settlements may be acceptable where they are either the diversification of an existing business or are related to an existing site-specific resource or opportunity. Whilst there is a general assumption that diversification schemes would be on or adjacent to the site of the principal business, the policy does not require that. Furthermore, the overall support for rural development in NPF4 Policy 29 furthers that interpretation.
- 52 The Planning Statement indicates that 'the land is the only practical site within their (Burleigh Golf Ltd) holding for this facility'. Additional information was submitted in relation to the existing site-specific resource or opportunity including a sequential assessment. The applicant makes the case that the site is a 'unique topographical opportunity'. A sloping, roughly square site is not particularly unique, but they have provided site search information with their reasons for discounting other sites, and it could be argued that the location in-between the two golf courses is not unreasonable for a driving range. The additional information submitted clarifies that the proposal meets this part of LPD2 Policy 8.
- 53 The second requirement of LDP2 Policy 8 refers to tourism-related developments. Although a proportion of the potential visitors will most likely be local, the Planning Statement does suggest a 20km catchment area, therefore, this policy requirement is considered relevant. New tourism-related developments are supported where it can be demonstrated that it will improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season. Proposals for new tourism-related developments must also be justified through a business plan.
- 54 LDP2 Policy 8 also lists criteria which all proposals must meet. Criterion (h) requires that outwith settlement centres, retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjoining settlements. Further comments on this aspect were provided in relation to the NPF4 retail/town centre policies, however, it is considered that an additional 40 cover café is a significant scale and is likely to cause harm to the viability and vitality of Kinross and Milnathort centres.

- 55 In relation to commercial development, the policy context is set out in NPF4 Policy 27: City, Town, Local and Commercial Centres and LPD2 Policy 13: Retail and Commercial Leisure Proposals.
- 56 Both policies require development proposals to be consistent with the town centre first / sequential approach. Proposals for uses which will generate significant footfall (including leisure facilities) will not be supported out-with centres unless a town centre first/sequential assessment has been carried out.
- 57 A town centre use sequential assessment was subsequently submitted for the 40-cover café provided. The retail proposed is relatively small scale restricted to 33 sqm and this could be considered ancillary and meet with NPF4 policy 27 b ii. However, together with the scale of the café development (40 covers), floor space of 91 sqm, these uses are beyond ancillary to the driving range and are likely to attract significant numbers of visitors in their own right, reducing the likelihood of visits to the town centres and associated linked trips to other town centre businesses.
- 58 The original Business Case identified that the café would provide approximately 40% of the overall business revenue. It is stated that, 'a key element of the proposed café offering is to provide food & drink refreshments and toilet facilities not simply for those making use of the golf driving range facilities but also for those walking and cycling on the Loch Leven Heritage Trail and extensive core path network on the north side of Loch Leven.' In terms of facilities to serve walkers, Kinross town centre is within 400m walking distance of the trail, whilst the Kirkgate Park (Boathouse) and Findatie (RSPB Loch Leven & Loch Leven Lodges cafés) provide facilities next to the trail. The Council commissioned a [town centre and retail study](#) in February 2023, and this identifies that for Kinross, 'The daytime food/catering offer is good, with several food styles and price points available. The evening offer is also reasonable with 2 pubs, and Pizza, Chinese and Indian restaurants.' Whilst one of the top 5 likes for householders was 'good cafes and restaurants.'
- 59 There are examples of comparative driving ranges with and without cafes and given the short duration of the golfer visits, and the proximity to Kinross and Milnathort, a cafe is not considered an essential ancillary function. There are 19 golf driving bays proposed and only a proportion of golfers will stay for food and drink. A 40-cover café (2 customers per bay) is considered inappropriate.
- 60 The assessment estimates the existing town centre covers to be approximated at 120. As noted above, an additional 40 cover café is a significant scale and would likely cause harm to the viability and vitality of Kinross and Milnathort centres by virtue of the provision of a substantial new café/restaurant in an out-of-town location. As per the pre application advice, any café should be scaled appropriately to be genuinely ancillary to the driving range and restricted to 20 covers as a maximum.
- 61 The 20-cover scenario is based on the following:

- 62 The business statement assumes 107 golfers per day (potentially increasing to roughly 142 per day after 5 years), and the venue will be open daily 11 hours per day, 10am till 9pm, covering breakfast, lunch and dinner, and snacks. Only a proportion of golfers (maybe 50%) would use the café, as their visiting time is estimated at either 1 hour (75%) or 30 mins (25%).
- 63 In a café, the turnover of a table is usually in the 30-45 mins region, with lots of snacks and coffees, but assuming it was 1 ½ hour there would be 7 turnovers in a day. That suggests 20 covers could cope with 100% of the maximum 142 golfers using the café. However, it is anticipated that it will be 50% or less of the golfers, and so within that 20 covers there will already be capacity for quite a bit of non-golfer trade even once they are operating at their 5-year potential.
- 64 Attempts were made with the Applicant to reduce the café numbers to 20 based on the scenario noted above. Both the Applicant and Agent submitted further justification as they felt that a 20-cover café is unjustified and that the café would not be open for the same time as the golfing range, however, more likely to be open 7-9 hours dependent on the time of year.
- 65 The information submitted goes on to state that this reduction in covers would have a significant negative impact on the reasonable provision of all other elements of the development such as number of driving range bays, full time equivalent staff, toilet and other facilities that would no longer be justifiable if there was a limit of 20 café numbers imposed. It further states a reduction of a 40-cover cafe to 20 will impact on the viability of the investment required to establish the appropriate kitchen and catering facilities which would most likely result in vending machines and therefore a significant reduction in the creation of new jobs. The Applicant has advised that the proposal as amended would be to the detriment of the local community and the project's financial viability.
- 66 Whilst some may argue it is about letting the market decide and that the 20 is somewhat arbitrary, a 40-cover competitor would be significant in relation to existing town centre businesses (current 120 cover). In addition to town centre impact there is the ancillary test, and it is considered that due to the combined scale of the café and retail element proposed, it would not be ancillary, but has the potential to move towards being the main use proposed.
- 67 The principle of a golf driving range use and associated building along with ancillary facilities is acceptable in terms of meeting the sequential test, however, together the café and retail element at the scale proposed would not meet NPF4 Policy 27 b) ii or LDP2 Policy 8 (h). It is considered that a maximum 20 cover café together with 33 sqm of retail space could be ancillary to the driving range and limit impacts on Kinross and Milnathort town centres.
- 68 In terms of land classification, the land here is classed as 3.1 on the capability for agriculture scale which falls within NPF4 Policy 5 and LDP2 Policy 50. Development on such land is not permitted unless necessary to meet a specific established need, such as a major infrastructure proposal and only when there is

no other suitable site available on non-prime land. This proposal does not meet the definition of a specific established need and cannot be considered small scale which is defined as a single building directly linked to (implied) existing rural business.

- 69 Noted within the supporting Planning Statement, the land is defined as being non-prime class 3.2, however, this classification has been taken from the 1:250,000 (national) layer whereas the 3.1 (prime) classification is taken from the 1:50,000 map layer. For the avoidance of doubt the James Hutton Institute (JHI) recommends the following:
- 70 Where it exists (predominantly in the agricultural lowlands of the south and east of the country) the 1:50,000 scale map information is seen as the definitive mapped assessment and the 1:50,000 scale map should be used in preference to the 1:250,000 scale map. For a more site-specific query or to resolve a planning issue, we recommend that a further and very detailed site inspection is carried out.
- 71 The applicant has put forward a case for support of the proposed development, despite its land classification. It is noted within the Planning Statement that the footprint of the proposed building together with hardstanding and new footpath is less than 2 per cent of the overall site. The supporting information also advises that the subject site comprises approximately 10.4 percent of the overall agricultural landholding controlled by the Burleigh Farm Partnership. It further states that it is unlikely that the proposed development of the land as a golf driving range will neither negatively impact the viability of the agricultural unit nor result in an unacceptable loss of prime agricultural land given that the majority (84.62 hectares, 89.6 percent) of the landholding will remain in agricultural use and is classification 3.1 in accordance with the 1:50,000 scale map.
- 72 The applicant has submitted supporting information in respect to recent agricultural yield which contends that, whilst no direct soil sampling and analysis has been undertaken, the land classification as prime agricultural land may not be accurate based on cereal yields over the last two years which have produced marginal returns.
- 73 The supporting information goes on to say that the proposed development will not adversely affect the viability of the wider agricultural unit, nor result in an unacceptable loss of prime agricultural land in the context that the application site is relatively small in area in comparison to the remaining landholding and that the application site does not exhibit qualities of being prime agricultural land for the reasons noted above. Furthermore, the information provided advises that the proposed development is not considered to be of high impact to the majority of the existing soil on the site, allowing the site to be re-instated for agricultural use, if it were decided in the future to return the land to farming use.
- 74 Whilst the points made within the supporting information have been considered and the area of built development may seem relatively small when compared to

the overall site area, the full use of the land (9.9 hectares) as a golf driving range is not a small-scale development, nor is it directly linked to a rural business, farm or croft as per NPF4 Policy 5 b) ii. Furthermore, the loss of such prime agricultural land would result in the loss of food production potential and food security over its lifetime.

- 75 Overall the Development Plan does not support the principle of this development for the reasons noted above. The proposal is contrary to NPF4 Policy 27 b) ii, LDP2 Policy 8 (h) and Policy 13. NPF4 Policy 5 b) and LDP2 Policy 50

### **Scale, Design and Layout**

- 76 NPF4 Policy 14 seeks to encourage, promote and facilitate well designed places that are in compliance with the six qualities of place: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. LDP2 Policy 1 Placemaking requires development of all scales to contribute positively to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place and should create and improve links within and where practical beyond the site. Proposals should also incorporate new landscape and planting works appropriate to local context.
- 77 The application has included a Design Statement outlining ways in which the development of the proposals have sought to reduce impact and attempt to deliver a development which fits its context taking into consideration heritage assets, nearby buildings, core paths, Special Protection Area (SPA) and Ramsar sites.
- 78 The proposed building would be located in the southwest corner of the site. It would provide a floodlit 19 bay driving range that would be open all year round between 9am and 9pm. Each bay would include the professional ball tracking system Top Tracer which provide real time information on every shot hit to enable a statistical analysis of ball striking. Other elements of the building include a reception, pro shop, café, kitchen and toilet facilities.
- 79 The design of the building is a curved roof based on a modular grid using a steel structure which allows for flexibility in the spaces underneath the roof. The design statement advises 108 solar panels are proposed on the roof of the building. The building would be split into 2 main sections, the driving range with the hitting bays at the north and the ancillary spaces to the south which include the entrance, shop, café, kitchen, toilets and plantroom. The curve is described as being shallow with an approximate radius of 180m providing the optimum hitting target for the range.
- 80 The building slopes upwards away from the entrance providing an open outlook for the golf driving range. The footprint of the combined building and driving range measures approximately 771 sqm (external) to a maximum height of 5.6 metres sloping down to 2.7 metres.

- 81 In terms of materials proposed, the roof will be finished in standing seam metal (leaf green), the walls would be finished in a combination of natural stone (Denfind or equal) and vertical timber cladding. The windows would be finished in aluminium/alu-clad (anthracite grey).
- 82 The design of the building is relatively simple and functional in its form and the roof design helps to limit its impact to a certain degree. It is considered that the overall benefits of the development proposal including the new path link in with the Heritage Trail paths to the east of the site and connection into the core path to the west to create pedestrian and cycle links with the site to the wider area, secure cycle storage including e-bike cover and landscaping proposals will have an overall positive impact on the wider community. Furthermore, the design and layout of the proposal respects the character and amenity of the place. The proposed development is therefore consistent with NPF4 Policy 14 and LDP2 Policy 1 Placemaking and with policy guidance set out within the associated Supplementary Guidance: Placemaking 2020.

### **Historic Environment**

- 83 It was clear from Historic Environment Scotland's (HES) initial objection that the proposed development had the potential to have a significant adverse impact on the setting of Burleigh Castle scheduled monument. Further information was provided by the applicant's agent including photomontages/visualisations taken from the elevated areas of the Castle. It was noted that the visualisations did not include the 5m fence, however, HES were content that they broadly represent the change in view that will occur.
- 84 HES commented that although there would still be an impact on the monument's setting, the line of sight from Burleigh to Loch Leven Castle was predominantly blocked by the listed buildings of Burleigh farmstead immediately to the south. Furthermore, the visualisations indicated that the proposed development would not break the line of sight from Burleigh to the loch itself.
- 85 In regard to Kinross House, a category A listed building, and its Garden and Designed Landscape, HES have commented that the proposed driving range is approximately 0.5km to the north of the Inventory designed landscape and approximately 2km from Kinross House. The most sensitive views are on an axis following the drive to the house and framing views of Loch Leven Castle to the east and the Ochil Hills to the west. The proposal would be in a different direction to these key views and therefore not likely to have a significant impact on them. They further advise, however, that through the design of the house, there was an intended avenue from the east of the house that would provide views north through the designed landscape.
- 86 Following the submission of The Addendum to the Planning Statement which included a heritage assessment of the house and the designed landscape, with photographs showing limited visibility between Kinross House and the proposal site, HES are content that there are unlikely to be significant impacts on the



designed landscape. HES also recognise the efforts made by the applicant to mitigate the visual impact of lighting extending south of the proposed site.

- 87 Furthermore, whilst the proposed 5m high mesh fence will remain, its length on the west boundary has been reduced back to 150 yards from 200 yards and on the east boundary reduced back to 150 yards (approximately 133m) whereas it was proposed to extend the full length of the driving range to protect the path. The reduction on the extent of the mesh wire fence has been done to balance the requirement of safety with visual amenity, animal passageway and the overprovision of fencing in locations that are unlikely to require protection from golf balls.
- 88 Whilst HES have noted that the proposed development would still have some impact upon the setting of Burleigh Castle, the level of impact has been reduced to a level below where they would maintain their objection and as such have withdrawn their objection.
- 89 A number of Category B listed buildings are located to the north and west of the site and one Category A listed building located to the south. These are all located at distance from the proposed development. As such the proposal will have no impact on the setting of these listed buildings. The Council's Conservation Officer has been consulted and no objections have been received. The proposal is, therefore, consistent with NPF4 Policy 7 and LDP2 Policies 26A, 27A and 29.

### **Visual and Landscape Impact**

- 89 NPF4 Policy 14 and Policies 1A and 1B relate to placemaking which are relevant here and require new development to respect the character and visual amenity of the area. Furthermore, the site is located within the Loch Leven and Lomond Hills Local Landscape Area (LLA) and therefore the impact which the proposed development has on the landscape character of the LLA is a key consideration and LDP2 Policy 39 applies. This states that development should be compatible with the distinctive characteristics and features of the landscape and references the Tayside Landscape Character Assessment.
- 90 A Landscape Strategy was submitted together with a number of visualisations taken from different viewpoints including core paths and roads to help determine the impact on the landscape.
- 91 Concerns have been noted in respect to fencing and lighting having the potential to impact on the landscape and visual amenity of the area. The floodlighting is directed towards the hitting zone directly due north-east and away from Loch Leven Nature Reserve. The lights themselves are proposed to be located on the underside of the roof meaning they are invisible from the main frontage (east) of the building.
- 92 A lighting assessment accompanies the application. The scheme has been designed to ensure that only the driving range area will be lit and lighting will be

designed in line with top tracer ball tracing technology requirements. The information supplied specifies due to the technology proposed, the lighting spill will be greatly reduced which mitigates the need to see the ball in the distance as it is tracked and shown on screen. In terms of the fencing, as noted in paragraph 87 above, the fencing will remain, however, has been reduced in length.

- 93 Whilst it is noted that the proposed development would be located in an area of relatively open landscape, there is an existing sewage treatment plant located adjacent to the site to the west. The proposed building including hardstanding would only equate to approximately 2 percent of built development, therefore, the remainder of the site area would remain open.
- 94 Consideration has been given to the character of the area and the characteristics of the site and its surrounding area in addition to the visibility of the site from all directions. Due regard has also been given to comments made from representations. The visual impact of the proposal from viewpoints along the core path and surrounding public roads is not considered to be significant. It is considered that the development with enhanced landscaping will not have an adverse impact on the character and appearance of the site or the surrounding area. The proposed development would, therefore, not have a negative impact on landscape character by virtue of its siting, design and visual impact and that it would not detract from the qualities of the Loch Leven and Lomond Hills LLA and is therefore compliant with NPF4 Policy 14, LDP2 Policy 1A and 1B and LDP2 Policy 39.

### **Archaeology**

- 95 Perth and Kinross Heritage Trust (PKHT) have been consulted and advised that the proposed development site lies within an area that is considered to be archaeologically sensitive with there being a number of cropmark sites, historic building and scheduled monuments recorded within the vicinity of the proposed development.
- 96 An archaeological desk-based assessment and walk-over survey has been carried out and submitted with this application. Twenty-five features were identified, including 8 within or on the boundary of the proposed development area. PKHT are in agreement with the mitigation measures as outlined within the report.
- 97 A programme of archaeological works to assess the presence/absence, character, condition and significance of archaeological deposits presumed to be present and the extent to which the development will impact upon can be set out as a condition. This will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation, post excavation analysis and publication of these deposits. The proposals comply with NPF4 Policy 7 and LDP2 Policy 26B, subject to suitable Conditions being applied.

## **Contamination**

- 98 The Council's Contaminated Land team have been consulted on the proposal and advised that a search of the historical mapping has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination. It shall, however, be the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development for which planning consent has been granted. The proposals comply with NPF4 Policy 9 and LDP2 Policy 58A.

## **Residential Amenity**

- 99 The closest residential properties to the new driving range are 1 to 5 Burleigh Road and Burleigh Farmhouse and steading which are approximately 500 metres from the northwest corner of the driving range.
- 100 The closest to the proposed driving range/café/retail building is Lethangie Estate which is approximately 520 metres away and the closest to the centre of the proposed range is Burleigh Farmhouse and Steading which is approximately 380 metres away.
- 101 The proposed hours of operation for the driving range are 0900 to 2100 hrs all year round.

## Noise

- 102 The applicant has submitted a Noise Impact Assessment (NIA) ' Golf Driving Range, Milnathort' document reference 1037676-CDL-XX-ZZ-RP-AS-45220- P02 dated 17 July 2023 which was undertaken by Cundall consultants.
- 103 Colleagues in Environmental Health (EH) have reviewed the NIA and have advised that the NIA assessed the noise from the proposed plant and equipment such as two Mitsubishi Ecodan PUHZ-W85VHA2(-BS) Air Source Heat Pumps, CVAB-N extract & intake kitchen extraction system, petrol ride-on lawn mower (STIHL RT 4097 SX) and ball collection. The sound power levels from the plant items associated with the site have been estimated based on the models used for a clubhouse of a similar size.
- 104 The predicted noise levels at the closest noise sensitive receptor (NSR) has been calculated, the predictions of noise propagation did not consider ground absorption by the green land. Therefore, the predicted levels are represented as reasonable worst-case scenario and noise levels emitted from the Site to the closest NSRs could be significantly lower than the predicted results.

- 105 Therefore, the assessment indicates the noise levels from the proposed plant associated with the development will meet the internal and external criteria at the closest NSR.
- 106 EH have concluded that with conditional control the proposal accords with NPF4 Policy 23 and LDP2 Policy 56.

#### Light Pollution

- 107 As noted above, a Lighting Impact Assessment, drawing number KDR-CDL-ZZ-XX-DR-LG-63801, which was undertaken by Cundalls has been submitted with the application and this has been reviewed by colleagues in EH.
- 108 The floodlighting is to be directed towards the hitting zone directly due north-east and the 6no. large floodlighting racks will be located on the underside of the roof.
- 109 The site has been classed as Environmental Zone E2 in line with the ILP Guidance Notes 01 of the Reduction of Obtrusive Light. The assessment determined that the pre curfew level 5 Lux and post curfew level 1 Lux (curfew 2300) levels for E2 would not be exceeded at the closest residential properties. Therefore, the residential amenity of neighbouring dwellinghouse would not be adversely affected, however, EH have recommend a condition to protect residential amenity.
- 110 The assessment stated that the upwards light ratio does not meet the guidance level, this is due to the luminaires specification required to correlate and coordinate with the top tracer camera system to be installed. The assessment recommends mitigation through implementing a curfew for the lighting which should be turned off when driving range is not in use.
- 111 Therefore, EH have recommended conditions are included on any given consent to protect the residential amenity of neighbouring dwellinghouses. As such with conditional control, the proposal accords with NPF4 Policy 14 and LDP2 Policy 56.

#### Odour

- 112 The proposed development includes kitchen facilities. The applicant would need to be mindful that any proposed extraction system is commensurate with the types of cooking to be undertaken within the kitchen and controlled such that odours do not affect the residential amenity of any neighbouring properties. This can be controlled by condition.

#### Overlooking/Overshadowing

- 113 Concerns have been raised in the letters of representations in relation to the development having a harmful impact on daylight/sunlight and overlooking.

- 114 In this case it is not considered the proposed development will result in any overlooking or overshadowing of neighbouring properties due to the distance from the site to the nearest residential property.

### **Contaminated Land**

- 115 Colleagues in Environmental Health have been consulted and advised a search of the historical mapping has not identified any potential sources of contamination likely to impact upon the proposed development site and there is no further information held by the Authority to indicate that the application area has been affected by contamination. The proposal, therefore, complies with NPF4 Policy 9 and LDP2 Policy 58A.

### **Drainage and Flooding**

#### Flooding

- 116 The site is not shown to be at flood risk based on the SEPA future flood maps, however, there is a fluvial flood risk source adjacent to the site. The flood mapping in the Flood Risk Assessment (FRA) shows the area of the site where the buildings are to be built could be flooded in a 0.1% Annual Exceedance Probability (AEP) flooding event. Encroachment into the site during a 0.5% AEP flood event is also shown. SEPA provided a holding objection pending the submission of an updated FRA as no information had been submitted for the 0.5% AEP, plus an allowance for climate change.
- 117 Following the submission of an updated FRA and fluvial hydraulic model outputs (on 27th March 2024) for a 1 in 200-year scenario with climate change allowance, SEPA maintained their holding objection as the information provided did not adequately address their concerns and therefore, they could not appropriately assess the flood risk to the site.
- 118 Further information was provided to SEPA (dated 1st , 28th and 29th of May 2024), however, following a review of this information SEPA have maintained their holding objection as the information provided remains insufficient to allow them to determine the potential impacts.
- 119 To date, the applicant has failed to demonstrate that SEPA concerns have been addressed. The application therefore fails to adequately address the concerns raised by SEPA and is contrary to NPF4 Policy 22 a): Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding.

#### Drainage

- 120 A Flood Risk Assessment and Drainage Strategy Report has been submitted in support of the application. Flooding and Structures have been consulted and sought clarifications in relation to the proposals. Initially the proposals included a SUDS basin in the south west corner of the site, however, following the outcome

of the hydraulic modelling exercise this was subsequently amended to a beneath ground geocellular storage tank. Following the submission of further information, these concerns have been satisfactorily addressed, however, would require amended plans that include details such as location of permeable paving to the access, hydro brake location, section through the attenuation tank, etc. They have therefore requested that this be covered by condition. Additionally they have also recommended a condition in respect to the submission of SUDS details.

- 121 Scottish Water has advised that there is currently sufficient capacity at the Glenfarg Water Treatment Works to service the development. They further advise there is sufficient capacity in the Milnathort Waste Water Treatment works to service the development.
- 122 As such, the proposal, subject to conditions, complies with NPF4 Policy 22 c) and d) and LDP2 Policy 53: Water Environment and Drainage.

## **Roads and Access**

### Vehicle Access

- 123 The development proposes a new vehicle access onto the C495 public road network as the sole vehicular access to the site. The vehicle access will be located approximately 100 metres to the east of the access to the waste treatment plant. The applicant has undertaken a speed survey and included the data in order to apply for a relaxation to the visibility splay. Speeds show that the 85%ile on the road are at approximately 50mph. As a result, a splay of 160 metre is to be provided. A condition would be required for the provision of the visibility splay.

### Parking

- 124 The applicant is proposing to provide 67 car parking spaces on site, with 20 associated with the driving range, 18 with the café, 5 for staff, 3 accessible parking bays and a further 20 for visitors to the facilities or using the Heritage trail.

### Trip Rates

- 125 The applicant has considered the impact of 19 golf range bays. It is noted within the Transport Assessment (TA) that there is limited information within the database for driving ranges with only one survey available. No trip rates have been considered for other elements as the applicant has considered that the one golf range would give a robust estimate for all elements on site, due to the site use being in Doncaster with a population of 100,000 to 125,000 people within a 5-mile radius of the site. The applicant has utilised data from TRICS which is an industry standard tool. Of the 19 golf range bays it is anticipated that there will

be 3 vehicle trips to and from the development in the AM Peak Period and 38 in the PM Peak Period.

### Core Path Connections

- 126 The applicant is proposing to connect to the Core Path Network. The works to connect to the network, will involve works out with the redline boundary, particularly for those looking to use the Heritage Trail Paths, as there is a water course to pass over to connect into the path network. A condition would be required insofar as consent is gained prior to commencing any works on site.

### Sustainable Travel

- 127 The principles of sustainable travel are a central thread running through the provisions of Development Plan policies, namely NPF4 Policies 1, 2 and 13 and LDP2 Policies 1 and 60. The Transport Assessment seeks to assess the development sites suitability for access via sustainable modes of travel and considers the impact of development traffic on the surrounding road network. The site benefits from being located within walking distance to Kinross and Milnathort Golf Club(s). The site also benefits from being located relatively close to existing settlements through the Loch Leven Heritage Trail and Core Path Network where walking and cycling links are provided.
- 128 The applicant has identified that the nearest bus stop to the site is on Burleigh Road out with the recommended 400 metre distance. This would require users of the facilities to travel approximately 1km along unlit, uneven core paths to reach the public road network, for onward connections to bus services within Milnathort for connections to Kinross, Perth, Glenrothes and the Express Coach between Perth and Edinburgh that serves Milnathort. Whilst it is recognised that walking along unlit rural footpaths can be unattractive, the use of these footpaths to connect to the public road network is not atypical and visitors would be aware of the potential need and risks associated.
- 129 A people trip assessment of the development proposals has been undertaken for all modes of travel which confirms that the walking, cycling and public transport provision for the area is sufficient to accommodate the expected future demand from the site with improvements. Footway connections with the adopted routes and core paths would be formed as part of the development proposals to ensure that staff and visitors can link to the existing infrastructure and public transport facilities.

### SuDS Geocellular Storage

- 130 The proposed SuDS Geocellular Storage is within 5 metres of the access road to the wastewater treatment plant, the applicant has proposed that this is not to be an infiltration system so should not cause any issues of water damage to the roads structure. The applicant should ensure that the roads structure is not impacted by the construction of the SuDS Geocellular Storage. It is also noted

that the outfall to the river, will also require works out with the red line boundary. A condition would be required insofar as consent is gained prior to commencing any works on site.

#### Ebike Parking

- 131 The applicant is proposing to provide covered ebike parking for up to 12 bikes. A condition would be required for its delivery.

#### Construction Traffic Management Plan

- 132 A Construction Traffic Management Plan will be provided by the applicant and provide details of how contaminated soils and materials will be removed for site, as well as for the general construction of the site. A condition could control the Construction Traffic Management Plan.

#### Green Travel Plan

- 133 The applicant has provided a framework for a green travel plan, the proposals are acceptable. A condition would be required for the delivery of the Green Travel Plan.
- 134 It is recognised that the development has the potential to ensure that there is a reasonable choice of access via all modes of transport. The approach to active travel shown within the details submitted is considered to meet with policy. Transportation and Development colleagues have offered no objection subject to conditions as noted above. The proposed development is therefore considered to comply with NPF4 Policy 13 and LDP2 Policy 60.

#### **Waste Collection**

- 135 Waste collection is considered to be appropriately addressed through both the provision and access to the site. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

#### **Natural Heritage, Biodiversity and Trees**

- 136 NPF4 Policy 1: Sustainable Places, Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry, Woodland and Trees are relevant considerations as are LDP2 Policies 38: Environment and Conservation, 40 Forestry, Woodland and Trees and 41: Biodiversity.
- 137 The proposed site is close to Loch Leven Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The SPA is classified for several breeding and non-breeding bird species and the SSSI is protected for its vascular plant assemblage, hydromorphological mire range and eutrophic loch features of interest. Loch Leven Ramsar site may also be affected but any concerns about



the interest of this designation are fully addressed as part of consideration of the European site.

- 138 The sites status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended apply. Consequently, consideration on the effect of the SPA as a result of the proposed development is required.
- 139 Naturescot have commented that the proposal could cause disturbance to pink-footed geese from the construction process, lighting that will be present once the site is operational and from noise during construction. The disturbance from construction would be short term once the driving range is operational, there could be longer term impacts.
- 140 Naturescot have further advised that the proposal is likely to have an effect on the pink-footed geese of Loch Leven SPA and therefore as competent authority, PKC require to carry out an Appropriate Assessment in view of the sites conservation objectives for its qualifying interests. In conclusion it is considered that there will no likely significant effect on the qualifying features of the Loch Leven SPA as a result of the proposed development. This is on the basis that there is sufficient alternative foraging available in the nearby vicinity of the site for pink footed geese and drainage arrangements will be connected to the public drainage network and there is also a SUDs feature to capture any pollutants from surface water run off.
- 141 Furthermore, any planning approval would be conditioned to include submission of a Construction and Environmental Management Plan (CEMP) to ensure contaminated flows cannot exit the site. This will ensure that the proposal complies with Policy 38A of the LDP2 and Policy 4(b) of NPF4.
- 142 The submitted information regarding trees is comprehensive and in accordance with best practice. The report confirms that all trees and hedgerows will be retained, and a Tree Protection Plan has been provided. This must be adhered to in full. The proposal is in compliance with NPF4 Policy 6: Forestry, Woodland and Trees and LDP2 Policy 40: Forestry Woodland and Trees.
- 143 The submitted Preliminary Ecological Appraisal and Ecological Impact Assessment (Tay Ecology, July 2023) is in accordance with best practice and surveys were undertaken at the correct time of year. The Report provides comprehensive impact assessments of the proposed development on protected habitats, species, and wider biodiversity. Consideration of designated sites has also been provided. The Report considers that the development will have a low impact on the local habitat and wildlife, and there are opportunities to enhance biodiversity.
- 144 All recommendations listed in section 6 of the report would have to be adhered to in full to mitigate the impacts of the proposed development. A Construction Environmental Management Plan (CEMP) detailing proposed methods of working and measures to ensure protection of all habitats on and adjacent to the

site would be required to ensure protection of Loch Leven. This would be controlled by condition.

- 145 NPF4 requires major planning applications to provide significant enhancement to biodiversity. Meaning that proposed actions and management will make the site significantly better for biodiversity than before the development. The Council's Biodiversity Officer has commented that the submitted Biodiversity Enhancement Measures and Biodiversity Net Gain Calculation Report (Tay Ecology, July 2023) is an exemplar of best practice and is in accordance with PKC Planning for Nature Supplementary Guidance. The Report lists a range of practical measures and calculates a 52% biodiversity net gain.
- 146 The proposal, subject to conditions, complies with NPF4 Policies 1, 3, 4 and 6 and LDP2 Policies 38, 40 and 41.

### **Construction Period**

- 147 For a project of this scale and within a rural location, construction implications must be considered. All development has a construction impact, however, this is not the same as long-term impacts of the end development/use. In this case it is considered that a Construction Traffic Management Plan could be put in place to mitigate and manage any impacts. This would be managed by condition.

### **Developer Contributions**

- 148 The proposed site is located out with any area where financial contributions towards roads infrastructure is required. As such, the Developer Contributions Supplementary Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

- 149 The Development Plan supports sustainable economic growth. The planning system supports economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The Development Plan, with reference to the principles of sustainable development, is supportive of development that would achieve net economic benefits. The aim is to achieve the right development in the right place.
- 150 A development of this scale will create and sustain jobs. The Planning Statement specifies 15.7 FTE will be created and there will be a significant number of downstream economic opportunities associated in terms of the construction period. As such the impact of the proposal on the rural economy at this location is considered to be positive. It is therefore, accepted that there would be economic benefits to the local economy through this development. However, even where net economic benefit is demonstrated, the provisions of the

Development Plan as a whole require consideration and justification clearly set out where proposals are contrary to the Development Plan.

- 151 The development has been assessed against the relevant policies of the Development Plan and other applicable material considerations and it is considered that the proposals do not accord overall with the provisions of the Development Plan for the reasons noted above. Despite any economic benefit of these proposals, the proposals introduce a development on prime agricultural land and a 40-cover café which is of a significant scale and would likely cause harm to the viability and vitality of Kinross and Milnathort centres. In respect of these substantive issues, it is concluded that the proposals do not accord with the Development Plan overall. It is, therefore, not considered that the economic benefits of the development would outweigh this conclusion and indicate approval.

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

- 152 None required.

### **DIRECTION BY SCOTTISH MINISTERS**

- 153 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**

- 154 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 be contrary to the Development Plan. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 155 Accordingly the proposal is recommended for refusal on the grounds identified below.

### **RECOMMENDATION**

#### **Refuse the application**

### **REASONS FOR RECOMMENDATION**

1. The proposal is contrary to National Planning Framework 4 Policy 5 'Soils' and Local Development Plan 2 Policy 50 'Prime Agricultural Land' as the site is designated as prime agricultural land (Class 3.1), which does not support development on such land out-with settlement boundaries unless it is necessary to meet a specific established need or a small scale development directly linked

to a rural business. Furthermore, the loss of such prime agricultural land would result in the loss of food production potential and food security over its lifetime.

2. The proposal is contrary to National Planning Framework 4 Policy 27 b) ii and Local Development Plan 2 Policy 8 (h) and 13 as the cafe and retail element proposed would have a significant impact on the vitality and viability of Milnathort and Kinross Town Centres and due to their combined scale would not be ancillary to the main use of the site.
3. The proposal is contrary to Policy 22 of National Planning Framework 4 and Policy 52 of the Perth and Kinross Local Development Plan 2 (2019) as the information submitted is insufficient to allow SEPA to determine the potential impacts of the proposed development in relation to flood risk.

### **JUSTIFICATION**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

### **PROCEDURAL NOTES**

None.

### **INFORMATIVES**

None.

Background Papers: 11 letters of representation  
Contact Officer: Gillian Peebles  
Date: 20 June 2024

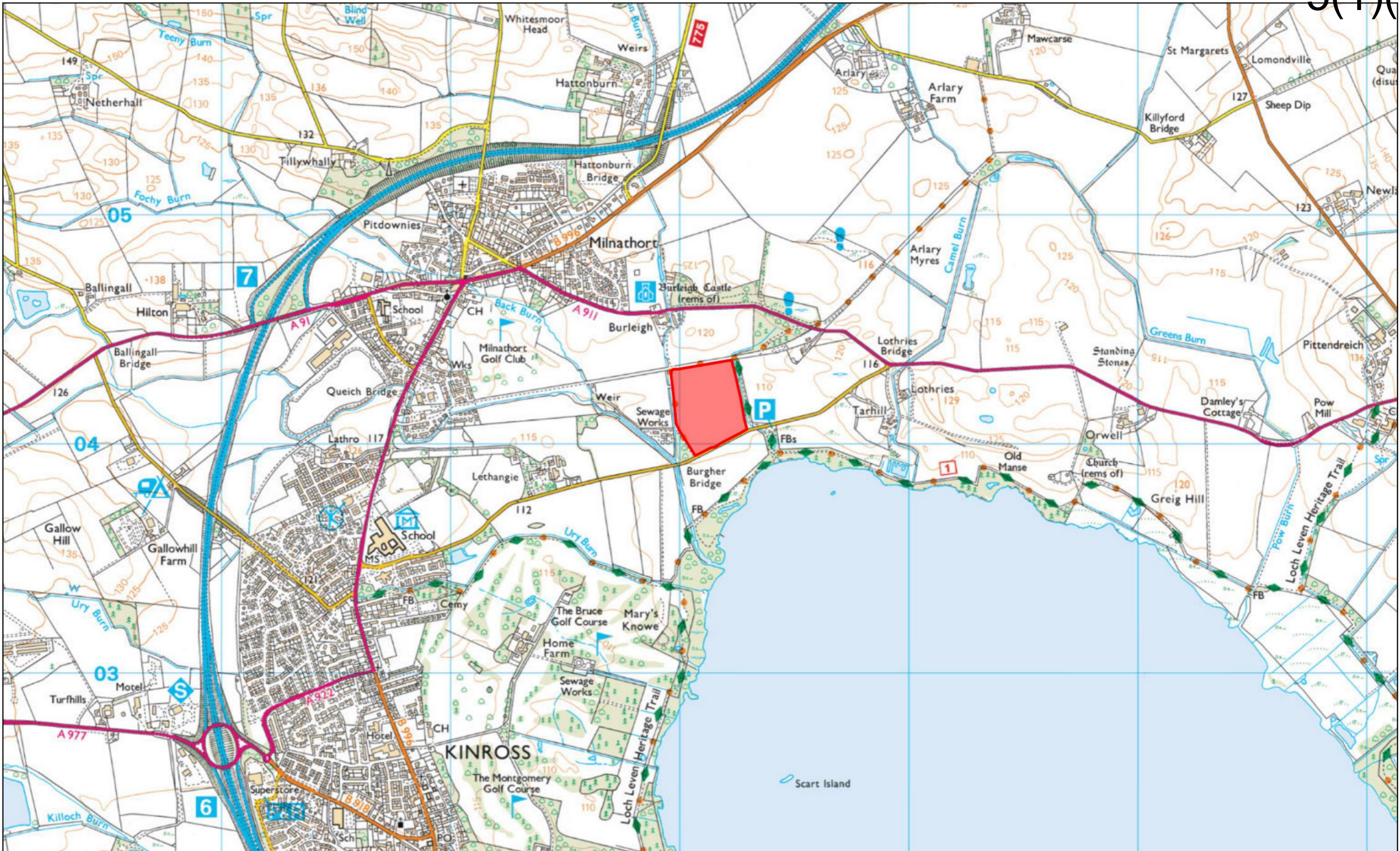
### **DAVID LITTLEJOHN STRATEGIC LEAD: ECONOMY, DEVELOPMENT AND PLANNING**

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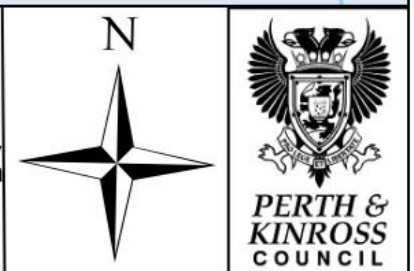




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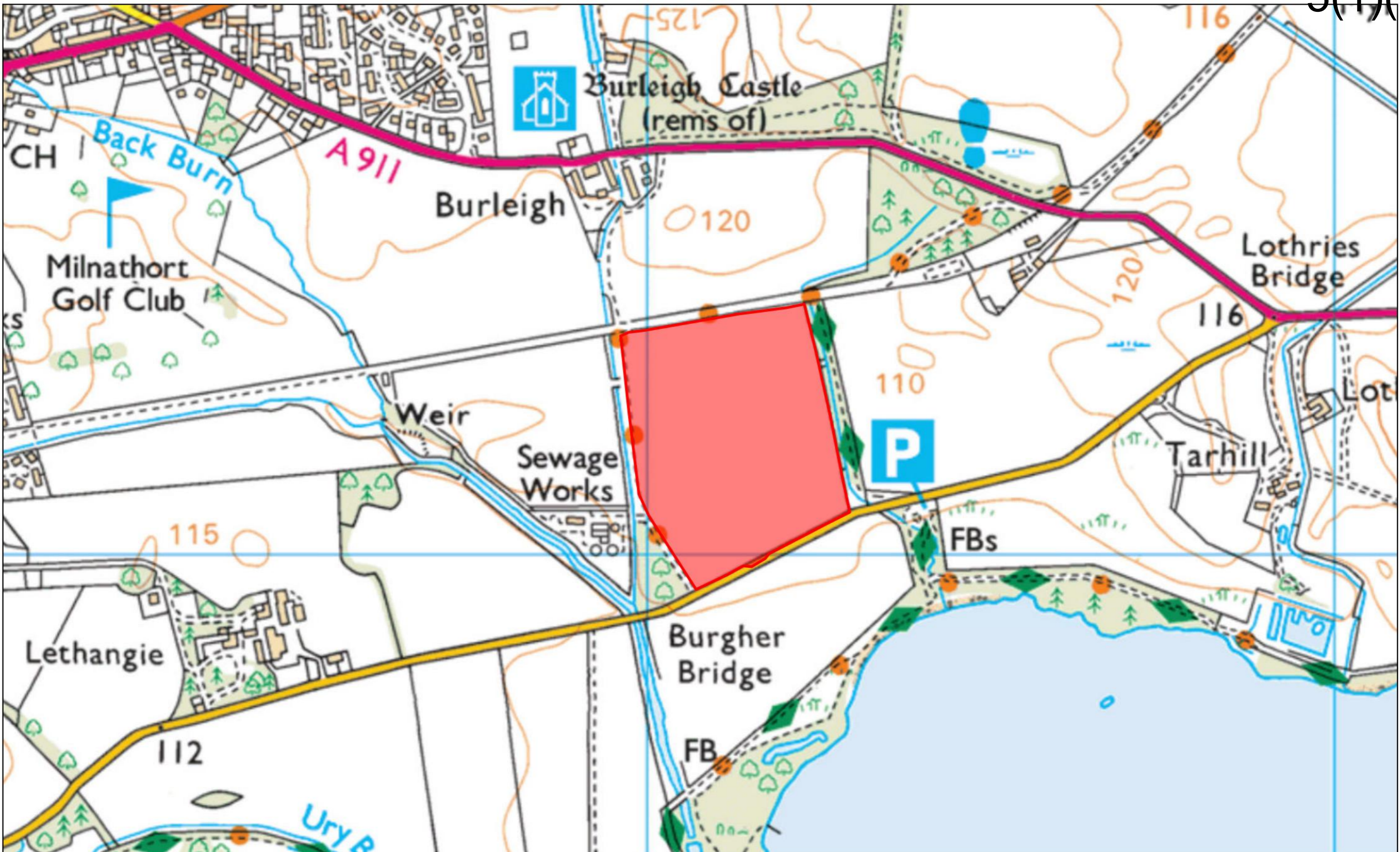
23/01341/FLM  
 Mixed use development comprising golf driving range (class 11) with café (class 3), retail unit (class 1A), formation of vehicular access and parking, landscaping and associated works on Land 240 Metres North East Of Lethangie Waste Water Treatment Works, Kinross











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Planning and Placemaking Committee - 3 July 2024

Scale  
 1:5,000

23/01341/FLM

Mixed use development comprising golf driving range (class 11) with café (class 3), retail unit (class 1A),  
 formation of vehicular access and parking, landscaping and associated works on Land 240 Metres North  
 East Of Lethangie Waste Water Treatment Works, Kinross









Perth and Kinross Council  
Planning and Placemaking Committee – 3 July 2024  
Report of Handling by Strategic Lead - Economy, Development & Planning  
 (Report No. 24/205)

<b>PROPOSAL:</b>	Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping and associated works
<b>LOCATION:</b>	2 Sisters Food Group, George Street, Coupar Angus, Blairgowrie, PH13 9LU

Ref. No: [23/02134/IPM](#)  
 Ward No: P2- Strathmore

### Summary

This report recommends approval of Planning Permission in Principle for a mixed-use development comprising: a poultry processing facility and residential, commercial, industrial uses and associated works. The development is considered to largely comply with the relevant provisions of the Development Plan, with the exception of the residential use on allocated employment land and the fact that the site is identified as being at risk of flood, without mitigation. As such the development is contrary to both flood risk and land allocation risk policies. However, although contrary to the Development Plan in those individual respects, in this instance, there are material planning considerations and flood risk mitigations available which are considered to justify a departure from these aspects of the development plan, notably the economic benefits for the Perth and Kinross area of retaining and expanding an existing nationally significant food production facility. As there is an objection from SEPA the application, if approved, would require to be notified to Scottish Ministers.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to approximately 10ha and lies at the south-west of Coupar Angus, within the Settlement Boundary identified in LDP2. The north-eastern area includes an existing poultry processing facility. Otherwise, the south-western part is undeveloped but is allocated within LDP2 as an Employment Proposal (General).
- 2 The town of Coupar Angus encloses the northern part of the site and the entire north-eastern boundary. Otherwise, the A94/Perth Road and George Street define the south-east boundary. Farmland is beyond the south and a large part of the western boundaries. The Coupar Burn flows alongside the site, some 20

metres from the eastern boundary, prior to flowing beneath the A94 and proceeding along the eastern edge of the A94, adjacent to the site.

- 3 The proposal is for the demolition of the existing poultry processing plant and provide a new facility to the west, with further industrial, commercial and residential uses to the north of that. The new poultry processing plant will extend to approximately 28,000 sq/m and see parking, new vehicular accesses, landscaping and other works undertaken.
- 4 Access to the processing plant will be taken from the southern section of George Street abutting the site and traffic will follow a one-way system to the rear of the building where a dispatch area is proposed, then looping to exit onto the A94 at the southern extent of the site. A separate access will be provided for staff car parking, centrally positioned in front of the building and onto the A94. SUDS will be provided to the south of the building.
- 5 Approximately 2.6 hectares of land will be available for the other uses and is largely where the existing poultry processing plant is located. This will help facilitate the regeneration and reuse of this area, which would become redundant due to the new processing facility.
- 6 The exact quantum of additional development and uses will be defined through the submission of future AMSC applications. However, it has been indicated in the application as follows:
  - 40-49 Residential units;
  - 360 sq/m of class 2 uses over 2 storeys;
  - 480 sq/m of class 4 uses over 2 storeys;
  - 480 sq/m of class 5 uses over 2 storeys; and
  - 540 sq/m of class 6 uses over a single storey.
- 7 The residential element will be located to the north-east area and adjacent the to the existing residential areas. The smaller employment uses would then sit between the proposed residential and the new poultry plant and associated development occupying the southern part further away from the residential area.
- 8 A landscape buffer is also proposed along the southern, west and north boundaries of the site and along the boundary of the proposed poultry processing plant and public road to the east. A larger indicative landscaped area/open space is shown to the north-east of the site.
- 9 A vehicular connection is proposed linking George Street and Strathmore Avenue with upgraded pedestrian connections provided to the core paths along the site frontage and to the north with additional connections through the residential area and open space.

- 10 The Council is currently in discussion with the applicant and the Scottish Government with a view to facilitating the future delivery of the poultry processing facility.

### **SITE HISTORY**

- 11 [00/00454/FUL](#) Full Planning Permission was Approved On 25 May 2000 for Extension to existing food processing facility.
- 12 [02/00031/FUL](#) Full Planning Permission was Approved On 15 July 2002 for Alterations to existing chicken factory and provision of new chicken processing factory and offices on adjoining site.
- 13 [07/02611/FUL](#) Full Planning Permission was Approved On 7 January 2008 for Proposed extension to factory.
- 14 [17/00147/FLL](#) Full Planning Permission was Approved On 3 March 2017 for Alterations and extension to building.
- 15 [18/00931/FLL](#) Full Planning Permission was Approved On 17 August 2018 for Extension to factory and formation of two additional loading dock bays with associated works.
- 16 [19/02122/FLL](#) Full Planning Permission was Approved On 18 February 2020 for Alterations and extension to factory.
- 17 [20/00797/FLL](#) Full Planning Permission was Approved On 17 November 2020 for S42 application to modify condition 1 (time period) of permission 15/01137/FLL.
- 18 [21/00003/PAN](#) On 16 April 2021 for Alterations and extension to factory, demolition of dwellinghouse and formation of car park
- 19 [21/00004/PAN](#) On 16 April 2021 for Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping and associated works.
- 20 [21/02231/SCOP](#) On 2 February 2022 for Demolition and redevelopment of existing poultry processing plant, providing a mix of uses including residential, commercial and industrial including storage and distribution (Classes 2, 4, 5, 6 and 9) along with associated infrastructure including car parking, servicing, access arrangements, amenity space and landscaping.

### **ENVIRONMENTAL IMPACT ASSESSMENT**

- 21 The proposal is EIA development, as it is listed within Schedule 2 of the EIA Regulations and an EIA Report has been submitted. An assessment of the report's

findings and significant environmental effects is provided in the appraisal section below.

## **PRE-APPLICATION CONSULTATION**

- 22 Pre application Reference: [21/00004/PAN](#)
- 23 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was required to undertake a formal pre-application consultation with the local community and a Pre-Application Consultation (PAC) Report has been submitted in support of the application which confirmed the extent of consultation activity undertaken and in this case it complies with the content of the measures agreed through the Proposal of Application Notice.

## **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

- 25 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. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 26 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the Climate and Nature Crises
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 3: Biodiversity
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
  - Policy 12: Zero Waste
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 18: Infrastructure First
  - Policy 20: Blue and Green Infrastructure
  - Policy 21: Play, Recreation and Sport
  - Policy 22: Flood Risk and Water Management

- Policy 25: Community Wealth Building
- Policy 26: Business and Industry

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

27 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.

28 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38A: Environment and Conservation: International Nature Conservation Sites
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **PKC Statutory Supplementary Guidance**

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

## **PKC Non-statutory Guidance**

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

## **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

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

### **Creating Places 2013**

- 31 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**

- 32 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**

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

### **CONSULTATIONS**

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

#### **External**

- 35 **Dundee Airport Ltd** - No objections.
- 36 **Health and Safety Executive** - No requirement to consult.
- 37 **Scottish Water** - No objection. Advise that there is currently sufficient capacity for a foul only connection at the Coupar Angus Waste Water Treatment works. But they are currently unable to confirm the capacity of Lintrathen Water Treatment Works and suggest that the applicant completes a Pre-Development Enquiry (PDE).
- 38 **Scottish Environment Protection Agency** - Object. SEPA object in principle to the proposal as it is not considered to meet the exceptions set out in NPF4 Policy 22(a) for development proposals at risk of flooding or in a flood risk area.
- 39 **Historic Environment Scotland (EIA)** - No comments.
- 40 **NatureScot** - No objections. Advise that they will comment further at the detailed design/planning application stage.
- 41 **Transport Scotland** - No comment.
- 42 **Perth and Kinross Heritage Trust** - No objection. Advise that the site is in an area of archaeological potential and that a condition requiring a programme of archaeological works to be undertaken should be applied.

#### **Internal**

- 43 **Enterprise Team** - Advise that the current plant has significant economic and employment benefits which will be enhanced by the proposed development, while retaining employment economic benefits for Coupar Angus and the wider area.
- 44 **Biodiversity/Tree Officer** - No objections, subject to conditions requiring the submission of an update Ecological Impact Assessment, Arboricultural Report, a

plan outlining biodiversity enhancement measures and a detailed landscaping and planting scheme.

- 45 **Environmental Health (Noise Odour)** - No objections, subject to conditions relating to noise, external lighting, requirement for an acoustic fence and a Construction Environmental Management Plan (CEMP).
- 46 **Environmental Health (Contaminated Land)** - No objections, subject to a condition to ensure any site contamination is identified and appropriately addressed.
- 47 **Community Greenspace** - No objections. Advise that the detailed design should ensure that the core path is not obstructed. Several vehicle crossings are shown over the core path and provisions should be made to ensure that path users can cross these safely.
- 48 **Commercial Waste Team** - No objections. Advise that the farm waste is collected in skips and private arrangements are currently in place which is likely to also be the case for any new plant.
- 49 **Development Contributions Officer** - No objections. Advise conditions are required to ensure provision of affordable housing and a primary education contribution.
- 50 **Affordable Housing Enabler** - No objections. Advises that a 25% affordable housing provision for the residential element is required, with specific details to be submitted as part of subsequent applications.
- 51 **Structures and Flooding** - No objection. Advise that the proposal does not comply with NPF4 Policy 22. However, the submitted Flood Risk Assessment (FRA demonstrates that four of the five key criteria outlined in Policy 22 have been met. The remaining key criteria (flood resistant and resilient materials) will be incorporated in the detailed design of the building. Conditions are required for the detailed design of the SUDS and to ensure finished floor levels are set at the level recommended in the FRA.
- 52 **Transportation and Development** - No objections, subject to conditions requiring further information at detailed design stage. This includes updated trip information and Transport Assessment, a Construction Traffic Management Plan (CTMP), updated information on parking facilities and a Green Travel Plan.

### **Representations**

- 53 Three representations were received, one objecting to the proposal and two in support. The main reasons for the objection are:
- Failure to carry out an appropriate Road Safety Audit.
  - Failure to apply the principles of placemaking.



- 54 The reasons for supporting the application are:
- The development will improve the appearance of the town and quality of life for residents.
  - There is an opportunity to connect to the new cycle path leading towards Woodside.
  - Employment provision.
  - Environmental improvements.
- 55 These issues are addressed in the Appraisal section of the report.

**ADDITIONAL STATEMENTS**

Screening Opinion	EIA required
Environmental Impact Assessment (EIA): Environmental Report	EIA Report Submitted. The following matters were scoped into the assessment: <ul style="list-style-type: none"> <li>• Landscape and Visual Impact Assessment (LVIA)</li> <li>• Transport and Access</li> <li>• Drainage, Hydrology and Hydrogeology</li> <li>• Geology and Soils</li> <li>• Noise and Vibration</li> <li>• Air Quality and Odour</li> <li>• Climate Change and Greenhouse Gases</li> </ul> The following matters were scoped out of the assessment: <ul style="list-style-type: none"> <li>• Ecology</li> <li>• Arboriculture</li> <li>• Cultural Heritage</li> <li>• Socio-Economics and Human Health</li> </ul>
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal Submitted
Design Statement or Design and Access Statement	Design and Access Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Ecological Impact Assessment</li> <li>• Arboricultural Report</li> <li>• Geo-environmental Report</li> <li>• Economic Impact Statement</li> <li>• Utilities Report</li> <li>• Transport Assessment</li> <li>• Flood Risk Assessment</li> <li>• Drainage Impact Assessment</li> <li>• Odour Impact Assessment</li> <li>• Air Quality Impact Assessment</li> </ul>

## **APPRAISAL**

56 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory supplementary guidance. The relevant policy considerations are outlined in the policy section above and the assessment set out below takes each relevant detailed consideration in turn and assesses them against the policies of the development plan. Where any conflict arises between NPF4 and LDP2, Scottish Government guidance states that NPF4, as the newer document, shall take primacy. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **LDP2 Allocation**

- 57 The southern part of the site is allocated within LDP2, as proposal E32, and identified as an Employment Proposal (General). The northern section, where the existing factory is located, is allocated as Employment Safeguarding (General).
- 58 In terms of the new poultry processing facility and the other industrial and commercial uses, NPF4 Policy 26: Business and Industry and LDP2 Policy 7A: Business and Industrial are broadly supportive of such proposals on allocated sites, subject to compliance with specific criteria to ensure compatibility with surrounding land uses. Thus, these aspects of the proposal are acceptable in principle, with the specific criteria considered in the assessment below.
- 59 In terms of the residential proposal, the area that the current factory is located on is safeguarded for employment uses. The proposal for a limited area of residential development would therefore conflict with LDP2 Policy 7A which seeks to retain these areas for employment uses. The application seeks to justify this through NPF4 Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings, which supports development proposals that will result in the sustainable reuse of brownfield land. NPF4 defines 'Brownfield' as 'land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.'
- 60 The wider site is located within the Coupar Angus Settlement Boundary, and the allocation of the existing factory site alongside the E32 site for employment use accepts the principle of intensification of use in this location. However, the sustainable redevelopment of the site does not wholly address the land use conflict within policy 7A.
- 61 The LDP2 Settlement Summary for Coupar Angus advises that the E32 allocation is to allow for the future expansion of the existing business. The

operators of the business have considered the future operational requirements of the factory in a new facility and the land required for its delivery, which is set out in the application. The new facility will accommodate the majority of the site, with part of the existing factory site adjacent to the residential area not directly required for the new facility, indeed it is likely that it will continue to operate whilst the new building is developed, before becoming surplus. Therefore, alternative uses for this area are now proposed.

- 62 Over the course of its lifespan, the existing plant has grown and been extended in an ad hoc nature to meet its evolving operational needs. This has led to a disjointed layout that sits at times uncomfortably in its surroundings. The redevelopment of the plant and the remainder of the site with residential and other commercial uses presents an opportunity to create a more positively designed edge to the southern approach to Coupar Angus, while also allowing the site to integrate better with the town to the north.
- 63 While the separation of two potentially conflicting land-uses can be appropriate for operational and amenity reasons, in this instance, the provision of limited residential development on a small part of the wider site and located next to an existing residential area provides an opportunity to make use of the proposed mix of uses to locate less impactful operations closer to the residential area.
- 64 For the reasons set out above, in this instance it is acceptable to set aside the conflict with Policy 7A to allow a limited area of residential development on this specific part of the site, subject to an appropriate layout and design, and the adequate protection of residential amenity. These specific matters are considered in detail in the relevant sections below.

### **Economic Impact**

- 65 NPF4 Policy 25: Community Wealth Building seeks to encourage, promote and facilitate local economic development that focuses on community and place benefits as a central and primary consideration to support local employment and supply chains. In addition, Policy 26: Business and Industry seeks to ensure that recovery within the business and industry sector is sustainable and inclusive, and that investment in the business and industrial sector contributes to community wealth building.
- 66 The submitted Planning Statement advises that the existing facility is not fit for modern standards and failure to secure the future of a new facility in Coupar Angus would mean that alternatives elsewhere in the UK would need to be explored.
- 67 Economic impact is a material consideration in the assessment of the proposed development. The applicant has submitted an Economic Impact Statement to support the application and this document has been considered by PKC's Business and Investment Section.

- 68 Based on figures provided, the plant currently supports 910 gross full-time equivalent (FTE) jobs on site and 200 agency roles, of which it is estimated that 890 FTE jobs are held by Perth and Kinross residents with the remainder held by residents from neighbouring authorities and across Scotland. This includes jobs in a range of professions including production, engineering, dispatch and hygiene-based roles. The 890 FTE for Perth and Kinross seems to have been estimated at circa 80% based on the 2011 Census, but no breakdown figures have been provided in relation to the range of jobs. It is the largest employer for Coupar Angus and surrounding area. It is estimated that approximately 160 employees live in the Coupar Angus (PH13) postcode. It represents a sizeable proportion of food and drink employment (excluding Agriculture) in Perth and Kinross (circa 13%) in a rural context and a very significant proportion of employment in the processing and preserving of poultry meat in Perth and Kinross and a significant proportion of employment in Scotland. In addition, and as it is the last operating primary poultry processing site in Scotland reaching the end of its lifespan, there is a single plant dependency for Scotland and therefore the plant should be considered as of national economic interest for Scotland and even for the UK in an international context.
- 69 In addition to direct employment, indirect employment is also supported within the supply chain. Using multiplier effects, it is estimated that 1,950 indirect and induced FTE jobs could be supported of which 220 could be local to Perth and Kinross. In total, the plant currently supports 3,060 direct, indirect and induced FTE jobs across Scotland including 1,110 jobs in Perth and Kinross. The methodology used to assess the number of indirect and induced FTE jobs is based on guidance provided by Scottish Enterprise and Scottish Government and is accepted. The total estimated total of jobs represents circa 2% of employment in Perth and Kinross and circa 0.1% of employment in Scotland.

#### Productivity and Gross Value Added (GVA)

- 70 Using average GVA per FTE employee, it is estimated that the plant currently generates £171.6m GVA to Scotland of which circa £56.5m to Perth and Kinross. The methodology used to assess the GVA is accepted. The total estimated GVA represents circa 0.1% of Scotland's GVA and circa 1.5% of Perth and Kinross's GVA.

#### Additional employment benefits

- 71 Additional employment benefits coming from the construction phase of the proposal are estimated at 50 direct net additional temporary FTE construction related jobs over the 7-year construction period for Scotland of which 40 for Perth and Kinross and at 85 total net additional FTE employment for Scotland and 50 for Perth and Kinross. The methodology used is accepted, although no detail is provided on the original baseline of person-years of employment.
- 72 Additional employment benefits coming from the operational phase beyond proposal completion are 55 net FTE on-site jobs for residents in Scotland of

which 45 would be residents in Perth and Kinross. A further 35 indirect and induced jobs have been estimated for Scotland of which 10 in Perth and Kinross. Overall, 90 net additional jobs in Scotland of which 55 in Perth and Kinross. The methodology used is acceptable. This would represent an increase of 5% of on-site jobs from current plant employment benefits baseline. As the proposed development aims to replace the existing facility by a more modern facility with additional technologies, it is anticipated that existing jobs will be upskilled with opportunities for new workers to join via apprenticeship or other schemes and wages be increased. However, a workforce recruitment and upskilling plan has not been provided.

#### Additional productivity and Gross Value added (GVA)

- 73 Net Additional GVA benefits from the construction phase of the proposal are estimated at £45.2m for Scotland of which £32.6m in Perth and Kinross over the 7-year construction period and £6.5m per annum and £4.7m per annum respectively. The methodology used is acceptable.
- 74 Net additional benefits from the operational phase beyond proposal completion are estimated at £6.8m for Scotland of which £5m for Perth and Kinross. The methodology used is acceptable. This represents an increase of c4% from the current plant GVA benefits baseline for Scotland and c9% for Perth and Kinross.

#### Other additional benefits

- 75 The impacts of the housing development of 46 new homes have been estimated in terms of population increase (105 additional residents including 80 economically active), income and enhanced local spending power (resident income of £2.7m per annum, additional retail and leisure expenditure maintaining jobs) and council tax revenues (additional £105,000 per annum). The methodologies used are acceptable. The central part of Coupar Angus is in the most deprived 25% of areas in Scotland and 15th most deprived of the 186 data zones in Perth and Kinross. Research carried out by Perth and Kinross Council in 2021, "Lived experience of child poverty in Perth and Kinross", found that children and families can experience intense poverty which may be hidden behind headline deprivation figures such as those seen in Coupar Angus. Perth and Kinross Council subsequently identified Coupar Angus as one of three target areas in tackling child poverty. The proposed development additional benefits could positively impact Coupar Angus and wider Perth and Kinross by providing additional income, housing and regeneration.

#### Summary

- 76 The current plant has significant economic and employment benefits which will be enhanced by the proposed development even if the scale of increase of the new facility compared to what presently exists is not as significant. It is anticipated that there would be opportunities to increase the skills and wages of the current workforce including in Coupar Angus. The current and enhanced

impact and related benefits on the food and drink sector for Perth and Kinross is significant, and on the processing and preserving of the poultry meat sector is highly significant for Perth and Kinross and Scotland. This is exacerbated by the single plant dependency making the proposed development a development of national economic interest for Scotland and even for the UK in an international context. The risk is that if the proposed development is not realised, the current economic and employment benefits would not be sustained and enhanced for the future and indeed could be lost if the current plant was to cease to operate due to obsolescence as it has reached the end of its lifespan. The possible loss of the plant will also have a significant economic and social impact on Coupar Angus and the surrounding area, including the need to find an alternative use for the existing site.

## **Flooding**

- 77 NPF4 Policy 22: Flood Risk and Water Management criterion (a) provides 4 exceptions where development proposals which are at risk of flooding or in a flood risk area could be supported. These include:
- i. essential infrastructure where the location is required for operational reasons;*
  - ii. water compatible uses;*
  - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or*
  - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.*
- 78 According to the SEPA flood maps, a small area of the site where the existing factory is located is within a flood risk area as is a larger area of the site where the new factory would be located. As a result, the site is considered to be at risk of flooding and NPF4 Policy 22(a) is relevant.
- 79 The applicant has stated that the proposal is 'essential infrastructure' given the nature of the development, and its strategic role in ensuring food security, and therefore complies with criterion (i) of Policy 22(a). A legal opinion has been submitted as part of the application confirming that position.
- 80 The Glossary of Definitions contained within NPF4 defines 'essential infrastructure' as: includes digital communications infrastructure; telecommunications infrastructure; all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations; water and waste water infrastructure; and transport proposals and travel networks identified in the local development plan.

- 81 While it is accepted that this list is not comprehensive, PKC officers do not agree that the proposal can be classed properly as 'essential infrastructure'. Although the importance of the site and its contribution to food security is not questioned, the fundamental point remains that in order to be 'essential infrastructure' it must be accepted as 'infrastructure'. The term 'infrastructure' is not a statutory one but is generally taken to refer to the services required to support the development of land. The advice from the Council's Legal & Governance Service was that the proposal was not essential infrastructure in terms of policy 22 (a). They, in turn, sought the opinion of Senior Counsel on this matter, who concluded that a food processing plant, even one of great national significance, does not constitute 'infrastructure'. He acknowledged, however, that the economic importance may be sufficient to justify the proposal as a development plan departure.
- 82 SEPA had also sought PKC's view on whether the proposal is considered to meet any of the exceptions set out in Policy 22(a). In light of the above, PKC confirmed that it does not and SEPA has therefore objected to the proposal on flood risk grounds.
- 83 The applicant has submitted a Flood Risk Assessment and a Drainage Impact Assessment that consider the technical aspects of flood risk and drainage and proposes measures to mitigate the risk.
- 84 Policy 22(a) further requires that proposals also need to demonstrate that:
- all risks of flooding are understood and addressed;
  - there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
  - the development remains safe and operational during floods;
  - flood resistant and resilient materials and construction methods are used; and
  - future adaptations can be made to accommodate the effects of climate change
- 85 PKC Flooding and Structures have considered the information submitted by the applicant. They have advised that the FRA and additional submissions demonstrate that they have met four of the five key criteria as outlined in Policy 22. The remaining key criteria (flood resistant and resilient materials) will be incorporated in the detailed design of the building. Policy 22 includes additional criteria that have been satisfied in the determination of the property FFLs and safe access/egress routes to the north-east via Strathmore Avenue. Surface water runoff will be managed appropriately through sustainable urban drainage systems (SUDS).
- 86 Overall, due to its location in a flood risk area and the nature of the proposed development is not one of essential infrastructure, it is contrary to Policy 22(a). However, in this instance the applicant has shown that adequate mitigation can be incorporated into the design to address the risk. The information submitted demonstrates that the proposed built development would be safe from flooding

and would not increase flood risk elsewhere, and actually provides a degree of betterment. The proposed flood risk mitigation strategy has been specifically developed to manage flood risk while also taking into account the potential future impacts of climate change. Therefore, in this instance it is considered that a departure from the terms of NPF4 Policy 22 is appropriate, subject to conditions on SuDS (Condition 4 and 6) and finished floor levels of the built development (Condition 5).

### **Design, Layout and Placemaking**

- 87 NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1: Placemaking are of particular importance in the assessment of the design and layout of the proposal.
- 88 The strategy for the design of the development layout seeks to take advantage of the site's southerly aspect and its gentle topography which is predominantly flat and as such will allow for a coherent, connected block structure to be created with minimal earthworks.
- 89 The specific layout, design, density and quantum of uses will be agreed through further applications. However, the indicative plans submitted show that the orientation and proposed layout of the development has been guided by the proposed uses and the areas of flood risk to the north-east and south-east of the site.
- 90 The poultry processing plant, commercial and business uses, and residential element, have been arranged in 3 sections which are separated by landscape strips running north-west to south-east. While the separation of potentially conflicting land-uses is appropriate for operational and amenity reasons, the inclusion of buffers of green space, limited residential and smaller scale commercial uses at the northern end of the site presents an opportunity to create a more cohesive edge to this part of Coupar Angus while improving visual and residential amenity.
- 91 The existing relationship between the factory site and the residential edge of Coupar Angus is currently disjointed. During the lifetime of the factory, a number of extensions and temporary structures have been introduced within the site which has further added to this effect. The comprehensive redevelopment of the wider site will allow a more logical layout to be provided for the proposed mix of uses. The submitted Development Framework aims to ensure that the development will sit within an attractive landscape setting and will improve the sense of arrival to Coupar Angus from the south.
- 92 At the detailed design stage, best practice urban design principles should be followed to ensure that a clear hierarchy of streets and spaces is created. The submitted Design and Access Statement advises that the development will have a connected street network with a clear sense of legibility, working with the topography, retained landscape features and using high quality landscape design



to promote a sense of place and a robust green structure offering multiple benefits.

- 93 Condition 2 is required to ensure that the Council retains control over design, layout and location of the future development.
- 94 Although these matters will be addressed through Condition 2, the applicant has incorporated some design considerations in terms of the proposed layout, density and scale of the proposals. The proposed poultry processing plant will be of a functional design with a maximum height in the region of 13m above ground level. It will be set back from George Street to reduce its visual impact with car parking in front of it and landscaping along the boundary.
- 95 The other business and employment uses will be single and two-storeys in height and will be screened from the new and existing residential area by a thick planted buffer.
- 96 The development will reduce in scale and density towards the north-west in response to the transition to the residential area. The density of the residential buildings will reflect the existing properties adjacent to the site in the surrounding area and take cognisance of its setting in close proximity to a large factory. It is proposed that residential storey heights will be up to three storeys around an area of open space which will be located along the edge of the site close to George Street. The remainder of the site will predominantly be two storeys.
- 97 Overall, the design principles referred to in the Design and Access Statement and shown in the Indicative Development Framework have identified the appropriate opportunities and constraints of the site. The proposed development will help to create a sense of arrival when approaching Coupar Angus from the south and will improve integration between the factory and the town. The location of the buildings and the landscaping of the site will help to soften any visual impact. The proposal is considered to adopt good placemaking principles as the design and siting respects the character and setting of the town and thereby accords with the relevant placemaking and design policies.

### **Residential Amenity**

- 98 NPF4 Policy 14: Design, Quality and Place advises that development proposals will be supported where they are consistent with the six qualities of successful places. Those qualities being: healthy, pleasant, connected, distinctive, sustainable and adaptable.

### Noise/Odour

- 99 The proposed poultry processing plant will fall under Pollution Prevention Control Regulations under the remit of SEPA and that noise and odours will be controlled through management plans as part of their PPC permit. The new plant, which will be designed and constructed to reflect current standards, will enhance the

opportunities for controlling both noise and odour in comparison to the existing facility.

- 100 In terms of the smaller commercial units, a Noise Impact Assessment (NIA) has been undertaken and submitted with this application. Baseline noise measurements were taken at a location at Strathmore Avenue.
- 101 The NIA gives the predicted day-time sound levels from delivery/despatch activities at the proposed commercial units at receptors 1-6 and includes a 6dB penalty for impulsive noise. It concludes that the background noise level will be exceeded by +2dB at R5 which is of low impact.
- 102 The NIA then gives the predicted night-time sound levels from delivery/despatch activities at the proposed commercial units at receptors 1-6 and again includes a 6dB penalty for impulsive noise. In this instance it concludes that the background noise level will be exceeded by +8dB at R5 which is adverse impact.
- 103 A prediction is calculated for noise breakout sound levels for day-time and night-time respectively, including a +3dB characteristic penalty. It concludes that at all receptors there will be no exceedances.
- 104 Due to the +8dB over background predicted at Receptor 5 due to nighttime delivery/despatch activities at the proposed commercial unit, mitigation in the form of an acoustic fence between the unit and the proposed footpath is proposed. The NIA indicates that this would reduce the noise levels to 5dB below the background level at R5 for day-time and +1dB over the background level during the night-time period, which is acceptable, and the acoustic fence will be required by condition (Condition 19).

#### Construction Noise

- 105 Construction hours are outlined in Section 4.18 of the EIA and are in line with PKC's construction hour times. These hours will be included within the Construction Environmental Management Plan (CEMP) (Condition 20).

#### Air Quality/Dust

- 106 Air quality has been assessed for traffic emissions associated with the development once operational and it is concluded that all concentrations will be negligible.
- 107 In terms of construction phase dust, the good-practice mitigation measures and site-specific mitigation measures, such as covering of loose materials, wheel washing etc, as outlined in the EIA will be included in the CEMP. These measures will be applicable to all phases of the development.

## Roads and Access

- 108 NPF4 Policy 13: Sustainable Transport and LDP2 Policy 60: Transport Standards and Accessibility Requirements are both relevant to the consideration of roads and access to the development.
- 109 The replacement plant will be accessed via two new vehicle accesses on to the A94 public road, with a separate HGV servicing route and car park access proposed. Vehicles entering and exiting the car park are proposed to do so via the A94. HGVs are proposed to exit on George Street at the current access utilising a one-way route around the north of the new building.
- 110 As the proposed facility will be a replacement for the current poultry facility directly adjacent to the current site, and the redevelopment of the existing site will regenerate a brownfield site, the Transport Assessment (TA) considers that the principle of development in this location, in transport policy terms, has already been established. The TA notes that both staff numbers and HGV movements will remain consistent, i.e. no material increase in vehicle movements over that currently experienced on the road network as a result of the current facility. The TA concludes that the network will operate well within capacity with the introduction of additional traffic associated with the development proposals.
- 111 Transport and Access was scoped into the EIA. Consideration has been given to the potential effects of the proposed development on the surrounding transport network (in terms of traffic flows) and sensitive receptors with respect to transport and access, for both the construction and operational phases. Mitigating measures have been proposed to offset potential adverse effects.
- 112 The EIA found that construction-based vehicles will constitute a 2.8% change in the Annual Average Weekday Traffic (AAWT) flow and would thus have a negligible impact (less than 10%) on the total AAWT flows on the haulage route. Therefore, in line with Scottish Government Guidelines, it is not considered necessary to undertake further assessment.
- 113 For the operational phase, the EIA found that the proposed development traffic does not result in a greater than 10% increase in AAWT flow on any of the routes within the study area. Therefore, the level of change is not significant in EIA terms.
- 114 The TA and junction analysis found that the potential increase in traffic flow associated with the proposed development when operational can be accommodated on the local road network with no detriment to existing road users or requirement for any additional physical mitigation. The impact is deemed negligible and not significant.
- 115 Mitigation measures are proposed, including the preparation and implementation of a Construction Traffic Management Plan (CTMP), the preparation and implementation of a Travel Plan, and formation of footway connections and core

path works. These mitigation measures will be required by condition (Conditions 2(e), 2(f), 13 and 14).

- 116 Two vehicular accesses are proposed along the A94, where the national speed limit applies. A condition will be required for a road safety audit and traffic speed survey to be submitted as part of the application for detailed approval for the factory, to inform an assessment of the need for a revision to the national speed limit on the A94 (Condition 9).
- 117 The proposed vehicle access points are not approved. Further detail on all vehicle access points shall be submitted as part of any application for detailed approvals and shall be in accordance with Perth & Kinross Council's Road Development Guide. The applicant shall detail pedestrian and cyclist priority junctions at the intersection of the cycle path along the A94 and the proposed access (Conditions 2(d), 2(e) and 2(f)).
- 118 Approximately 427 car parking spaces are proposed for the plant. This will include 14 accessible spaces, 84 secure covered cycle parking spaces, 16 spaces for powered two-wheelers and the provision of electric charging facilities. Parking facilities for all uses across the site will have to be justified at the detailed application stage.
- 119 Overall, the principle of the proposal is compliant with the relevant transport policies, subject to the recommended conditions.

### **Conservation Considerations**

- 120 The area in and around Coupar Angus, as well as the town itself, has a rich archaeologically past with evidence of the prehistoric period through to the medieval with the formation of the Coupar Angus Abbey, founded in 1162.
- 121 NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26B: Archaeology seek to protect historic assets and places. PKHT has been consulted and has recommended that, if permission is granted, then a condition should be imposed requiring a programme of archaeological works to be undertaken (Condition 3).
- 122 HES were also consulted and have advised that they have no comments to make on the proposals.

### **Natural Heritage and Biodiversity**

- 123 In relation to natural heritage and biodiversity, NPF4 Policies 1: Tackling the Climate and Nature Crisis, 2: Climate Mitigation and Adaptation, 3: Biodiversity and 20: Blue and Green Infrastructure, are relevant. In addition, LDP2 Policies 40: Forestry, Woodland and Trees and 41: Biodiversity directly apply.
- 124 As part of the site is already developed and the majority of the remainder in agricultural use, biodiversity baselines were limited and scoped out of the EIA

Report. However, the scoping exercise was carried out prior to the adoption of NPF4, which now requires for major developments to conserve, restore and enhance biodiversity so it is in a demonstrably better state than without intervention.

- 125 In addressing this an Ecological Impact Assessment (EclA) and a Shadow Habitats Regulations Appraisal (HRA) have been submitted in support the application. The EclA recommends mitigation measures throughout the construction and operational phases to limit the potential impact of the proposed development on ecological receptors. Mitigation measures include the requirement for a Construction and Environmental Management Plan (CEMP) (Condition 20) and the appointment of an Ecological Clerk of Works (ECoW) (Condition 25).
- 126 NPF4 requires major developments to ensure significant enhancement to Biodiversity and this 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.
- 127 Requirements detailed in the LDP2 and PKC Planning for Nature Supplementary Guidance should also be used to create a Site Biodiversity Action Plan. It should contain quantity, locations, techniques, timescales, and monitoring Arrangements (Condition 27).
- 128 A detailed landscape plan will also be required as part of the submission of any AMSC (Condition 2(k)). In general, compensatory tree planting is required on a ratio of 1:3 for every tree lost. This landscaping plan will indicate species, location, tree stock size, type, planting spec, maintenance, and weed control. Species should be predominantly native to Scotland and include fruit-bearing trees.

### **Low and Zero Carbon Generating Technologies**

- 129 LDP2 Policy 32 'Embedding Low and Zero Carbon Generating Technology in New Development' requires all new buildings to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. As this proposal includes the erection of a new building, consideration must be given to this requirement. Further, NPF4 Policy 2 'Climate Mitigation and Adaptation' requires that development should be designed to reduce green gas emissions. While the specific details of the development's design will be considered through subsequent detailed applications, it is proposed to incorporate the following measures to reduce energy demand and emissions:
- Enhanced fabric and energy efficiency measures to reduce the energy demand of the development;

- Use of low carbon heating and on-site renewable energy generation including Solar PV and Air Source Heat Pumps to reduce the operational emissions of development; and
- Creation of an all-electric development which will allow homeowners to live a net zero lifestyle through the purchase of renewable electricity.

130 The proposal therefore complies with the relevant policies.

### **Developer Contributions**

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

### Affordable Housing

132 NPF4 Policy 16: Quality Homes states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number. LDP2 Policy 20: Affordable Housing requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.

133 The application proposes “up to 49” dwellinghouses, a condition is recommended (Condition 23) to ensure future detailed applications comply with NPF4 Policy 16 and LDP2 Policy 20.

### Primary Education

134 The Council’s Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. A condition (Condition 24) is required to ensure future detailed applications comply with Policy 5 of LDP2.

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

135 None required at this stage but may be appropriate for future applications (Conditions 23 and 24 relate).

### **DIRECTION BY SCOTTISH MINISTERS**

136 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**

- 137 To conclude, this report recommends approval of Planning Permission in Principle for a mixed-use development comprising: a poultry processing facility and residential, commercial, industrial uses and associated works. The development is considered to largely comply with the relevant provisions of the Development Plan, with the exception of the residential use on allocated employment land and the fact that the site is identified as being at risk of flood, without mitigation. As such the development is contrary to both flood risk and land allocation risk policies. However, although contrary to the Development Plan in those individual respects, in this instance, there are material planning considerations and flood risk mitigations available which are considered to justify a departure from these aspects of the development plan, notably the economic benefits for the Perth and Kinross area of retaining and expanding an existing nationally significant food production facility. As there is an objection from SEPA the application, if approved, would require to be notified to Scottish Ministers.

## **RECOMMENDATION**

**Approve the application.**

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

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
  - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in

accordance with that approval. For the avoidance of doubt, no approval is hereby given to the layout shown in the illustrative development framework which forms part of the application for planning permission in principle. The specified matters include:

- (a) a site development layout and phasing plan showing a phased implementation programme, including: the location/position of all uses within the site; the proposed built form (including orientation of buildings); movement around and through the site, including pedestrian and cycle links and landscape provision;
- (b) for each phase of the development, a plan detailing the siting, design and height of development, including the design of all external features;
- (c) design and configuration of public and open spaces, all external materials and finishes;
- (d) car and cycle parking, access, road layouts and alignment, classification of streets, and servicing areas;
- (e) footpaths and cycle routes, including proposed multi-use paths, the designs shall detail pedestrian and cyclist priority junctions at the proposed vehicular access points along the shared use cycleway on the A94 and right turn ghost island facilities into the site;
- (f) details of safe pedestrian crossing points at all vehicle entrances over core path COUP/139;
- (g) waste management and recycling facilities;
- (h) surface water and drainage arrangements;
- (i) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (j) full details of sustainability measures in accordance with LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development;
- (k) hard and soft landscaping details, including:
  - i. the type and location of new trees, shrubs and hedges;
  - ii. a schedule of plants to comprise species, plant size and proposed number/density;
  - iii. programme of completion and subsequent maintenance including a separate maintenance plan for the SuDS areas;
  - iv. existing and proposed services such as cables, pipelines, substations;
  - v. other artefacts and structures including street furniture, lighting columns and fittings; and
  - vi. details of phasing of these works in relation to implementation and phasing of the development.

Reason: To ensure that the matters referred to within this Planning Permission in Principle are given full consideration and to accord with the requirements of Section 59 Town and Country Planning (Scotland) Act 1997 (as amended).



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

Reason: To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

4. 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 reduce flood risk.

5. In pursuance of Condition 2(i), the finished floor level(s) shall be set a minimum of 600mm above the 1 in 200 AEP event including 39% climate change flood level expected adjacent to the built development. The Phase 1 minimum FFL is 52.31mAOD and Phase 2 is 52.87mAOD. In addition, the finished floor levels shall be set a minimum of 150mm above adjacent ground levels.

Reason: In the interests of flood prevention.

6. Prior to the commencement of development of each phase, details of a temporary surface water treatment facility shall be submitted to the Council as Planning Authority for approval. Thereafter, concurrent with the initiation of the development hereby approved and for the duration of construction, the approved temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of flood prevention.

7. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the 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 (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: To ensure the roads and accesses are developed to an acceptable standard.

8. As part of any application for the Approval of Matters Specified by Condition (AMSC), the applicant shall include a updated transport assessment (relating to the different land uses) scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport, private car and HGV movements), to the satisfaction of and approved in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

9. As part of any application for the Approval of Matters Specified by Condition (AMSC), a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Council as Planning Authority. The road safety audit shall also include an assessment of the need for a revision to the national speed limit, informed by a traffic speed survey along the A94.

Reason: In the interests of road safety.

10. As part of any application for the Approval of Matters Specified by Condition (AMSC), the applicant shall provide detailed designs for the pedestrian and cyclist connectivity to the development to the North of the site and to the Co-Op store in George Street.

Reason: In the interests of road safety and in the interest of promoting walking and cycling as sustainable modes of travel.

11. As part of any application for the Approval of Matters Specified by Condition (AMSC), the applicant shall detail adequate parking facilities for each class of use in accordance with the National Roads Development Guide. HGV parking and EV Parking for the factory shall also be included as part of any detailed application.

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

12. As part of any application for the Approval of Matters Specified by Condition (AMSC), the applicant shall provide a detailed design for the upgrading of existing bus stops on George Street , or another location as agreed with the Public Transport Unit. Coupar Angus bound, the applicant shall provide a

detailed design for the supply and installation of a new enclosed bus shelter set back from footpath. Perth bound, the applicant shall provide a detailed design for the supply and installation of a reverse cantilever bus shelter. The applicant shall provide a detailed design for the supply and installation of Real Time Passenger Information (RTPI) mountings, cabling, and displays for Bus Shelters serving both directions. Thereafter, prior to the occupation or bringing into use of the development, the agreed details shall be implemented in full.

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

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

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

Reason: In the interests of proper site management.

14. No part of the residential 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.

15. All plant or equipment associated with the commercial units and residential units 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 the interests of protecting residential amenity.

16. As part of any application for the Approval of Matters Specified by Condition (AMSC) relating to the commercial uses, the applicant shall submit for approval a Noise Impact Assessment demonstrating that the sound insulation and sound transmission properties of the structure and finishes of the commercial units shall be such that any airborne noise from the operations within the premises does not constitute a statutory noise nuisance as determined by the local Planning Authority.

Reason: In the interests of protecting residential amenity.

17. For each phase of development, a Lighting Plan shall be submitted for approval to the Council as Planning Authority, to ensure that all external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land. Prior to the first occupation or uptake of the use of the relevant development phase, the approved Lighting Plan shall be installed and maintained in perpetuity thereafter.

Reason: In the interests of protecting residential amenity.

18. Noise from operations of the commercial units shall not exceed L A90,1 hour (0700 – 2300) or exceed L A90,15 mins (2300 – 0700) background noise level plus 5dB (A), including any relevant penalties for tonality, impulsivity,

intermittency, or other sound characteristics when measured at any residential property in accordance with BS4142:2014+A1:2019.

Reason: In the interests of protecting residential amenity.

19. At approval of matters stage for the new poultry processing facility or any other phase of development for uses within Use Class 4, 5 or 6, full details of an acoustic fence designed to protect residential amenity shall be submitted for approval of the Council as Planning Authority. Prior to the occupation or uptake of the use of the relevant development phase, the approved acoustic fence shall be installed, and maintained in perpetuity thereafter.

Reason: In the interests of protecting residential amenity.

20. For each phase of development, an updated Ecological Impact Assessment (EclA) shall be undertaken by suitably qualified and experienced persons shall be submitted. The EclA must include the woodland in the north, bats in buildings, bat roost potential of trees to be felled/within 30m of works, Schedule 1 breeding birds and inclusion of pre-commencement walk over surveys in the mitigation measures.

Reason: In the interests of protecting environmental quality.

21. At least two months prior to the commencement of development, a site specific, Construction Environment Management Plan (CEMP), shall be submitted for the further written agreement of the Council Planning Authority. Thereafter the CEMP will be updated to reflect the phasing of the development and strictly adhered to during the entirety of the construction phases. Measures to be included within the CEMP comprise:

- The use of British Standards Best Practice Guidelines to reduce disturbance resulting from noise, surface run-off and vibration during works;
- Scottish Environment Protection Agency (SEPA) Pollution Prevention Guidelines (PPG), incorporating procedures for emergency environmental incidents such as pollution events and encountering protected species. A review plan for the PPGs is currently underway, resulting in a replacement guidance series, with new branding and title "Guidance for Pollution Prevention" (GPPs). It is recommended that the following PPG and GPP are considered:
  - PPG1: Understanding your environmental responsibilities - good environmental practices;
  - GPP5: Works and maintenance in or near water;
  - PPG6: Working at construction and demolition sites;
  - GPP21: Pollution incident response planning; and
  - GPP 22: Dealing with spills.
- Pollution prevention measures including procedures for oils and chemicals to prevent the release of any accidental spillages and effects associated with contaminated surface run-off;

- Supervision of delivery of fuel and oils with pipelines and fuelling points protected from vandalism and unauthorised interference, including being turned off and locked when not in use to prevent effects associated with the encroachment of construction vehicles and plant and contaminated surface run-off;
- Use of drip trays when filling smaller containers from tanks or drums to avoid drips and spills from entering the ground or drainage systems and watercourses to prevent effects associated with contaminated surface run-off;
- Measures to minimise noise, vibration and dust; and
- Limiting construction works to daylight hours only where possible, or having a suitable lighting strategy in place, in order to minimise effects to nocturnal faunal species.

Furthermore, the Construction Environmental Management Plan (CEMP) shall include potential constraints and mitigation with regard to potential or confirmed ecological features identified in the updated Ecological Impact Assessment.

Reason: to control pollution of air, land and water and to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

22. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures, including biodiversity and the control of dust and noise, shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter the CEMP will be strictly adhered to during the entirety of the construction phases.

Reason: In the interests of protecting environmental quality.

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

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

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

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

24. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2023 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), 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 2023.

25. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2023 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 2023.

26. At least two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed by the developer at their expense as the 'Ecological Clerk of Works' (ECOW) for the site. This appointment shall be subject to the prior written approval of the Planning Authority and detail the extent of inspections to be undertaken by the ECOW and how this relates to the delivery of the development phases. The ECOW shall oversee, on behalf of the Planning Authority, the implementation of all ecology related planning conditions and how this relates to the phase of development being constructed. The ECOW shall undertake a watching brief throughout the construction of the development phase and shall have the authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on natural heritage.

The ECOW shall have responsibility for the following:

- a) Monitoring compliance with the mitigation works related to the development as set out in the Construction Environment Management Plan.
- b) Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.
- c) If any protected species are found on site, the Ecological Clerk of Works will ensure that work is suspended at that location and that a protected species protection plan is implemented.

The ECOW is required to notify the Planning Authority:

- d) If there has been a requirement to stop or alter works in relation to this condition.
- e) They are required to submit a report on their inspection (frequency to be agreed) for the review of the Planning Authority in consultation with Scottish Environment Protection Agency where necessary, during construction operations.
- f) They will have the power to amend the CEMP, where required, with any amendments and measures to mitigate submitted to the Planning Authority.

Reason: In order to ensure that an ECOW is appointed and is suitably qualified and has a suitable job description and powers to oversee all salient ecological matters affecting the Construction phases of the development.

27. As part of any application for the Approval of Matters Specified by Condition (AMSC) a Site Biodiversity Action Plan including biodiversity enhancement measures shall be submitted for approval of the Council as Planning Authority. Thereafter, the approved Action Plan will be implemented in full prior to the first occupation or uptake of the use of the relevant development phase.

Reason: In the interests of protecting and enhancing biodiversity.

28. As part of any application for the Approval of Matters Specified by Condition (AMSC), a tree protection plan, Arboricultural Impact Assessment and Arboricultural Method Statement shall be submitted for approval of the Council as Planning Authority. Thereafter, the approved Action Plan will be implemented in full prior to the first occupation or uptake of the use of the relevant development phase.

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

29. As part of any application for the Approval of Matters Specified by Condition (AMSC) a detailed landscaping and planting scheme including details of the species, height, size, location, density and maintenance regime of trees and shrubs to be planted, shall be submitted. The scheme must illustrate that adequate compensatory tree planting for lost trees will be achieved with at least 3 trees planted for every tree lost.

Reason: In order to justify the loss of any trees and to ensure that adequate landscaping is provided for the development.

30. As part of each application for the Approval of Matters Specified by Condition (AMSC) details of the specific measures for the installation and operation of low and zero-carbon generating technologies reduce energy to demand and emissions from the development shall be submitted.

Reason: in the interests of reducing carbon emissions.



## **JUSTIFICATION**

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

## **PROCEDURAL NOTES**

SEPA has submitted a holding objection to the proposed development, in relation to flood risk. If the Planning & Placemaking Committee agree with the recommendation to approve the application, then the application will have to be referred to the Scottish Ministers for authority to proceed. Thereafter, if agreed by Scottish Ministers, the decision notice shall not be issued until such time that the relevant transport infrastructure contributions have been secured.

## **INFORMATIVES**

1. Additional groundwater monitoring should be carried out over a full calendar year to include both summer and winter periods.
2. If there is any proposal to alter a route of an existing core path or right of way a further legal procedure is required. The granting of planning permission does not stop the continued right of public access along the existing core path or right of way. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought.
3. The applicant is advised that the granting of planning consent 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.
4. Where necessary, no work shall be commenced until an application for building warrant has been submitted and approved.
5. 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.
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).

7. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and SEPA.

Background Papers: 3 letters of representation  
Contact Officer: Alex Gudgeon 01738 475337  
Date: 21 June 2024

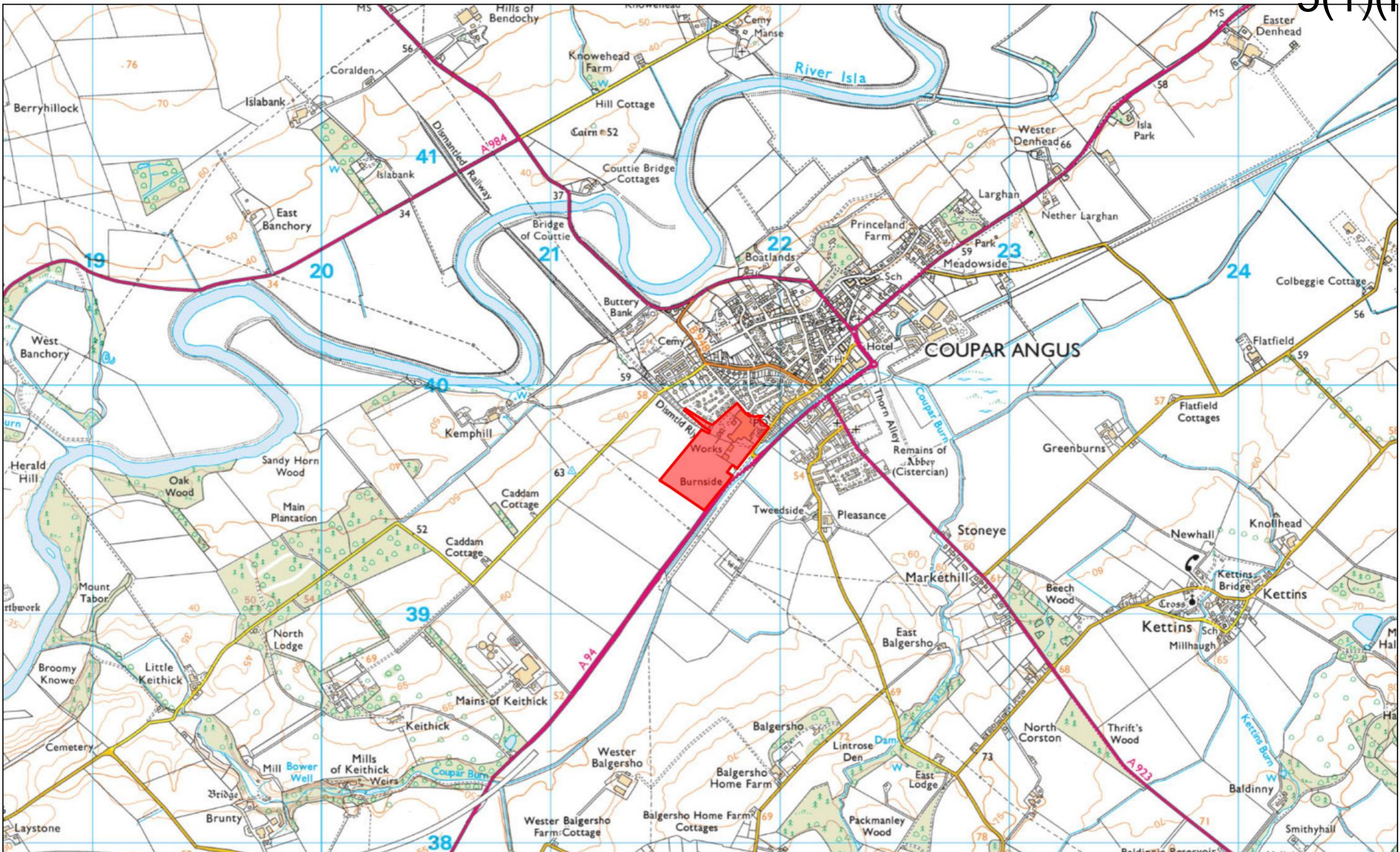
**DAVID LITTLEJOHN**  
**STRATEGIC LEAD: ECONOMY, DEVELOPMENT AND PLANNING**

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Planning and Placemaking Committee - 3 July 2024

Scale  
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23/02134/IPM

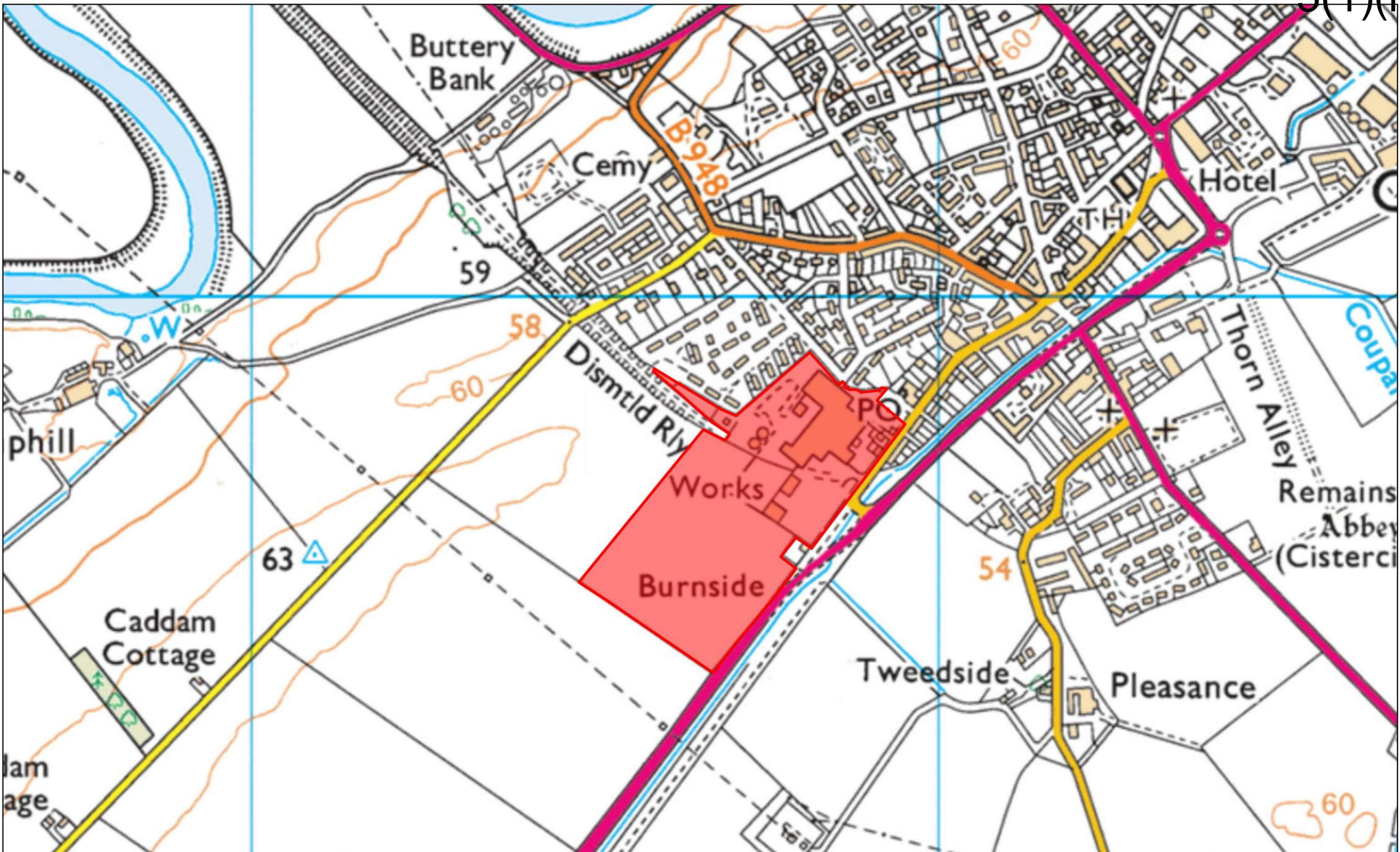
Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping and associated works at 2 Sisters Food Group, George Street, Coupar Angus











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Planning and Placemaking Committee - 3 July 2024

Scale  
 1:5,000

23/02134/IPM

Mixed use development comprising of the erection of a poultry processing facility and demolition of existing  
 poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular  
 access, landscaping and associated works at 2 Sisters Food Group, George Street, Coupar Angus







Perth and Kinross Council  
Planning and Placemaking Committee – 3 July 2024  
Report of Handling by Strategic Lead - Economy, Development & Planning  
 (Report No. 24/206)

<b>PROPOSAL:</b>	S42 application to vary condition 9 (signalised junction) of permission 21/02137/AMM
<b>LOCATION:</b>	The James Hutton Institute, Errol Road, Invergowrie, Dundee, DD2 5DA

Ref. No: [24/00594/AMM](#)

Ward No: P1- Carse Of Gowrie

### 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 James Hutton Institute (formerly known as the Scottish Crop Research Institute) is an internationally renowned organisation that conducts scientific research into agricultural and environmental issues, including research into crop and food science.
- 2 Planning Permission in Principle (PPP) (20/01103/IPM) was granted in November 2020 for a mixed-use development including alterations to existing and erection of new buildings. All to be used for: agricultural research and development; industry engagement; skills development, as well as the formation of parking areas, landscaping, infrastructure and other associated works.
- 3 Several other related planning permissions exist including: for the erection of polytunnels (21/00651/FLL); the erection of 2 agricultural research buildings, stores, wash/filling bays, formation of access road, footpaths, parking area, hardstanding and associated works (21/00780/FLL); formation of SUDS ponds (21/01662/FLL and 21/01663/FLL); a Section 42 approval to modify condition 3 (building height) of planning permission 20/01103/IPM.
- 4 A separate detailed planning application (20/01104/FLL) has also been approved for a new road from the Invergowrie roundabout, to serve the expanded campus. This access road has been constructed, however, at present is only open to construction vehicles.

- 5 Of relevance to this current application is the AMSC planning permission 21/02137/AMM for the erection of two new facilities, an International Barley Hub (IBH) and an Advanced Plant Growth Centre (APGC). This consent has been implemented and these buildings are currently under construction with an expected completion date of late summer 2024.
- 6 Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 as Amended) applies to applications for Planning Permission to develop land which departs from conditions attached to an existing permission. The effect of granting permission for a section 42 application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
- 7 The primary purpose of this Section 42 (S42) application seeks a revision to the requirements of Condition 9 of the extant AMSC consent 21/02137/AMM.
- 8 The original wording of condition 9 currently states:
- 9 *Prior to the bringing into use of any part of the development hereby approved, the proposed junction modifications shown on drawing number 40 for the signalisation and improvements to the A85 Riverside Avenue/Main Street junction shall be implemented in full and fully operational, to the satisfaction of Perth & Kinross Council as Planning Authority. Prior to the implementation of the scheme, the relevant written agreements must be sought from Perth & Kinross Council and Dundee City Council as Roads Authorities. Evidence must be provided to Perth & Kinross Council that the relevant agreements from Dundee City Council are in place prior to the works being undertaken. For the avoidance of doubt, the active travel provision at the junction shall be subject to further discussion and written agreement from Perth & Kinross Council in consultation with Dundee City Council. The applicant shall also provide specifications of the provision of Close Circuit Television (CCTV) pole(s), camera(s) and hard line connection to Dundee City Council Urban Traffic Control System (UTC) for written agreement prior to any works being undertaken.*
- 10 *Reason - In the interests of road safety and to provide active travel routes to the development site.*
- 11 The proposal seeks to vary this condition, removing the requirement to deliver the signalised junction at the A85 Riverside Avenue/Main Street junction with the retention of “*the active travel provision at the junction shall be subject to further discussion and written agreement from Perth & Kinross Council in consultation with Dundee City Council.*”
- 12 Assessment for the proposed changes for this condition is set out below.



## **Pre-Application Consultation**

- 13 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 20/01103/IPM and there is no further PAC needed procedurally in relation to this Section 42 application.

## **DEVELOPMENT PLAN**

- 14 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**

- 15 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 16 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 17 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 1: Tackling the climate and nature crises
  - Policy 2: Climate Mitigation and Adaptation
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place

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

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development

## **Planning Advice Notes**

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

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Supplementary Guidance**

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

### **Creating Places 2013**

- 21 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**

- 22 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**

- 23 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**

- 24 The following extensive planning history is relevant:
- 25 **98/01380/FUL** Erection of research glasshouses and support header house. Approved on 25 November 1998.
- 26 **01/01562/OUT** Formation of science and technology park with shared facilities for SCRI and associated roadworks (in outline). Approved on 29 October 2003.
- 27 **02/00169/PN** Erection of a general building. Approved on 27 February 2002.
- 28 **02/01144/FUL** Erection of research glasshouse and header building. Approved on 3 September 2002.
- 29 **02/02026/FUL** Extension of general building. Approved on 21 February 2003.
- 30 **03/00701/FUL** Extension to header house building. Approved on 30 June 2003.

- 31 **03/01532/FUL** Extensions to header and glass houses. Approved on 24 October 2003.
- 31 **07/01073/FUL** Erection of research glasshouses and support headerhouse Approved on 20 July 2007.
- 32 **07/01985/PN** Erection of a general purpose agricultural storage building. Approved on 1 October 2007.
- 33 **10/00005/FLL** Erection of prefabricated building. Approved on 5 February 2010.
- 34 **15/00832/FLL** Installation of solar PV panels. Approved on 10 June 2015.
- 35 **15/01731/IPL** Erection of a plant growth facility and associated works (in principle). Approved on 1 December 2015.
- 36 **16/00126/FLL** Erection of a plant growth research and production facility and ancillary works. Approved on 29 April 2016.
- 37 **19/00472/FLL** Siting of 3 hydroponic containers. Approved on 1 May 2019.
- 38 **19/00011/PAN** Mixed use development for Class 4 and Class 8 uses to include agricultural research, industry engagement, skills development, training and education, associated business uses, formation of vehicular access, car parking, hard and soft landscaping and associated infrastructure works. Contents agreed on 30 January 2020.
- 39 **20/00324/SCRN** Erection of a 2MW solar farm. Decision issued April 2020.
- 40 **20/00348/SCRN** Mixed use development Decision issued April 2020.
- 41 **20/00662/FLL** Siting of 3 office/welfare facility units and formation of parking for a temporary period. Approved on 21 July 2020.
- 42 **20/01103/IPM** Mixed use development including alterations and erection of buildings for agricultural research and development, industry engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle). Approved on 19 November 2020.
- 43 **20/01104/FLL** Formation of vehicular access, access road, SUDS pond and associated works. Approved on 24 November 2020.
- 44 **20/01435/FLL** Installation of a ground source heat pump system, formation of equipment yard and associated works. Approved on 30 January 2021.
- 45 **20/01464/ADV** Advertisement Consent for Display of signs. Approved on 24 November 2020.
- 46 **21/00651/FLL** Erection of polytunnels. Approved on 17 June 2021.

- 47 [21/00780/FLL](#) Erection of 2 agricultural research buildings, stores, wash/filling bays, formation of access road, footpaths, parking area, hardstanding and associated works. Approved on 31 August 2021.
- 48 [21/01494/FLL](#) Erection of compost storage unit and associated works. Approved on 20 October 2021.
- 49 [21/01495/FLL](#) Erection of a chemical storage building, cold storage building and associated works. Approved on 1 November 2021.
- 50 [21/01612/FLL](#) Installation of cable and associated works. Approved on 19 January 2022.
- 51 [21/01662/FLL](#) Formation of SUDS pond and associated works. Approved on 24 November 2021.
- 52 [21/01663/FLL](#) Formation of SUDS pond and associated works. Approved on 24 November 2021.
- 53 [21/02031/FLL](#) Siting of 2 relocated portable office buildings and associated works. Approved on 14 February 2022.
- 54 [21/02137/AMM](#) Erection of a linked building for agricultural research and development, industry engagement and skills development and formation of roads, parking areas, landscaping, infrastructure and associated works (approval of matters specified by conditions 20/01103/IPM). Approved on 11 August 2022.
- 55 [22/00187/IPM](#) An application to modify condition 3 (building height) of planning permission 20/01103/IPM. Approved on 14 April 2022.
- 56 [22/00212/FLL](#) Planning permission for the change of use from a dwellinghouse to an office (Class 4) for agricultural research and development industry engagement and skills development. Approved on 2 May 2022.
- 57 [22/01685/FLL](#) Siting of 4 office/staff welfare units (for a temporary period). Approved on 21 December 2022.
- 58 [22/02258/FLL](#) Extension to plant growth research building, erection of office building and store, formation of parking and associated works. Approved on 30 June 2023.
- 59 [24/00544/ADV](#) Advertisement Consent for display of signs. Approved on 27 May 2024.

## **CONSULTATIONS**

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

## External

61 **Dundee City Council** – no objection.

62 **Transport Scotland** – no objection.

63 **Invergowrie and Kingoodie Community Council** – no comment.

## Internal

64 **Strategy and Policy** – no comment.

65 **Transportation and Development** - no objection subject to revised conditions.

66 **Enterprise Team** – no comment.

## Representations

67 One representation was received. The main issues raised within the representation are:

- Traffic Congestion

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

## ADDITIONAL STATEMENTS

69	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA not required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

70 Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.

71 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:

- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
- (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

72 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2 (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 supplementary guidance, statutory consultees and additional statements submitted.

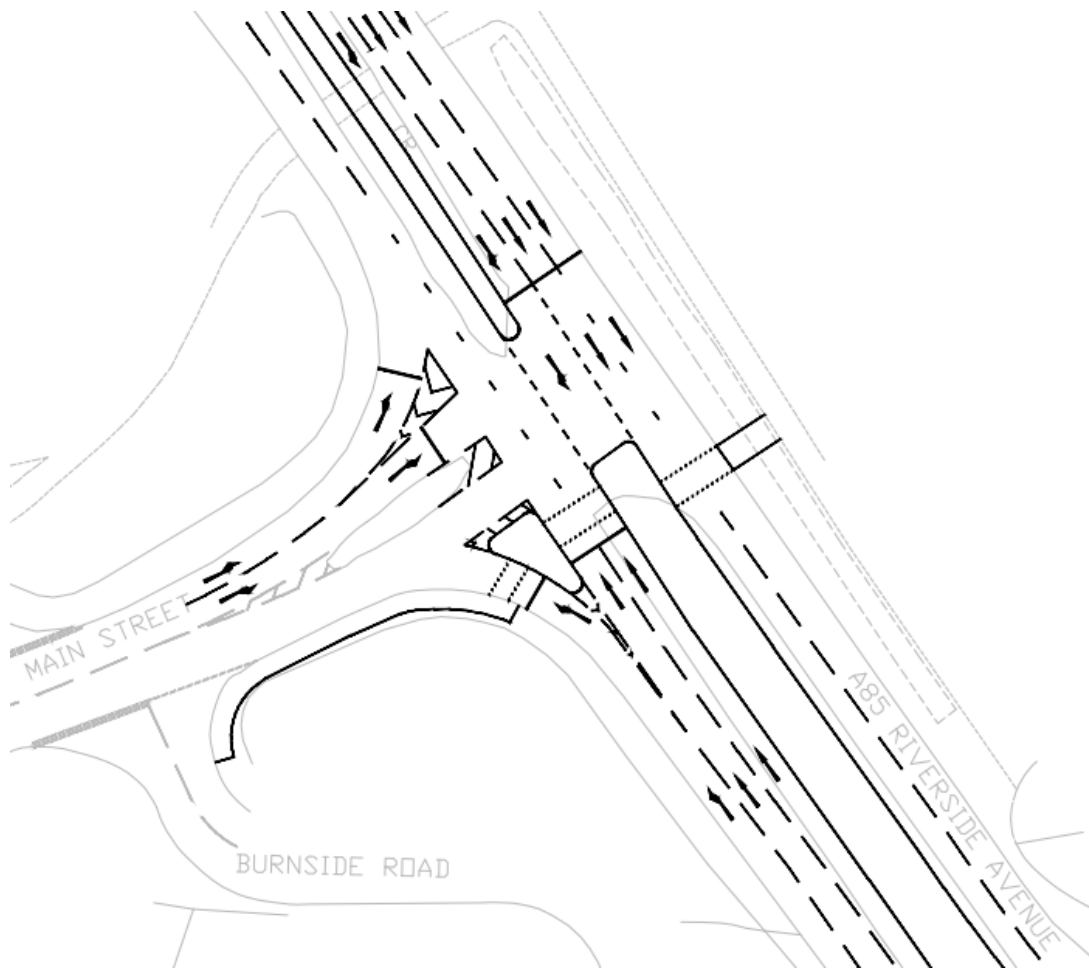
73 It is important to note that both National Planning Framework (NPF4) policies and Local Development Plan 2 (LDP2) policies apply except where they are not compatible in which case NPF4 policies prevail.

### **Principle**

74 The principle of the development subject of the application has been previously established through the approval of the extant planning permission (21/02137/AMM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. The amendment of Condition 9 to remove the requirement to deliver the signalised junction at the A85 Riverside Avenue/Main Street junction with the retention of “the active travel provision at the junction shall be subject to further discussion and written agreement from Perth & Kinross Council in consultation with Dundee City Council” is not in itself contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are calculated.

### **Condition 9**

75 The requirement for mitigation to the A85 Riverside Avenue/Main Street Junction had been identified by the applicant through their Transport Assessment for Planning Application 20/01103/IPM. At the time of submitting the application the applicant had identified that to mitigate the capacity issues associated with their development at the A85 Riverside Drive/Main Street that signalisation should be implemented. The layout presented by the applicant provided additional ahead lanes on both the north and south A85 approaches by widening the carriageway into the large central reservation. The applicant also proposed to provide signalised pedestrian crossings for active travel. The initial mitigation concept provided by the applicant was presented with the Transport Assessment in Appendix J, as shown in Figure 1.



**Figure 1: 20/01103/IPM Design**

- 76 Due to the design being conceptual at the point of determining Planning Application 20/01103/IPM, Condition 15 was applied, so that the further details could be provided for the junction design and the date for the signals to be implemented.
- 77 Condition 9 of planning permission 21/02137/AMM was applied after much discussion with the applicants, who initially provided no information to satisfy Condition 15 (below) of Planning Application 20/01103/IPM:
- 78 *As part of any application for the Approval of Matters Specified by Condition (AMSC) or Page 6 of 10 detailed application the mitigation measures identified for Junction 4 - A85 Riverside Avenue / Main Street for its signalisation to reduce the queueing impact from the development, a detailed design shall be undertaken, along with a date for their implementation shall be submitted and agreed in writing by the Council as Planning Authority.*
- 79 *Reason - In the interests of road safety.*
- 80 Planning Application 21/02137/AMM submitted a Road Safety Audit but did not submit an updated Transport Assessment to that previously undertaken in 2020.

Noted within the Planning Statement, the writer has stated that an updated assessment addressing the new access to the A90 and revised traffic flows alongside changed working patterns may have circumvented the imposition of Condition 9, however, this information was not requested by PKC. Whilst this may have been the case, it should be noted that if the applicant had felt that the junction mitigation was not required or their circumstances had changed at that time, due to changing traffic volumes or patterns, this was for the applicant to have undertaken an assessment and presented the data to Perth and Kinross Council for consideration.

- 81 As alluded to above, when the applicant initially submitted application 21/02137/AMM, the applicant did not provide any details in relation to Condition 15 that was applied to 20/01103/IPM, so Transportation and Development were not initially in a position to support the application.
- 82 During the determination of Planning Application 21/02137/AMM and after much discussion, the applicant submitted a detailed design which resulted in the design as shown in Figure 2 (drawing number 40), for the mitigation at the junction. They did not present any data to alter the position that the signals were not required as mitigation and as such the condition was applied for the delivery of the signals as mitigation.

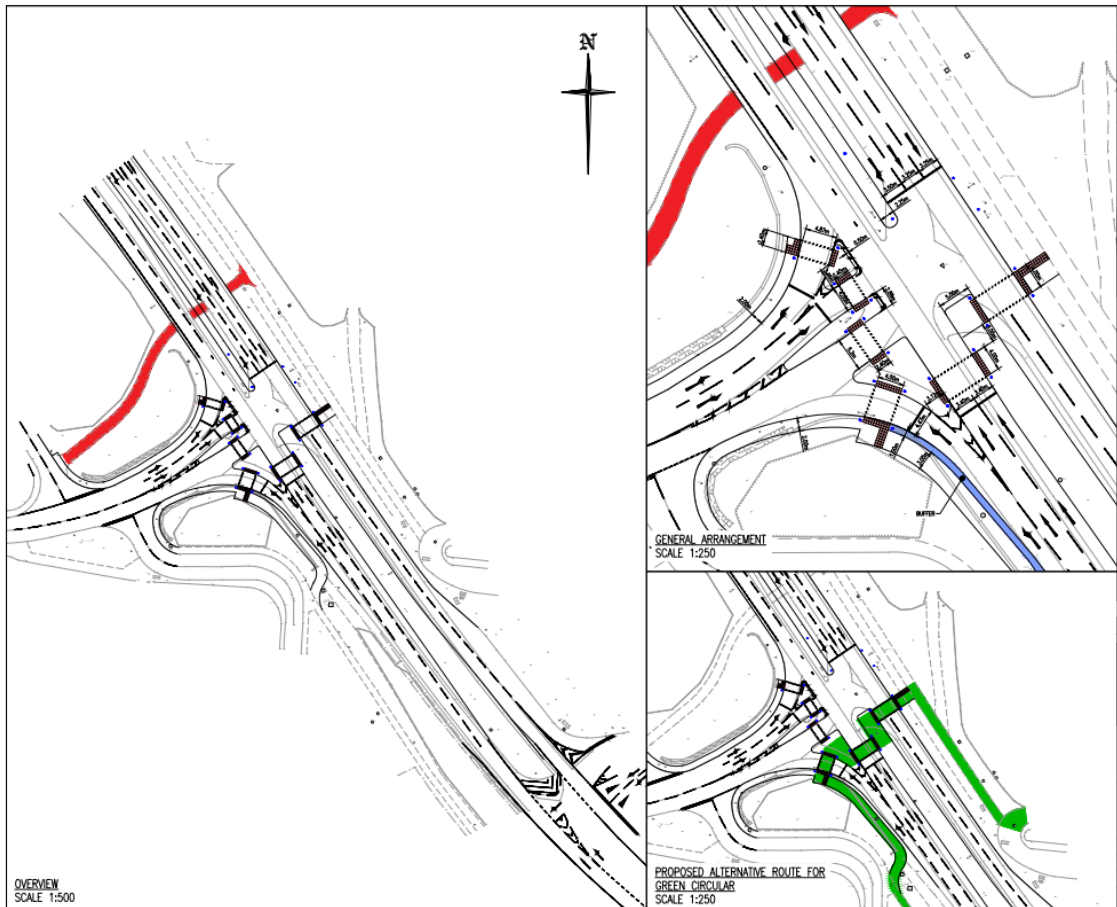


Figure 2: 21/02137/AMM Design



- 83 It can be seen from the initial designs submitted for the mitigation by the applicant as shown in Figure 1 and the changes identified by the applicants Stage 1 Roads Safety Audit which identified a number of actions from large vehicles over-running verges and footways, signing strategy, relocation of gulleys, future maintenance, signal position and increasing active travel provision, which resulted the design shown in Figure 2.
- 84 Noted within the Planning Statement for this current application, following approval of planning permission 21/02137/AMM, JHI identified that the originally reserved budget of £100,000 for any potential upgrades was significantly deficient in covering the infrastructure costs subsequently imposed by Condition 9. In 2023, JHI identified the associated costs imposed by Condition 9 were circa. £1 million plus VAT, resulting in a significant deficit and as such they are not financially able to deliver the signalised junction. The Planning Statement advises that the JHI had originally budgeted for £100,000, however, the imposition of Condition 9, imposed a requirement for significantly more upgrades than was ever anticipated by the JHI, or budgeted for.
- 85 The Planning Statement further advises that the lack of funds jeopardises the delivery of the International Barley Hub (IBH) and Advanced Plant Growth Centre (AGPC) due to the imposition of Condition 9.
- 86 With regards to the increased costs being attributed to Perth and Kinross Councils requests through Condition 9, the requests for the inclusion of Close Circuit Television (CCTV) pole(s), camera(s) and hard-line connection to Dundee City Council Urban Traffic Control System (UTC) would not have resulted increased costings from £100,000 to £1million. Notwithstanding that, the applicant has not presented where the cost increases from £100,000 to £1million are attributed. Had the imposition of Condition 9 increased costs from £100,000 to £1million, reducing these requirements back to the original design concept to bring the costings back in line with their estimates could have been considered. Whilst a number of options were tabled by the Applicant as shown below, this was not one of them.
- 1 Apply for the removal of the condition.
  - 2 Apply to vary the timescales of the condition.
  - 3 For JHI to pay the sum of £100,00 to PKC as a contribution to the junction upgrade with the works to be carried out by others.
  - 4 For the JHI to pay 1/3rds contribution of the total costs for the junction upgrade up to a maximum of £250,000 with the remaining 2/3rds shared between PKC and Dundee City Council (DCC) with he works to be carried out by others.
- 87 The JHIs preferred approach was option 3 and PKCs preferred approach was option 2 which would require the submission of a S42 application with supporting information to fully justify the delayed delivery of the mitigation, with a proposed date for delivery.

88 The Applicant progressed option 2 and commissioned a fresh assessment of the originally submitted Transport Assessment. This was carried out by Systra in March 2023, the conclusions of which advised that the JHI may wish to consider amendment or removal of the relevant planning condition as Systra's analysis confirmed that upgrading of the A85/Main Street junction is not required to accommodate the proposed development, hence the submission of this current S42 application.

### **Roads and Access**

89 In progressing this S42 application PKCs Transport and Development team have been consulted and reviewed the information provided by Systra and have made the following comments:

90 Through the work undertaken by SYSTRA, it has been identified that the applicant's original Transport Assessment April 2020 in support of Planning Application 20/01103/IPM may have had an error in the modelling. The text within the original Transport Assessment states that calibration factors were applied to the Traffic Model for Junction 4 to accurately reflect the current conditions, this resulted in the following parameters being applied:

- AM – Main Street Left-turn – Direct intercept adjustment of -66pcu/hr
- AM – Main Street Right-turn – Direct intercept adjustment of -130pcu/hr
- PM – Main Street Left-turn – Direct intercept adjustment of -135pcu/hr
- PM – Main Street Right-turn – Direct intercept adjustment of -300pcu/hr

91 Following a detailed review of the previous Transport Assessment, undertaken by SYSTRA it has been identified that the values above may have been transposed, as the values in the text do not reflect the work undertaken in the modelling.

92 In the original Transport Assessment in April 2020 the applicant had stated that there were 333 staff employed on site, with a proposed increase of a further 159 staff members. This would have resulted in an estimated headcount of 48%. This assumption was applied to modelling and traffic volumes.

93 The work that has been undertaken by SYSTRA in 2024, the applicant has advised that the number of employees currently employed on site is 277, with a future increase estimated to be 86 employees. The estimated headcount increase has now reduced to 31%. It is clear from these new assumptions that the level of staff being employed has reduced, by 56 employees and with the estimated new 86 employees, this is a new estimated total of 363 employees on site after works have been complete. Thus, showing that from the April 2020 head count of 333, there is an increase of 9% in the number of jobs (+30), not 48% as originally planned.

- 94 From the reports that have been presented by the applicant, there are a number of different staff count figures being presented. It should be noted that the SYSTRA 2024 report assumes that there were 242 staff employed on site, which is a reduction of 91 from the figure used in the April 2020 Transport Assessment.
- 95 The applicant has undertaken an analysis of the observed flows from 2020 and the new count undertaken in 2024. The results have shown that in general the inbound traffic volumes on the public road network at the three junctions have decreased (Swallow Roundabout, A90 Invergowrie Roundabout and A85 Riverside Drive/Main Street Junction), with the exception of the A90 Invergowrie Roundabout which has increased by 13% in the AM Peak Hour with a net increase of 26 vehicles. The increase of 26 vehicles could be attributed to the vehicles utilising the James Hutton Institute entrance off the A90 Invergowrie Roundabout.
- 96 An automatic traffic counter was installed on Errol Road close to the James Hutton Institute entrance showing that in 2020 there were 744 vehicles arriving and departing the site and in 2024 there were 563 vehicles arriving and departing the site, equating a reduction of approximately -24%. The applicant has attributed this reduction to an increase in home working and flexible working.
- 97 Using the data from the automatic traffic counter from 2024, the applicant has then added the increase traffic volumes of 31%. A comparison of the new trips predicted to be attracted to the site from the 2020 and 2024 reports have been presented below:

<b>Period</b>	<b>Scenario</b>	<b>Inbound</b>	<b>Outbound</b>
AM	2020 TA	51	6
	2024 SYSTRA	22	2
	Change	-57%	-67%
PM	2020 TA	6	41
	2024 SYSTRA	2	14
	Change	-67%	-66%

- 98 It can be seen that on all occasions there have been a reduction in the number of new trips being attracted to the site, with reductions of up to two thirds from what was assumed in the 2020 Transport Assessment.
- 99 The applicant has then used the new data and traffic predictions for the new staff members attracted to the site to undertake a junction modelling of the A85 Riverside Drive/Main Street junction. This has shown that the in 2024, the junction appears to operate within an acceptable capacity both with and without the development.
- 100 The applicant has also proposed that all traffic will utilise the A90 to access the site, resulting in no traffic for the James Hutton Institute utilising Main Street. Further details have been submitted on this proposal which advises in order to

seek to secure that traffic to the JHI utilises the A90 access, rather than Main Street, the Applicant intends to update JHI's Green Travel Plan (GTP), subject to Planning Permission being granted, to make it clear to all staff and visitors they must enter and leave the site at the A90 junction and not use the Main Street junction.

- 101 The response advises that the Travel plan will be updated, with new travel details issued to staff advising that to access the site, with all traffic entering and exiting the site at the A90. If all traffic was to utilise the A90 junction only, this would result in all egressing traffic heading south on the A90 to Longforan Interchange to undertake a U-turn manoeuvre at the Grade Separated Junction and then turn back towards the Swallow Roundabout. Whilst the applicant may advise staff and visitors to exit via this route, this will result in staff and visitors having to travel a further 4 miles to reach the Swallow Roundabout, rather than using the Main Street Junction, however, should staff or visitors not follow the instructions given to utilise the A90 Junction, there is capacity for the vehicles that may not follow the instructions.
- 102 With regard to the applicants proposed varying of Condition 9, there are concerns with the wording of the proposed condition and its compliance with the Scottish Government's advice on imposing planning conditions, contained in paragraph 2 of Scottish Government Circular 4/1998. It is, therefore, recommended that the condition is deleted in full, with the Travel Plan condition (condition 7) being updated to reflect that no further works will be undertaken at the A85 Riverside Avenue junction. Furthermore, the requirements of the condition will allow for the promotion of sustainable transport options.
- 103 Taking into consideration the information submitted by the applicant and also the views of PKC Transportation and Development colleagues, full removal of the condition is satisfactory and the proposal therefore complies with the policies noted above.

### **Developer Contributions**

- 104 The site is not located within the Transport Infrastructure contributions zone, therefore, no developer contributions are required, and proposal does not conflict with LDP2 Policy 5 – Developer Contributions.

### **Economic Impact**

- 105 The economic impact from this proposal is anticipated to be limited.

### **LEGAL AGREEMENTS**

- 106 None required

## **DIRECTION BY SCOTTISH MINISTERS**

- 107 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**

- 108 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the change of condition regarding the signalised junction at the A85/Riverside Drive. Having taken account of the Development Plan and material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and, therefore, as a new standalone permission would be granted here, all other conditions from the existing permission are recommended to be re-attached.
- 109 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

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

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. Prior to the use of any lifting equipment including cranes etc the applicant must receive written confirmation from Dundee Airport that aircraft departing and arriving on runway 09/27 will be safeguarded. Furthermore, the applicant must receive written confirmation from Dundee that the use of lights, during construction, shall not dazzle nor distract aircraft preparing to land at Dundee Airport, all to the satisfaction of the Council as Planning Authority.

Reason: To not impact on the operations of Dundee City Airport.

3. 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 residential amenity of the area.

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

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

5. No part of the development shall be occupied or brought into use, whichever is the earlier, until the applicant has provided the minimum parking provision as shown on drawing number 39 or 66 of planning approval 21/02137/AMM, to the satisfaction of the Council as Planning Authority. Once provided, the parking shall thereafter be permanently retained as such for the life of the development.

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

6. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented and available for use for any vehicles travelling to the site, subject to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

7. No part of the development hereby approved shall be occupied until the approved Staff Travel Plan (STP) (document 71 of permission 21/02137/AMM) has been updated. The update shall be reflective of the removal of the proposed mitigation works identified at A85 Riverside Avenue/Main Street Junction and shall have regard for the revised operational situation within the development area identified on drawing number 1. The updated STP shall be submitted to and agreed in writing by the Council as Planning Authority in consultation with Transportation and Development. Thereafter, the agreed STP shall be brought into effect in line with the bringing into use of the development and will be subsequently implemented for the life of the development. The STP will have particular regard to the following:

- provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided;
- the vehicular routes to the site for staff and visitors to access and egress the site;
- the system of management, monitoring, review, reporting; and,
- the duration of the plan.

Reason: To promote sustainable transport options and to meet advice within National Planning Framework on transport.

8. The details submitted and agreed as part of condition 8 of planning permission 21/02137/FLM (drawing number 50) with regards to Construction Traffic Management Scheme (TMS), shall be adhered to at all times to the satisfaction of the Council as Planning Authority, unless otherwise agreed in writing by the Council as Planning Authority. The TMP is to remain a fluid document and will be required to be updated where necessary

Reason: In the interest of proper site management.

9. Access along core path INGI/8 and Right of Way 52/8, or along the short diversion as specified in drawing number 38 should remain open for responsible access throughout the construction phase. On completion the diversion must be removed and access along the original core path/Right of Way restored.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.

10. The details submitted and agreed as part of condition 11 of planning permission 21/02137/FLM with regards to contamination (drawing numbers 48, 55 and 56), shall be undertaken and delivered in line with the subsequently approved plans, prior to the completion or bringing into use of any part of the development.

Reason: to ensure a satisfactory standard of local environmental quality.

11. The conclusions and recommended action points within the supporting Ecological Surveys, Bird Mitigation Plan and Biodiversity Action Plan submitted and approved as part of planning approval 21/02137/FLM (drawing numbers 26, 27 and 37) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

12. 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 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).

13. The detailed landscaping and planting scheme (drawing numbers 16, 23 and 31 of planning permission 21/02137/AMM) 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.

14. The details submitted and agreed as part of condition 15 of planning permission 21/02137/FLM with regards to external finishing materials (drawing numbers 49, 51, 52 and 53), shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier, 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.

### **JUSTIFICATION**

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

### **PROCEDURAL NOTES**

None

### **INFORMATIVES**

1. 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. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
3. The applicant is advised that if there is any proposal to alter a route of an existing core path or right of way a further legal procedure is required.
4. The granting of planning permission does not stop the continued right of public access along the existing core path or right of way. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought.



5. 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>
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the 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).
7. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
9. Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in Section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
10. 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:
  11. 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.

Background Papers: One letter of representation  
Contact Officer: Gillian Peebles  
Date: 20 June 2024

**DAVID LITTLEJOHN**  
**STRATEGIC LEAD: ECONOMY, DEVELOPMENT AND PLANNING**

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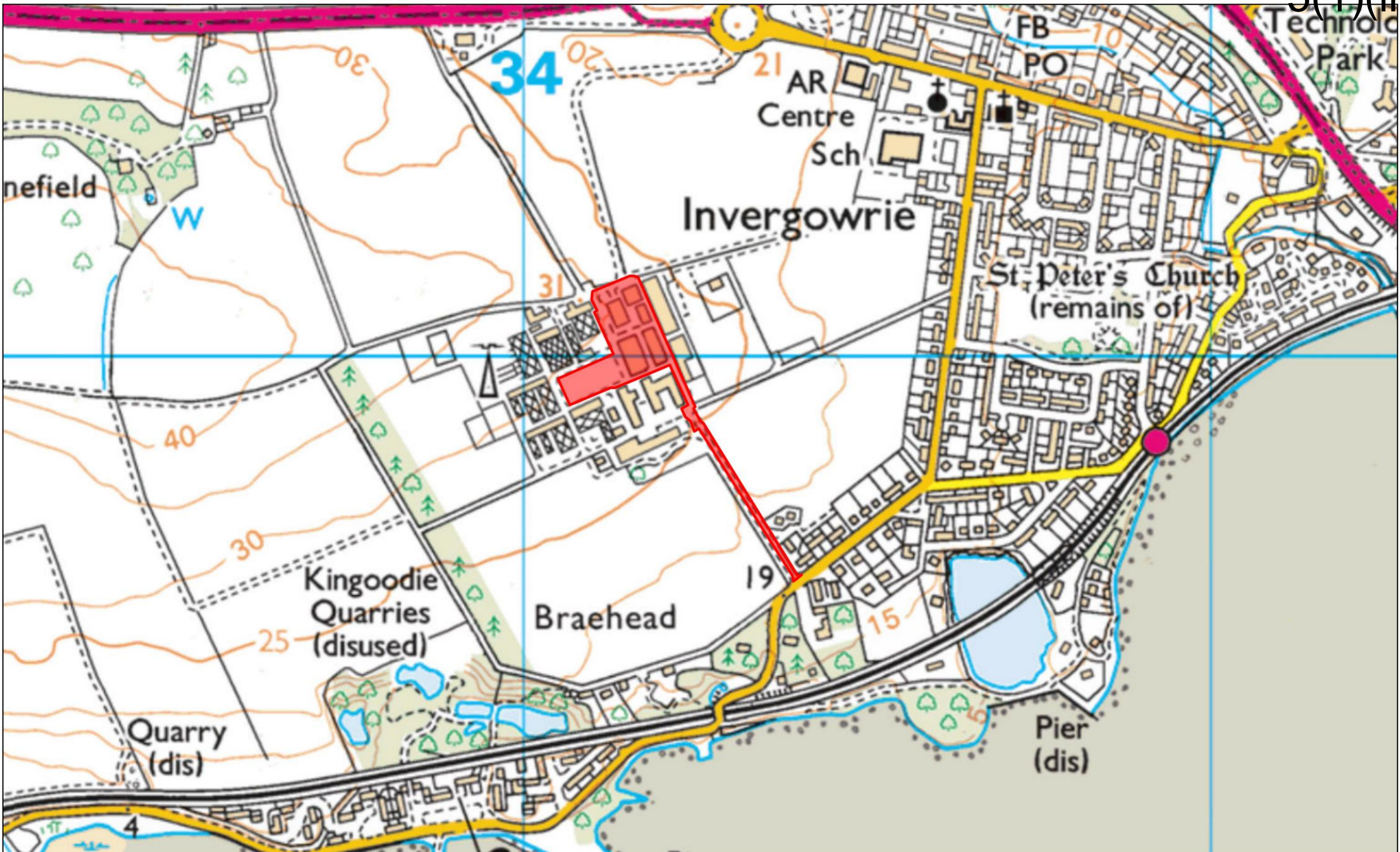
24/00594/AMM  
 S42 application to vary condition 9 (signalised junction) of permission 21/02137/AMM at The James Hutton Institute, Errol Road, Invergowrie











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Planning and Placemaking Committee - 3 July 2024

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24/00594/AMM

S42 application to vary condition 9 (signalised junction) of permission 21/02137/AMM at The James Hutton Institute, Errol Road, Invergowrie







Perth and Kinross Council  
Planning and Placemaking Committee – 3 July 2024  
Report of Handling by Strategic Lead - Economy, Development & Planning  
 (Report No. 24/207)

<b>PROPOSAL:</b>	Erection of a dwellinghouse and garage
<b>LOCATION:</b>	Seaforth, Kintillo Road, Bridge of Earn, Perth, PH2 9AZ

Ref. No: [24/00589/FLL](#)  
 Ward No: P9 Almond and Earn

### 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 Full planning permission is sought for the erection of a dwellinghouse and garage at Seaforth, Kintillo Road, Bridge of Earn.
- 2 This is one of four plots which was granted planning permission in 2022 ([22/00194/FLL](#)). The application refers to plot 3 which is located in the south east corner of the site. The proposal seeks to amend the design of the dwelling by extending the east gable of the house by 2.5m. There are other minor changes to the design which include the variation of stone work on the south west and north west elevations. Other than that, the house is identical to the previous approval.
- 3 The house is currently under construction and almost complete.

### SITE HISTORY

- 4 [18/01584/IPL](#) Residential development (in principle) 10 October 2018 Application Approved
- 5 [22/00194/FLL](#) Erection of 4 dwellinghouses, 2 garages and associated works 18 November 2022 Application Approved
- 6 [24/00257/FLL](#) S42 to remove condition 4 (construction of pedestrian footpath) of permission 22/00194/FLL 3 April 2024 Application Refused

## **DEVELOPMENT PLAN**

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

### **National Planning Framework 4**

- 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 people's 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 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 22: Flood Risk and Water Management

### **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 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 17: Residential Areas
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 53B: Water Environment and Drainage: Foul Drainage
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals



## **Statutory Supplementary Guidance**

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

## **PKC NON STATUTORY GUIDANCE**

- 13 None

## **NATIONAL GUIDANCE**

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

### **Planning Advice Notes**

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

### **Creating Places 2013**

- 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 the technical advice that should be followed in designing and approving of all streets including parking provision.

## CONSULTATIONS

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

### External

20 **Earn Community Council** - Object to the planning application. Concerns regarding delivery of footpath link through the site to connect Todd Place with Kintillo Road.

21 **Scottish Water** - No objection

### Internal

22 **Transportation and Development** - No objection as vehicles access is delivered as part of previous application. The same conditions regarding delivery of access should be applied.

23 **Developer Contributions Officer** - There is an existing Section 75 in place for payment of developer contributions which allows for change of house type without further formality.

## REPRESENTATIONS

24 1 representation was received from the Earn Community Council. The main issues raised within the representations are:

- Delivery of footpath link from Todd Place to Kintillo Road
- Levels difference from the site to Todd Place

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

## ADDITIONAL STATEMENTS

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

## APPRAISAL

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

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

### **Principle**

- 28 The principle of erecting a dwellinghouse on this site has been secured by permission [22/00194/FLL](#).

### **Design and Layout**

- 29 Placemaking Supplementary Guidance. Policy 1B and 17 of the LDP2 and 14 of NPF4 require new housing development to relate to the established character and density levels within a particular area.
- 30 The extension seeks to increase the length of the dwelling by 2.5m to the east to accommodate a study and a larger bedroom. The extended area is proposed to have the same roof pitch and finishes as the remainder of the house and will effectively repeat the design of the originally approved house but extend the house further east. The overall design and form of the house remains acceptable and the small addition on the north east elevation is considered to be acceptable.
- 31 A detailed assessment of the wider layout of the site subject to application [22/00194/FLL](#) is available within the Report of Handling for that application.
- 32 The changes to stone work are minimal and are not considered to alter the visual amenity of the area or character of the dwelling to any significant degree.
- 33 The design and scale of the dwelling is considered to be appropriate and utilises high quality materials which reflect the recently erected development to the south.
- 34 The layout of the site is identical to the extant approval with a detached garage to the north east with associated parking. The garden ground is located to the south of the dwelling and is of sufficient size of the scale of the house meeting the placemaking policy requirements.
- 35 The proposed layout and design of the house is therefore considered to reflect the character and amenity of the area and therefore complies with the criteria outlined in policies 1A, B and 17 of the LDP2 and the associated SG and Policies 14 and 16 of NPF4.

## Residential Amenity

- 36 Policy 1A and B and 56 of LDP2 and Policy 14 (c) and 23 of NPF4 require any development to not detrimentally impact on residential amenity and to ensure any occupiers of new development have an adequate level of residential amenity.
- 37 The proposal moves the north east elevation of the house closer to the boundary with 10 The Meadows. This gable elevation of this single storey house will therefore now be located 2.7m from the boundary. No objections from nearby neighbours have been received regarding residential amenity. There may be a minor degree of overshadowing to the rear of the neighbouring garden later in the day but this is not considered to be significant. There is also an existing outbuilding within the neighbouring garden so any minor overshadowing would be onto this rather than the useable garden ground.
- 38 The garden extends to the south and remains similar in terms of depth and footprint to the extant permission.
- 39 There are no windows proposed on the north east elevation and therefore no concerns regarding overlooking to neighbours. The proposal therefore complies with the above proposals.

## Footpath

### Delivery

- 40 The existing planning permission on site (ref:[22/00194/FLL](#)) requires the delivery of a footpath link through the site to connect Todd Place with Kintillo Road. The condition on the existing permission requires this to be in place prior to the occupation of any of the four dwellinghouses on site. A planning application (ref:[24/00257/FLL](#)) which sought to delete the condition requiring the footpath link was refused under delegated powers in April 2024.
- 41 The delivery of a footpath connection is considered to be an important feature of the site in improving the overall amenity of the area by providing an improved pedestrian connection to Kintillo Road and the facilities available there which include shops and a bus stop both for occupiers of the site and occupiers of the other dwellings to the south. The footpath link contributes to the creation of connected, inclusive and sustainable place, meeting the requirements of the LDP2 and NPF4 policies. Application [24/00257/FLL](#), to delete the condition, was refused on this basis.
- 42 The footpath link is not currently in place despite plot 2 already being occupied. Condition 4 of permission [22/00194/FLL](#) is therefore currently breached. The developer has explained that this is due to ongoing health and safety reasons given the construction operations which are taking place on plot 3 immediately adjacent to the proposed footpath link. There are also services being installed on site where the footpath link is to be formed.

- 43 The Community Council has objected to this application raising concerns that the footpath link is out with the red line boundary and speculating as to whether this application is a method to avoid forming the footpath link. This has been discussed with the developer who have advised it is their intention to form the footpath link. The footpath link, whilst out with the red line boundary remains within the ownership of the applicant as indicated by the blue line on the plans and therefore any conditional requirements are deliverable. The Community Council wished for formal enforcement action to be taken to ensure delivery of the footpath link. In accordance with the Council's Enforcement Charter the Council seeks to resolve planning breaches informally in the first instance and that is the intention here.
- 44 The developer has made it clear in recent correspondence that it is their intention to form the path link and the materials to form this are currently on site but the works require to coincide with the operations and phasing on site. It is fully appreciated that the developer should have been aware of the requirements of the condition when considering the phasing and development of the site and this is unfortunate. Nevertheless, the intention is to ensure the footpath link is formed.
- 45 Therefore, in order to ensure that the path is formed timeously and that there is an understanding of the intentions and timescales between the developer, the local community and the Community Council it is recommended that a condition be applied to the current application which requires the footpath link to be formed and completed by a specific date as per the following:
- 46 *"By Friday the 16th August 2024, the pedestrian route from Kintillo Road to Todd Place shall be constructed and provided with dropped kerbs at Todd Place and the crossing over the driveways within the development, to permit easy access for pedestrians with prams and wheelchairs. The kerb upstands at the dropped kerbs shall range from 0 mm to 10 mm at these locations. The pedestrian route shall connect into Kintillo Road footway with a flush surface all to the satisfaction of the Council as Planning Authority."*
- 47 This will provide clarity on the timescales for the delivery of the footpath link for all stakeholders. It is appreciated that the current condition has not been adhered to but the above is recommended to ensure the path route is delivered within what is considered to be a reasonable timescale. The developer has confirmed that they are comfortable with the proposed condition (Condition 4) and that the timescale is achievable given operations on the site. This ensures the delivery of the footpath link within an agreed timescale and seeks to resolve the current planning breach.

#### Levels

- 48 There is currently a levels difference between the application site and Todd Place and the Community Council have raised concerns as to how this will be catered for in the design of the path. The developer has clarified that the current levels

difference is due to the ongoing construction operations on site and has advised that the ground levels are soon to be reinstated and finalised to tie in with the existing higher ground level at Todd Place. The path will follow these levels.

### Maintenance

49 The site is not intended to be adopted by the Council and is to be privately maintained. There is a separate condition on the original permission which requires the footpath to be retained and maintained which is worded as follows:

50 *“The footway through the site linking the site from Kintillo Road to Todd Place and the associated lighting within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.”*

51 This condition (Condition 6) will be repeated on this application. This obligates the developer to ensure ongoing maintenance in perpetuity of the footpath link. It would be for the developer to decide how to ensure compliance with this condition whether this is via a factoring arrangement with occupiers of the dwellings or similar. The condition will allow the Council to act should the footpath link not be appropriately maintained.

52 The above is therefore considered to ensure the delivery of the footpath link within an appropriate timescale which has been agreed with the developer to ensure compliance with the LDP2 and NPF4.

### **Developer Contributions**

53 The developer contributions are secured for this site via a Section 75 under application [22/00194/FLL](#). This includes a future proofing clause to ensure payment of the contribution in the event of a revised application being submitted. As such the developer contributions will still be ensured via the S75 Agreement. This has been discussed and agreed with the Developer Contributions Officer.

### **Drainage**

54 Policy 53B of the LDP2 and Policy 22 of NPF4 requires new development to be served by a private drainage system where there is no public system available.

55 Surface water drainage requires to be collected via a SUDS system as required by Policy 53C and Policy 22(c) of the LDP2.

56 All drainage connections are as per the existing approval, with a waste water and surface water connection to the public network and are not proposed to change and are therefore in accordance with the above policies.

57 The applicant's agent has indicated that discussions are ongoing with Scottish Water regarding this. Therefore, an informative is recommended to make the developer aware that the granting of planning permission provides no guarantee

of a connection to Scottish Water's assets. Should the applicant fail to agree a connection to Scottish Water Assets and alternative surface water drainage solution would be required which may require further planning permission and a further informative is recommended to ensure the applicant is aware of this.

### **Access and Parking**

58 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements.

59 The access for vehicles has been approved as part of application [22/00194/FLL](#). The applicant's agent has clarified that the site will be served by a private access and would not seek adoption. There is sufficient parking within the site for vehicles and the arrangements remain as per the extant approval. They are therefore acceptable and accord with the LDP2 and NPF4 and associated guidance.

### **Economic Impact**

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

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

61 There is an existing Section 75 in place for the site which secures developer contributions.

### **DIRECTION BY SCOTTISH MINISTERS**

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

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **RECOMMENDATION**

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

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

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

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

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

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

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

4. By Friday 16 August 2024, the pedestrian route from Kintillo Road to Todd Place shall be constructed and provided with dropped kerbs at Todd Place and the crossing over the driveways within the development, to permit easy access for pedestrians with prams and wheelchairs. The kerb upstands at the dropped kerbs shall range from 0 mm to 10 mm at these locations. The pedestrian route shall connect into Kintillo Road footway with a flush surface all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

5. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter 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. The footway from Kintillo Road to Todd Place and the associated lighting within the site shall be retained and maintained in perpetuity to the satisfaction of the Council as Planning Authority.



Reason - In the interests of visual and residential amenity and to ensure ongoing permeability through the site.

## **JUSTIFICATION**

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

## **PROCEDURAL NOTES**

None

## **INFORMATIVES**

1. 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. No work shall be commenced until an application for building warrant has been submitted and approved.
3. 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.
4. Street lighting infrastructure is present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of infrastructure and its relocation to facilitate the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
5. 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.
6. The developer should be aware that should Scottish Water not agree to accept surface water drainage into their combined sewer, an alternative surface water drainage solution will be required which may require further planning permission.

7. The applicant is advised that Perth and Kinross Council have a charging scheme for recycling and waste bins for new build properties and newly created dwellings. Further information can be found at: <https://www.pkc.gov.uk/binrequests>
8. 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.

Background Papers: 1 letter of representation  
Contact Officer: John Williamson  
Date: 21 June 2024

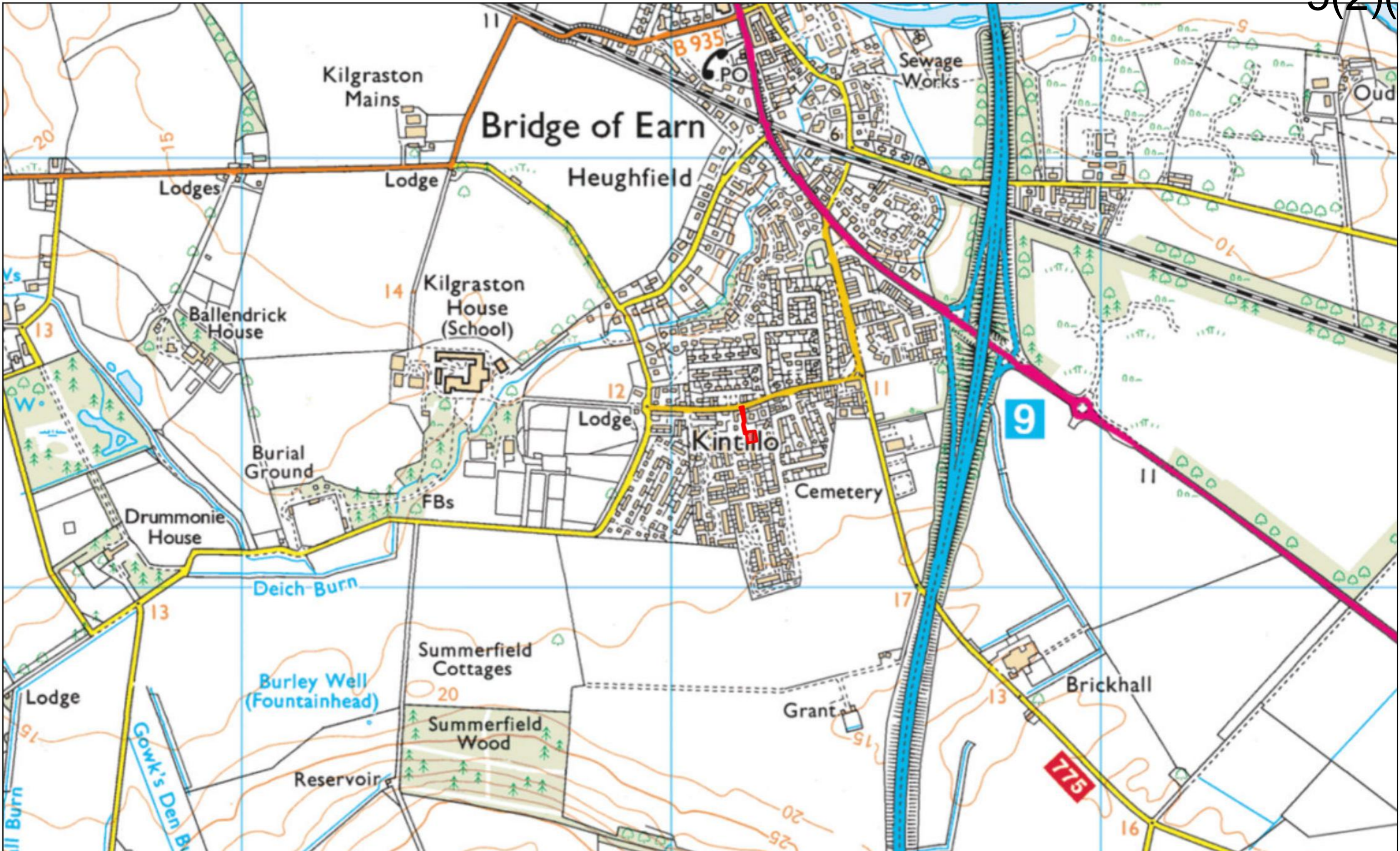
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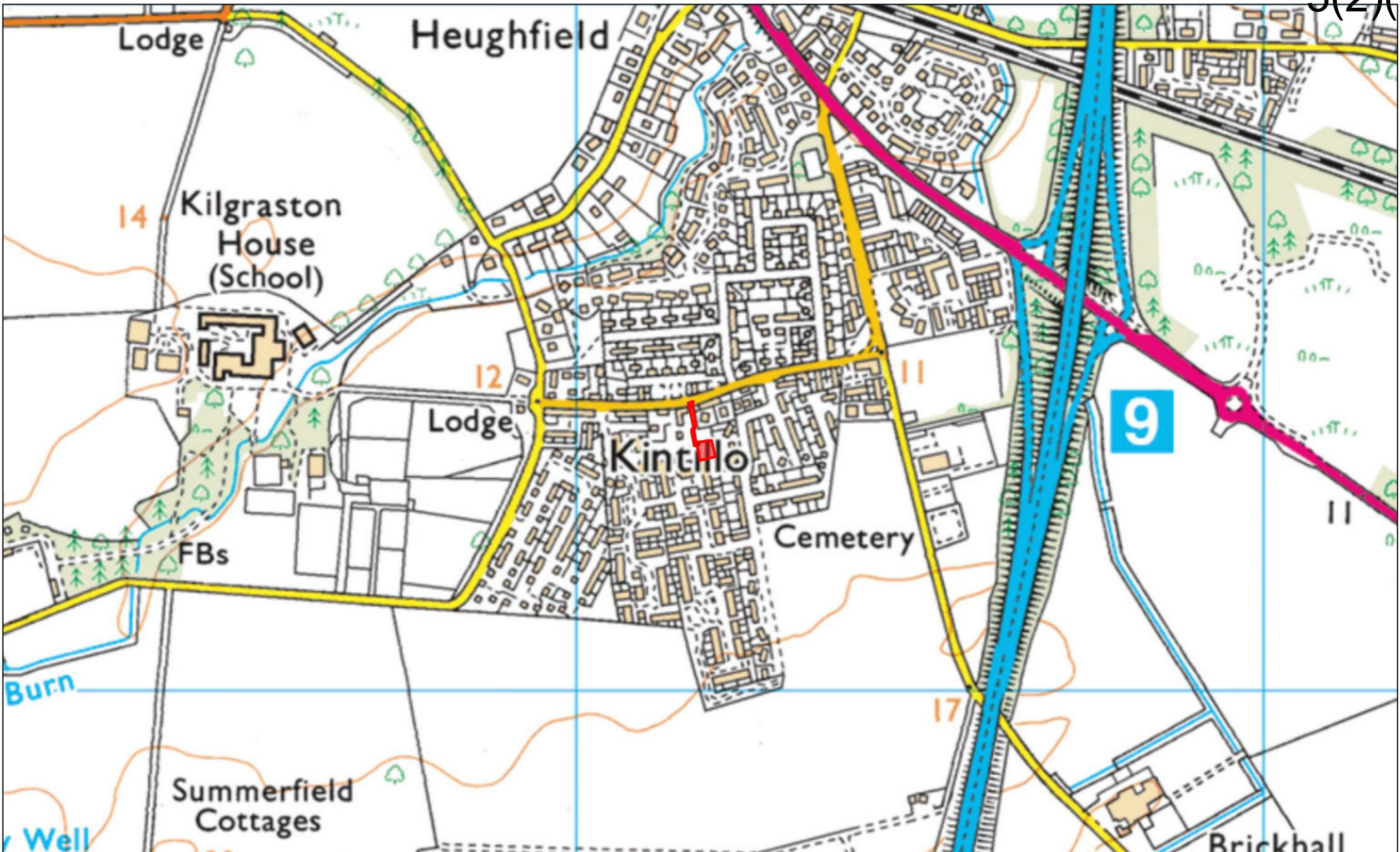
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Erection of a dwellinghouse and garage at Seaforth, Kintillo Road, Bridge of Earn, Perth, PH2 9AZ





