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Council Building
2 High Street
Perth
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29/01/2024

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 07 February 2024** at **09:30**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

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

Planning and Placemaking Committee

Wednesday, 07 February 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 10 JANUARY 2024 FOR APPROVAL**
(copy to follow)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
 - 5(1) MAJOR APPLICATION**
 - 5(1)(i) 23/01218/FLM - ERECTION OF 72 FLATS WITHIN 5 BLOCKS, FORMATION OF VEHICULAR ACCESS, PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS, FORMER HILLSIDE HOSPITAL, DUNDEE ROAD, PERTH** **5 - 34**
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/47)
 - 5(2) LOCAL APPLICATIONS**
 - 5(2)(i) 23/01038/FLL - ERECTION OF A DEWLLINGHOUSE AND GARAGE, LAND 55 METRES NORTH EAST OF INN ON THE TAY, GRANDTULLY, PITLOCHRY** **35 - 56**
Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/48)

5(2)(ii) 23/01798/FLL - ALTERATIONS AND EXTENSION TO CORE PATH, INSTALLATION OF SIGNAGE AND ASSOCIATED WORKS, MURRAYSHALL HOUSE HOTEL, MURRAYSHALL, PERTH

57 - 76

Report of Handling by Strategic Lead - Economy, Development and Planning (copy herewith 24/49)

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Perth and Kinross Council
Planning and Placemaking Committee – 7 February 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 24/47)

PROPOSAL:	Erection of 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works
LOCATION:	Former Hillside Hospital, Dundee Road, Perth

Ref. No: [23/01218/FLM](#)
 Ward No: P12- Perth City Centre

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. It is proposed to erect 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works. This project will be a partnership between the developer and Hillcrest Housing Association for 100% affordable housing. A Section 75 Legal Agreement will be required to ensure the development remains as affordable housing.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application site is located on the site of the former Hillside Hospital on Dundee Road in Perth and covers an area of just under 1 hectare. The site is located on an elevated position with views over the River Tay, Moncrieffe Island and the City Centre to the west. The site is surrounded by existing residential properties, with Kinnoull Hill to the east.
2. The site slopes steeply from the A85 Dundee Road to the River Tay and includes an existing boundary wall along Dundee Road, which forms the eastern boundary of the site. To the north of the application site a care home is under construction (22/00916/FLL), otherwise the surroundings beyond see a mix of housing and flats.
3. Below, to the west is the riverside footpath, with a further footpath up to Dundee Road running along the southern boundary. This sees good connections to existing path networks.
4. The proposal is to erect 72 flats over 5 blocks, all will be 'affordable', both social and mid – market rented and managed by Hillcrest Housing Association. There will be 18 x 1- bedroom, 52 x 2- bedroom, and 2 x 3-bedroom units.

Pre-Application Consultation

5. A Pre-Application Consultation (PAC) report was submitted with the application (document 30). This document demonstrates that appropriate pre-application consultation was undertaken. The first public event was held on 25 April 2023, and the second public event was held on 20 June 2023.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 4

7. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment reviews the policies of NPF4 and it is considered that the proposal is in accordance with its intentions. The most relevant policies are:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 5: Soils
- Policy 7: Historic Assets and Places
- Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 19: Heating and Cooling
- Policy 20: Blue and Green Infrastructure
- Policy 21: Play, Recreation and Sport
- Policy 22: Flood Risk and Water Management

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

- PAN 40 Development Management
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport

Creating Places 2013

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

Designing Streets 2010

11. 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

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

DEVELOPMENT PLAN

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

Perth and Kinross Local Development Plan 2

14. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
15. The principal relevant policies are, in summary:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1D: Placemaking
 - Policy 2: Design Statements
 - Policy 3: Perth City
 - Policy 4: Perth City Transport and Active Travel
 - Policy 5: Infrastructure Contributions
 - Policy 7B: Employment and Mixed Used Areas: Mixed Use Sites
 - Policy 13: Retail and Commercial Leisure Proposals
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments

- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon
- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland, and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

16. Developer Contributions and Affordable Housing Supplementary Guidance (2023)
17. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Site History

18. [99/00555/OUT](#) On 21 June 1999 this outline application was refused via a non-determination appeal, it proposed to demolish the existing hospital building and erect 11 detached dwellinghouses and 44 flats with associated roads, parking, and landscaping.
19. [01/01142/OUT](#) This outline application was withdrawn on 18 September 2001, it had proposed the demolition of an existing hospital building, erection of a hotel and nursing home with associated assisted living housing and one private house.

20. [06/01241/FUL](#) Full planning permission was approved on 31 May 2007 for the demolition of the hotel building and proposed a mixed-use development, including health care and residential.
22. [18/00011/PAN](#) On 28 September 2018, a PAN was accepted for residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services.
23. [20/01779/FLL](#) Full planning permission was approved on 1 June 2021 for the erection of a care home, formation of vehicular access, parking areas, landscaping, and associated works.
24. **22/00666/FLL** Application for full planning permission for the erection of a care home, formation of vehicular access, parking areas, landscaping, and associated works, application returned on 17 May 2022
25. [22/00916/FLL](#) Full planning permission was approved on 28 October 2022 for erection of a care home, formation of vehicular access, parking areas, landscaping and associated works.
26. [23/00003/PAN](#) On 6 April 2023 for residential development comprising of 5 blocks of affordable flats and associated works.

CONSULTATIONS

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

External

Scottish Water

28. No objection. Note that this does not confirm that the proposed development can be serviced, although there is currently sufficient capacity in the Perth Water Treatment Works.
29. Further advise that the development would connect and be serviced by Perth City Waste Water Treatment Works, with it suggested that the applicant completes a Pre-Development Enquiry (PDE) Form.
30. Otherwise Scottish Water records indicate that there is live infrastructure in the proximity of the development area and the applicant must identify any potential conflicts with these assets.

Perth and Kinross Heritage Trust

31. No objection. Advise the site was evaluated in 2007 for any archaeological remains associated with Kinnoull Castle. However, no material or physical evidence was uncovered, and thus no further work is required.

Bridgend, Gannochy and Kinnoull Community Council

32. Express concerns, summarised as below:

- Insufficient parking, especially a lack of visitor and trade parking.
- Access is inadequate for the volume of traffic, especially construction, and will lead to an unacceptable level of congestion.
- There is no provision for E.V. charging proposed.
- The proposed development will have an adverse impact on the views to Kinnoull Hill.

Internal

Development Contributions Officer

33. No objection. Note that the proposal is 100% affordable and thus the terms of the Council's Affordable Housing Policy is met.
34. Advise that no financial contribution associated to primary school capacity is required for affordable tenure properties.
35. Otherwise, there are no requirements for contributions towards transport infrastructure.

Development Plan Team

36. No objection. Comment that the principle, scale and design are generally acceptable. Note that the car parking will be screened by wall on frontage.
37. Concerns raised over the use of reconstituted stone and light grey render.
38. A condition requiring details of any repair/alterations to all existing stone boundary walls is suggested.

Structures And Flooding

39. No objection. Advise that drainage designs require further information prior to works commencing. As such a condition is recommended to ensure that a detailed sustainable urban drainage system (SUDS) shall be finalised as per the comments provided by AECOM in '2301218FLM_Response_P03' (plus any future revisions).

Environmental Health (Contaminated Land)

40. No objection. Advise that records do not indicate any concerns regarding ground contamination.

Environmental Health (Noise Odour)

41. No objection. Advise that given the proximity to the A85 (Dundee Road) and railway line, there is the potential for associated noise. Recommended a condition requiring that Mitigation measures, as per Sections 5 of the Noise Impact Assessment are undertaken.

Community Greenspace

42. No objection. Note that several core paths are either on the boundary or nearby. Request that landscape plans should clearly show the location and extent of public open space (POS) using colour coding.
43. Advise that no play area is required, but a financial contribution towards the upkeep and future upgrade of the existing Potterhill Gardens play area is requested.
44. Further advise that access along core paths should not be obstructed or deterred either during construction or thereafter. Recommend a related condition.

Community Waste Advisor

45. No objection. Require that roads to be used by refuse collection vehicles must be adopted by the Council. Advise that the developer contact the Community Waste Team to discuss bin collections, as the site progresses. Recommend a related informative note.

Biodiversity/Tree Officer

46. No objection. Advise that tree felling should take account of the bird nesting season, recommend a condition.
47. Advise an Arboricultural Method Statement (AMS) is required to confirm the details of the Construction Exclusion Zone, Tree Protection Plan and all measures proposed to avoid damage to trees to be retained. A condition is recommended.
48. Request that a detailed Landscape Plan showing an appropriate level of compensatory planting of trees and shrubs is submitted. Conditions relating to the submitted biodiversity study, measures to protect animals from being trapped and the biodiversity enhancement proposals, are also recommended.

Transportation and Development

49. No objection, subject to conditional control in relation to a green travel plan, road junction, road gradient, cycle parking, visibility splays, path linkages, parking facilities, and a Construction Traffic Management Scheme (CTMS).

50. It is also noted that the road construction itself will be controlled via the Road Construction Consent (RCC) process.

Representations

51. 24 letters of representations were received regarding the proposed development (20x objection, 4x general comments). The main issues raised are:
- Adverse impact on visual amenity.
 - The height of buildings is excessive.
 - The density of the proposed development is inappropriate.
 - The proposals are out of character with the surrounding area.
 - Overlooking / loss of privacy for surrounding residential properties.
 - Concerns over road safety.
 - Traffic congestion on the local road network, in particular Dundee Road.
 - Adverse impact on the local footpath network.
 - Noise and light pollution.
 - Unacceptable loss of trees.
 - Proposed materials are not in keeping with the surrounding area.
 - Loss of sunlight and daylight.
 - Adverse impact on the character and appearance of the Kinnoull Conservation Area.
 - No provision of a children’s play area
52. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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

APPRAISAL

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

Principle of Development

54. The application site is located within the settlement boundary of Perth, as identified within the Perth and Kinross Council Local Development Plan. On the eastern edge of the city, it is designated as an opportunity site for mixed-use development, allocated as MU337. A care home has been approved and is under construction on the north part of the allocation. The principle of the proposed development is, therefore, supported by the adopted Local Development Plan. Furthermore, the principle of housing at this location has been established via previous permissions. Otherwise, given that it is proposed to provide 100 % affordable housing, the proposals are also in accordance with LDP2 Policy 20: Affordable Housing.
55. There are a number of site-specific developer requirements associated to MU337. This includes a masterplan setting out the phasing and the comprehensive development of the whole site accompanies any planning application. Further requirements are as follows:
- Transport Assessment.
 - Construction Method Statement to protect from the impact of pollution and sediment, so as to ensure no adverse effects on the river Tay SAC.
 - Development within 30m of a watercourse, shall see an otter survey undertaken and a Species Protection Plan provided, so as to ensure no adverse effects on the River Tay SAC.
 - A scheme for contamination will be required to include the nature and extent and types of contamination and measures to deal with contamination during construction, and condition of the site on completion of decontamination measures.
 - An archaeological survey to be undertaken and impacts on the historic environment will be avoided wherever possible through sensitive layout and design.
 - Protection of the tree covered by the Tree Preservation Order and retain stone walls.

Design and Layout

56. In terms of its scale, the proposed layout reflects the existing development pattern of the surrounding area, which is characterised by large detached and semi-detached villas, set within large gardens and landscaped areas. The development comprises of 4 and 5 storey residential blocks which will be designed to utilise the sloped topography of the site. There will be three blocks located on the east of the site, and 2 blocks on the west, with landscaped areas in between the blocks. Each block will have dedicated parking, including visitor, disabled, and cycling parking, either in the central area or south of the access off Dundee Road. A Planning Policy, Design and Access Statement has been

submitted, which sets out the site appraisal and context as well as describing the design development concept and solution together with key principles and is in accordance with LDP2 Policy 2: Design Statements.

57. The proposed development has been designed to fit with the topography, with the 5 residential blocks located in the higher and lower parts and a new access road looping through the central part. This sees the height of the blocks along the Dundee Road frontage lower than those in the western lower area. Situated in an elevated position, the siting of the blocks takes advantage of the topography and views on the lower area. Given the level of site coverage, the proposed development will not result in the overdevelopment of the site. Furthermore, there is sufficient green space and open areas between the blocks, which will soften the appearance of the built form and enable the development to integrate better into the surrounding area. It is considered that the design and scale of the proposal is in accordance with the Placemaking Supplementary Guidance, and relevant policies 1A and 1B 'Placemaking' of the adopted LDP2.
58. Given that the blocks have been positioned to work with the topography of the site, their mass does not adversely impact the views or character of the surrounding area. The massing of the development has been reduced from previous applications to take into consideration the comments made at the pre – application stage and the character of the surrounding residential area. The existing development pattern is very much large villas within large gardens or landscaped areas. This pattern of development is reflected in the current layout design.
59. Furthermore, the proposed residential blocks will have flat roofs which will minimise the overall impact on the existing properties on Dundee Road. The layout and design of the proposed development reflects the pattern of the existing residential properties along Dundee Road.
60. On upper levels, the flats will have access to external areas in the form of balconies. The balconies will be south, east and west facing and will benefit from views out over the central area or the River Tay. In addition to public open space across the site, private amenity space can be provided at ground floor levels of the flatted blocks. This will create outdoor space for the ground floor residents and hedges will create a defensible boundary between private property and public realm.
61. The application has been accompanied by a Townscape and Visual Appraisal where full consideration has been given to the townscape character within the context of the site and its relationship with the surrounding landscape setting. It concludes that the proposals would rejuvenate this brownfield site with a high quality, outward looking development that would form a direct relationship with the townscape at this location and make a positive contribution to its character.
62. However, the proposed materials are not of a high quality and the use of light grey render is considered inappropriate for this locality. The use of higher quality, more traditional materials and colours would be preferred. This being the case

and given the proximity of the Kinnoull Conservation Area, it is recommended that the material palette is revised to better reflect the character of the surrounding area. This can be achieved via a condition requiring that samples are submitted for approval (Condition 5). Overall, subject to conditions, the proposal complies with LDP 2 Policies 1 'Placemaking', 2 'Design Statements', as well as NPF4 Policies 14 'Design, Quality and Place', 15 'Local Living and 20 Minute Neighbourhoods' and 16 'Quality Homes'.

Landscape

63. Policy 39 'Landscape' states that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. In this instance, the landscaping plan includes planting of heavy standard trees across the site as well as native shrub mix, areas managed as wildflower grassland and a range of native tree species, including specimen trees to maintain the landscaped setting. The planting of fruit trees is particularly welcomed as a key action in the Tayside Biodiversity Action Plan.
64. The landscaping also works with the topography, with a much larger landscaped area compared to some previous schemes and over 50% of the site open space. This excluding private gardens enclosed by hedging and balconies. Conditional control (conditions 9 and 10) will ensure that a more detailed landscaping scheme is forthcoming and implemented. Overall, it is considered that the proposed development is in accordance with LDP2 Policy 39 'Landscape'.

Residential Amenity

65. LDP2 Policy 17 'Residential Areas' seeks to protect existing residential amenity. Complemented by Policy 56 'Noise Pollution' which presumes against development with adverse noise impacts.
66. The A85, Dundee Road and a railway line are nearby, and a Noise Impact Assessment (NIA) has been submitted, which recommends appropriate mitigation measures, including acoustic insulation and double glazing to windows (Condition 26). In addition, given the proposed layout, sloping nature of the site and the existing boundary wall, views of the development from the existing properties in Dundee Road will be restricted, which will prevent any issues of overlooking and loss of privacy. However, sections of the boundary wall will be removed for the access junction. Condition 19 requires details of works to the wall are submitted for approval. Therefore, subject to conditions, the proposed development will not have an adverse impact on the residential amenity of the existing properties on Dundee Road, and The Kinnoull Conservation Area.
67. Furthermore, given existing properties across Dundee Road are mostly set back from the road as well as the separation from the care home and other existing properties, the proposed development will not result in any overlooking / loss of privacy or sunlight/daylight. In the interests of protecting residential amenity Condition 3 restricts working hours. The proposed development is, therefore, in accordance with LDP2 Policies 17, 56 and NPF4 Policies 14, 15 and 16.

Visual Amenity

68. The proposed development will result in the re-use of a vacant, derelict site, which will improve the overall character and appearance of the surrounding area. Furthermore, the proposals will result in the enhancement of the riverside corridor footpath, which is an important local amenity. As the application site slopes steeply down from east to west towards the River Tay, this means the building heights will not appear dominant from Dundee Road. The building heights of the two blocks along the Dundee Road boundary have 3 stories to the east and 5 to the west and this achieved by the building having a split-level floor plate. Three levels of accommodation are on the eastern side adjacent to the road and then a further two as the slope drops into the site. The southern block would see only one level visible above the boundary wall and onto Dundee Road, with the northern block sitting at a slightly higher level and seeing two levels above the wall. Therefore, the scale of the buildings would largely be contained when viewed from existing properties and otherwise accommodated by the significant slope. Overall, the proposed development will not have an adverse impact on the visual amenity of the site and surrounding area.

Roads and Access

69. LDP2 Policy 15 'Public Access' protects access assets from adverse impact. Thus, in order to protect these assets, such as existing core paths adjacent, Condition 18 is recommended. In addition, a Construction Traffic Management Scheme is required via Condition 25 to ensure the correct construction management practices.
70. Vehicular access will be obtained via Dundee Road and the new access road approved as part of the care home application (22/00916/FLL). Beyond this, the site is well connected to the existing core path network to the west and south. To the west being the Riverside Walk and to the south is the footpath link between Dundee Road and the City Centre. Three active travel footpath connections are proposed to the riverside core path network. The footpath connection from the flatted blocks to the Dundee Road pavement also provides direct access from those flats. The slope requires that the access has suitable gradients and adjustments have been made to address issues associated to those with mobility impairments, inclusive of rest areas. (Condition 20).
71. Overall, it is considered that the site is well connected to encourage sustainable transport methods, particularly to Perth City Centre.
72. In terms of waste and recycling, waste services colleagues advise that the bin collection point must be a maximum of 10 metres and use a hard standing surface and see a level gradient, smooth surface, and use dropped kerbs where appropriate. However, the submitted plans do not show this and thus Condition 23 is recommended.
73. Condition 15 requires the bus stop on Dundee Road is relocated and an upgraded shelter with real time information screens provided. In addition,

Condition 17 ensures that, in the interest of pedestrian safety and to facilitate free traffic flow, the priority junction onto Dundee Road is provided prior to works commencing.

74. LDP2 Policy 60B 'New Development Proposals' states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular, the sustainable modes of walking, cycling and public transport before private car journeys. It is proposed that each block will be served by a cycle store, providing the equivalent of one parking space per flat (72), and 8 disabled parking spaces. However, a condition (Condition 21) has been included to ensure that full details of the cycle parking facilities are submitted.
75. A Transport Assessment supports the application, setting out the case for 100% vehicular and cycle parking. It also includes for a proportion of EV charging spaces. Condition 22 ensures that the proposed car parking facilities are provided prior to the respective flats being brought into use. The proposals also facilitate improved walking/cycling/green connections alongside the Riverside Walk core path. Otherwise, the development is well situated to access public transport. However, Condition 14 requires a Green Travel Plan to further encourage the use of sustainable travel methods. Condition 20 seeks to secure a segregated footpath connection to Dundee Road and to enable sufficient connectivity with the wider path network.
76. In light of the above, and subject to conditions, the proposed development is in accordance with LDP2 Policies 15, 60A and 60B, and NPF4 Policies 13 'Sustainable Travel', 14 'Design Quality and Place', 18 'Infrastructure First', and 21 'Play, Recreation and Sport'.

Drainage and Flooding

77. LDP2 Policy 52 'New Development and Flooding', supports positive actions on flood risk. A Flood Risk Assessment (FRA) supports the application, and the Scottish Environmental Protection Agency (SEPA) Flood Map indicates that the site is not at risk of fluvial flooding. In this instance, the topography of the site and its sloped nature will minimise any ground pooling of water, but appropriate mitigation measures will be taken to minimise any pooling of ground water on the site.
78. LDP2 Policy 53A 'Water Environment' states that development at any location and of any scale should protect and where practical improve the water environment (ground and surface water). In this instance, there are no culverts proposed and, therefore, the proposed development will not result in a deterioration of the water body status. Furthermore, there is a sufficient buffer, both in terms of distance and levels, between the proposed development and the River Tay, as nearest water course.

79. LDP2 Policy 53B 'Foul Drainage' states that foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. The proposed development will be connected to the existing public combined sewer system for foul and surface water.
80. An accompanying drainage layout and the FRA show the existing foul water route is already located along the riverbank and pumped across the railway bridge into the existing network across the river. It is intended to utilise this existing connection rather than install new pump station to connect into the existing system on the Dundee Road.
81. LDP2 Policy 53C 'Surface Water Drainage' states that all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures including relevant temporary measures at the construction phase. In this instance, all matters pertaining to SuDS provision and design have been covered by Condition 4.
82. A proposed drainage layout has been provided showing that the development site is to be served by a new foul water network and new surface water network. The surface water network will incorporate several different SuDS features in a surface water management plan. Porous paving car parking spaces and gravel trenches will collect surface water runoff and discharge into the surface water network which runs from east to west. The network will then discharge into a below ground storage tank. In light of this, and subject to conditions, the proposed development is considered to be in accordance with LDP2 Policies 52, 52A, 52B, 53C and NPF4 Policy 22.

Natural Heritage and Biodiversity

83. LDP2 Policy 40 'Forestry, Woodland, and Trees' relates to tree protection.
84. There are 25 trees identified for removal and Condition 8 seeks to protect birds during the nesting season. Furthermore, detailed landscape plans, (Conditions 9 and 10) should be submitted showing appropriate compensatory planting to mitigate the tree loss. In order to protect any remaining trees, an Arboricultural Management Statement must be submitted (Condition 13). Subject to these conditions, the proposed development is, considered in accordance with LDP2 Policy 40.
85. LDP2 Policy 41 'Biodiversity' states that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not taking into account the ecosystems and natural processes in the area.
86. The proposed development would allow residential use within a brownfield site with little to no identified ecological importance, reflecting the composition of elements of remaining hardstanding and rough grassland with self-seeded and regenerated scrub and trees. Development would not remove important greenspace but conversely enhance greenspace and landscaping.

87. The submitted Preliminary Ecological Appraisal Report (PEAR) was undertaken at the correct time of year and its findings are accepted. Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific, based on surveys, location, development size, surrounding habitats, and landscape character and follow ecologist recommendations. This being the case, a condition has been included to ensure that biodiversity enhancements, as set out in the PEAR, are implemented as part of the proposed development (Condition 7)
88. Condition 7 requires that the conclusions and recommendations of the PEAR be fully adhered to. In addition, and in order to prevent animals from being trapped during the construction phase in pipes, culverts etc, a further condition is recommended (Condition 12). Subject to conditions, the proposed development is considered in accordance with LDP2 Policy 41, and NPF4 Policy 3 'Biodiversity'.
89. LDP2 Policy 42 'Green Infrastructure' states that the Council will require all new development to contribute to green infrastructure by:
- (a) creating new multifunctional green infrastructure,
 - (b) incorporating high standards of environmental design.
 - (c) ensuring that development does not lead to the fragmentation of existing green and blue networks.
 - (d) the protection, enhancement, and management of existing green infrastructure
90. In these respects the proposed development will not pose any adverse risks to the green or blue infrastructure of the area and the development of the site will maintain the overall integrity of the existing networks. The proposed development will engage with the landscape and existing topography of the site to enhance and create a sustainable living space. Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible. This has been covered by the inclusion of Condition 4. The proposed development is, therefore, considered in accordance with LDP Policy 42.
91. LDP2 Policy 47 'River Tay Catchment Area', states that the Council will seek to protect and enhance the nature conservation interests therein.
92. Although the development within proximity to the River Tay, a designated Special Area of Conservation (SAC) it will not physically impact on the SAC or cause any adverse impacts subject to suitable controls. An Appropriate Assessment has previously been undertaken and the submission of a Construction Environmental Management Plan (CEMP) is considered to be appropriate to ensure mitigation measures are put in place to prevent the leaching of materials and sediment into the SAC (Condition 11). In order to protect the environment and promote biodiversity Condition 6 is included to ensure that full details of the bat boxes

/bricks, swift boxes / bricks, hedgehog highways and wildlife kerbs are provided. Therefore, subject to conditions, the proposal is in accordance with LDP2 Policy 47.

Developer Contributions

93. In this instance, no contributions are required in terms of affordable housing, primary education and transport infrastructure. However, the Council's Community Greenspace Team have requested a commuted sum for the adoption of any non-priority public open space and a financial contribution towards the ongoing maintenance of the Potterhill Gardens Play Area. In addition, payment of a security deposit (SD) (10% per 100 dwellings) must be paid prior to handover of any areas of public open space POS. A Section 75 Legal Agreement will secure the required payments.

Economic Impact

94. There is likely to be some economic benefit associated with the construction phase of the development. There will also be indirect impacts from the future occupiers of the proposed development. The proximity of the site to the City Centre means future occupiers will likely utilise the City Centre which will have a positive economic impact.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

95. A Section 75 Legal Agreement is required to ensure that the development remains as 100% affordable housing and to secure the required money as requested by Community Greenspace. The money required is a Commuted Sum of £67,852.80 for the adoption of any non-priority Public Open Space. A financial contribution of £6,095.64 towards the ongoing maintenance and future upgrade of the nearby Potterhill Gardens Play Area is also required.

VARIATIONS

96. 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 road gradient and drainage.

DIRECTION BY SCOTTISH MINISTERS

97. 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

98. 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 conditions.

RECOMMENDATION

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

Conditions and Reasons for Recommendation

General

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

Reason: To ensure that the development is carried out in accordance with the plans approved.

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

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

Construction Hours

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

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

Drainage and Flooding

4. Development shall not commence on site until the detailed sustainable urban drainage system (SUDS) design has been finalised as per the comments provided by AECOM in '2301218FLM_Response_P03' (plus any future revisions) for submission to and 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. Thereafter, all works

shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

Design / Materials

5. Prior to the commencement of the development hereby approved, a sample of the external finishes shall be submitted to and agreed in writing by the Council as Planning Authority. The materials, 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 and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

Natural Heritage / Biodiversity

6. Prior to the commencement of the development hereby approved, a detailed plan indicating location, quantity, specification, and maintenance requirements for biodiversity enhancement measures including bat boxes/bricks, swift boxes/bricks, provision of hedgehog highways and wildlife kerbs and native tree and/or hedgerow planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. The agreed scheme shall be implemented prior to the bringing into use or completion of the development, whichever is the earlier, and thereafter 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.

7. The conclusions and recommended action points within the supporting PEAR (Doc 32) submitted and hereby approved; shall be fully adhered to, respected, and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

8. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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).

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

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

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

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

11. Prior to the commencement of development, an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

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 protecting environmental quality and of biodiversity.

13. Prior to works commencing on site, an Arboricultural Method Statement (AMS) shall be submitted to, and for the written approval of, the Planning Authority, and to confirm the details of the Construction Exclusion Zone, Tree Protection Plan and all measures proposed to avoid damage to those trees that are to be retained. The subsequently approved AMS shall be implemented prior to any works commencing on site.

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

Roads and Access

14. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP 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 (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting, and the duration of the plan. The subsequently agreed GTP shall be implemented prior to the occupation of the first unit with all future residents being made aware of the document.

Reason: To encourage sustainable transport methods.

15. Prior to the commencement of development, the precise location and detailed specification of the proposed replacement bus stop and associated shelter shall be submitted for the approval of the Council as Planning Authority. The bus stop shelter shall be equipped with a power supply to enable the installation of real-time bus stop information, which must also be provided by the Developer. The scheme as approved shall be undertaken to the satisfaction of the Council as Planning Authority prior to the occupation of the first residential unit.

Reason: To encourage the use of public transportation.

16. All rights of way or core paths within or adjacent to the development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of public access.

17. Prior to the commencement of development, a detailed scheme showing the priority junction onto the Dundee Road shall be submitted to the Council as Planning Authority for written agreement. Thereafter, the agreed scheme shall be implemented in full prior to any construction works commencing. For the

avoidance of doubt, the agreed scheme for the adjacent care home development (22/00916/FLL) may be appropriate.

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

18. Prior to the development hereby approved being completed or brought into use, the first five metres of the proposed access, measured from the edge of the existing adopted carriageway, shall see a gradient not to exceed 3%, with the remaining development internal carriageway gradients not exceeding 8%. The access shall be designed and constructed so that no surface water is discharged to the public road network.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

19. Prior to the commencement of development, precise details shall be submitted to the Council as Planning Authority of the stone boundary walls on Dundee Road and associated features such as steps and pedestrian access, both within the redline site and on land within the applicant's control. The submission in relation to this condition shall take full cognisance of the approved development 22/00916/FLL and the plan therein duly docqueted number 35 and prescribed Boundary Wall Proposal. All details to be submitted to and approved in writing by the Council as Planning Authority. The details shall include the retention and re-use of existing feature stonework, pedestrian access's as well as specification of any new stonework including samples as deemed appropriate and details of the coursing and mortar jointing. The details subsequently approved under this condition shall thereafter be implemented in full and prior to the occupation of any flat associated with the 72 flats approved by this permission.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to deliver safe access and egress from the development site for construction traffic and ongoing use as approved.

20. Prior to the commencement of development, a detailed design showing the path linkages for the following schemes shall be submitted for the written agreement of the Council as Planning Authority. The path linkages that should be shown on the plan are:
 - a. Path from development to core path between Block 3 and Block 4;
 - b. Path from development to core path between Block 4 and Block 5;
 - c. Path from development to core path south of Block 5;
 - d. Path to Dundee Road from the development; and,
 - e. The rest areas proposed.

The submission will confirm the location, specification, gradient, detailed design and delivery timescales for the paths and rest areas. Thereafter, the

subsequently agreed scheme shall be delivered in full accordance with the agreed delivery timescales.

Reason: In the interests of pedestrian safety and connectivity with the wider path network.

21. Prior to commencement of the development hereby approved, a detailed design for a further 4 residential cycle parking spaces and 9 visitor cycle parking spaces shall be submitted to the Council as Planning Authority for written approval. Thereafter, in addition to the 68 cycle parking spaces already proposed, the scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: To encourage active travel.

22. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented in a phased manner and thereafter maintained in a reasonable condition for the life of the development. The phasing of the parking arrangements shall be submitted to the Council as Planning Authority for written agreement prior to the commencement of works.

Reason: In the interests of road safety; to ensure the provision of off- street car parking facilities.

23. Prior to the commencement of works on site, detailed drawings showing waste and recycling bin presentation locations and strategy for presenting the bins at those locations, shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full for all blocks.

Reason: In the interests of road safety to prevent long reversing manoeuvres.

24. Prior to commencement of works, a street lighting design must be submitted to the Council as Planning Authority for written agreement. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of road safety.

25. 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 arrangements in the immediate vicinity of temporary construction compounds.
- (l) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction.
- (m) monitoring, reporting, and implementation arrangements
- (n) arrangements for dealing with non-compliance; and
- (o) details of HGV movements to and from the site.
- (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.

Residential Amenity

26. The mitigation measures as described in Sections 5 of the Noise Impact Assessment dated 29 June 2023 (document 27), shall be undertaken to ensure a satisfactory level of residential amenity can be achieved.

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

JUSTIFICATION

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

PROCEDURAL NOTES

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

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material
4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.

6. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
8. The applicant is advised that the detailed design of all SUDs shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
9. 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.
10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. 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.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
13. The applicant is advised that refuse collection vehicles will only enter the site during construction phases where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified (and agreed) collection point until full access is made available for refuse collection vehicles.
14. The applicant should make contact with the Community Waste Team to discuss bin collections as the site progresses and be prepared to provide temporary turning points for refuse collection vehicles if required. The road and pavement from any temporary bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard-standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.
15. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, 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>.

16. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
17. 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 road gradient and drainage.
18. 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.

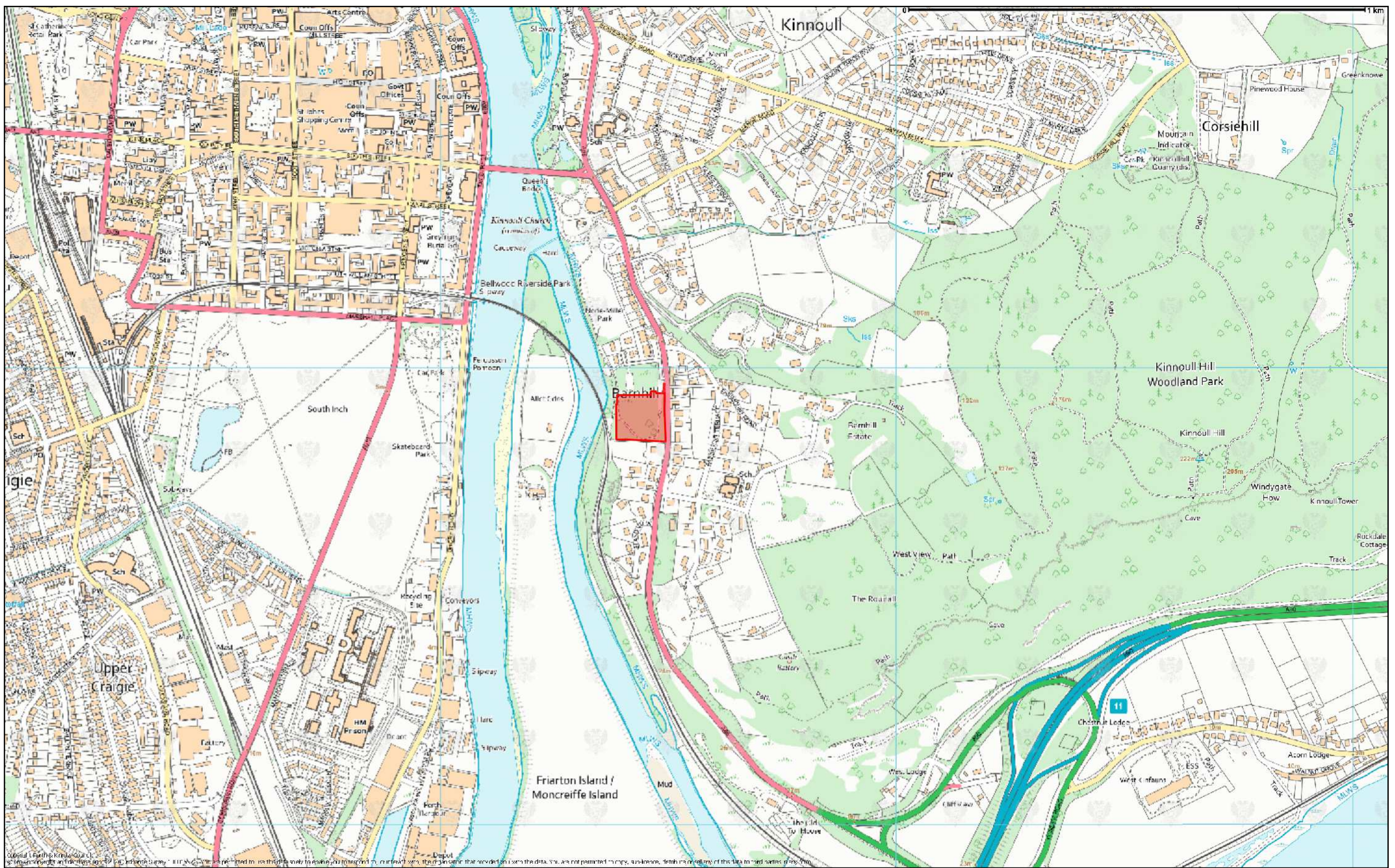
Background Papers: 24 letters of representation
Contact Officer: Alan Atkins
Date: 26th January 2024

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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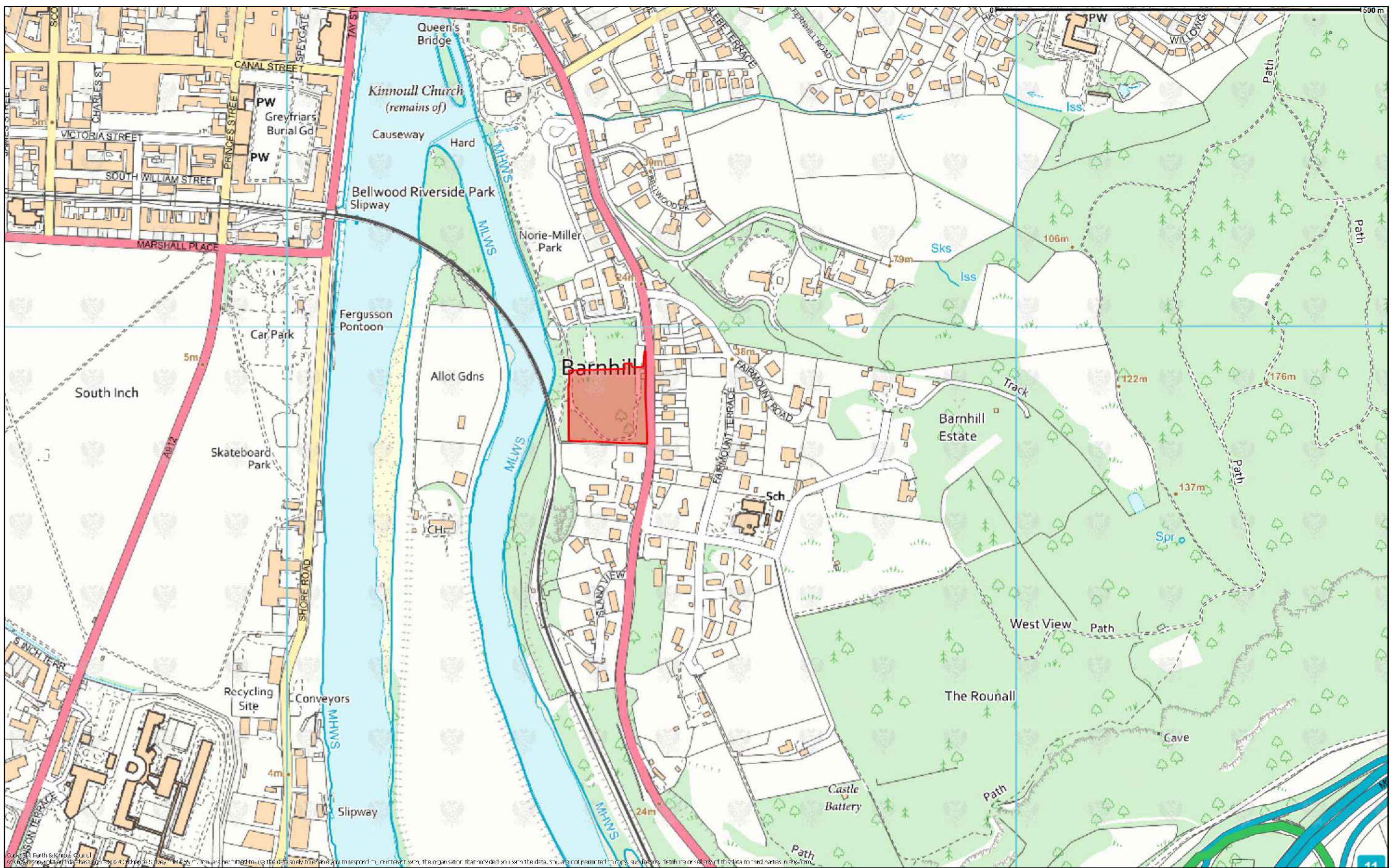
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Planning and Placemaking Committee - 7 February 2024
Scale 1:8000



23/01218/FLM
Erection of 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works at former Hillside Hospital Site, Perth





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Planning and Placemaking Committee - 7 February 2024
Scale 1:5000



23/01218/FLM
Erection of 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works at former Hillside Hospital Site, Perth



Perth and Kinross Council
Planning and Placemaking Committee – 7 February 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 24/48)

PROPOSAL:	Erection of a dwellinghouse and garage
LOCATION:	Land 55 Metres North East Of Inn On The Tay, Grandtully, Pitlochry

Ref. No: [23/01038/FLL](#)
 Ward No: P4- Highland

Summary

The application proposes a new house and garage on the site of a former rafting centre building on the banks of the River Tay.

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application site is a former rafting centre on the south bank of the River Tay at Grandtully.
2. The proposal is to demolish a timber building associated with the former rafting centre and erect a dwellinghouse and detached garage. That house being of one and half stories and containing 4-bedrooms. Finishing materials include stone and timber cladding and a slate roof.
3. The site is accessed via the junction and car park off the A827, to the south. That car park associated to The Inn on The Tay. Three trees along the roadside to the east (C447), close to the north-east corner of the site are to be removed for safety reasons and nine replacement trees are proposed as compensatory planting, together with a beech hedge around the majority of the site boundary, excluding the point of vehicular access.
4. The site is within the Strathtay and Grandtully Conservation Area, on the east/south bank of the River Tay, which is a Special Area of Conservation (SAC).
5. The proposal has attracted more than six objections from members of the public and is therefore required to be considered at Planning and Placemaking Committee.

Pre-Application Consultation

6. Pre-application Reference: 22/00082/PREAPL – removal of shed and erection of dwellinghouse. Outlined general considerations of the proposal, and the information that would be required to accompany an application.
7. Advice was that the outlined development was not classed as a ‘Major’ development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; therefore, the applicant was not required to undertake not any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 4

9. The National Planning Framework 4 (NPF4) is the Scottish Government’s long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people’s lives by making sustainable, liveable and productive spaces. 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 policies of NPF4, and it is considered that the development proposal accords with the intentions of this document.

Planning Advice Notes

11. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

12. 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

13. 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

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

DEVELOPMENT PLAN

15. 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

16. 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.
17. NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
18. The Council's assessment of this application has considered the following policies of NPF4:
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 16: Quality Homes
 - Policy 18: Infrastructure First
 - Policy 22: Flood Risk and Water Management
 - Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2

19. 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.
20. The principal relevant policies are, in summary:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 28A: Conservation Areas: New Development
 - Policy 28B: Demolition within Conservation Areas
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 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 56: Noise Pollution
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Site History

21. [09/01991/FLL](#) Full planning permission was approved on the 22/12/2009 for the erection of a shed and fence, at Grandtully Activities Centre.
22. [23/01314/FLL](#) Full planning permission was approved on the 07/11/2023 for the siting of a staff accommodation unit for a temporary period until 1 March 2024 (in retrospect).

CONSULTATIONS

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

External

Scottish Water

24. No objection.

Internal

Environmental Health (Noise Odour)

25. No objection. Noise Impact Assessment reviewed and no adverse comments.

Conservation Team

26. Initially concerns about the impact on the conservation area. A change to finishing materials was therefore recommended and achieved to obtain a timber as opposed to composite cladding.

Structures And Flooding

27. No objection. A Drainage Impact Assessment was submitted on request of the Flooding Team and confirms there is no identified risk of surface water or river flooding on the property during a 0.5% AP + CC flood event. Also that the proposed drainage is sufficient to prevent increased flood risk to the surrounding area.

Environmental Health (Contaminated Land)

28. No objection. Historic records do not raise any concerns regarding ground contamination.

Transportation And Development

29. No objection. Accept that access shall be through the existing current private car park which connects to the A827. The level of parking meets requirements.

Development Contributions Officer

30. No objection. Advise the proposal is within the catchment of Grandtully Primary School and that Education & Children's Services have no capacity concerns at this time and as such no contributions required.

Biodiversity/Tree Officer

31. No objection, subject to conditions.

Representations

32. 9 objections were received, summarised as follows:
- Visual impact.
 - Inappropriate land use.
 - Impact on nationally important canoeing site.
 - Restrict access to and from the river.
 - Removal of trees.
 - Pollution of watercourse.
 - Loss of commercial site and impact on the local economy. Site suitable for businesses offering outdoor pursuits and paddle sports and lack of visible marketing of a commercial site on the open market.
 - Impact on River Tay SAC from insufficient and inadequate wastewater capacity.
33. These issues are addressed in the Appraisal section of the report.
34. Land ownership has also been raised but is not a material planning consideration. The ownership certificate has been completed by the Agent/Applicant and the application advertised in a local paper in line with The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
35. A late representation was received on 14 September 2023 from Mid Atholl Strathtay and Grandtully Community Council. This noted that the applicant and their representative discussed the proposal at a Community Council meeting on 29 August 2023 and that there was universal support for the proposals. The proposal being welcomed by the CC and seen as a significant improvement for the village.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal / AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	Noise Impact Assessment; Drainage Design; Bat Survey and Ecological Report; Tree Survey Report

APPRAISAL

36. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
37. In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

Principle

38. The application site is in the settlement of Grandtully and formally occupied by an outdoor company specialising in rafting activities, that company now operating from a base in Aberfeldy.
39. The principal policies for consideration include NPF4 Policy 9 which supports the sustainable reuse of brownfield land, including vacant and derelict land and empty buildings. NPF4 Policy 16 also, in limited circumstances, lends support to proposals for new homes on land not allocated for housing in the LDP. These limitations including smaller scale opportunities within an existing settlement boundary. LDP2 highlights that to protect the historic environment of the settlement of Grandtully, Strathtay and Little Ballinluig, additional development will be limited to small-scale infill opportunities within the existing settlement boundary (page 208).
40. The redevelopment of the site in the settlement boundary is supported by NPF4 Policy 9 and Policy 16 through the re-use of a previously developed site, and the delivery of quality new homes.
41. LDP2 identifies areas of residential and compatible uses inside settlement boundaries where existing residential amenity will be protected and, where possible, improved. LDP2 Policy 17 states that changes away from ancillary uses such as employment land, local shops and community facilities, for example pubs and restaurants will be resisted unless there is demonstrable market evidence that the existing use is no longer viable as a commercial venture or community-run enterprise. Generally, encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area:

- (a) Infill residential development at a density which represents the most efficient use of the site while respecting its environs.
 - (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.
 - (c) Proposals which will improve the character and environment of the area or village.
 - (d) Business, homeworking, tourism or leisure activities.
 - (e) Proposals for improvements to community and educational facilities.
42. The site is not specifically identified in the LDP however the site history shows it to have been in use as an activity centre since at least 2011. Also, documentation submitted by the business owner with the pre-application enquiry states the business has operated from the site for 28 years (22/00082/PREAPL).
43. The supporting statement notes that the rafting business has relocated its operations to a base in Aberfeldy, the head of the rafting run and thus making the business more efficient. It also highlights a legal restriction imposed on the access arrangement which creates a difficult scenario. Specifically, the access is owned and controlled by The Inn on The Tay and the existing leisure business has a grant of access for 'rafting' only. Therefore, an open market commercial marketing exercise or subsequent sale, could not be performed as the end user would not be able to access/ operate a business from this location other than for rafting purposes. It states several local rafting companies were approached to purchase the site with no interest received and evidence of this is provided.
44. It has been considered that proportionately sufficient information has been submitted to demonstrate that the existing use is no longer viable as required by LDP2 Policy 17. The proposal is compatible with the amenity and character of the area and falls into LDP2 Policy 17 category (a) and (c) above.
45. NPF4 Policy 14: Design, Quality and Place aims to encourage, promote and facilitate well designed development to improve the quality of an area whether in urban or rural locations and regardless of scale. Proposals that are consistent with the six qualities of successful places will be supported. LDP2 Policy 1: Placemaking states development must contribute positively to the quality of the surrounding built and natural environment. Whereas all development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development. Further assessment is provided below.
46. As the application site is next to the River Tay Special Area of Conservation NPF4 Policy 4 (b): Natural Places is relevant as is LDP2 Policy 47: River Tay

Catchment Area. Also, given the characteristics of the site a bat survey was carried out and NPF4 Policy 3: Biodiversity and NPF4 Policy 4 (f): Natural Places are relevant together with LDP2 Policy 41: Biodiversity. The site also sees a number of mature trees and a Tree Survey Report was submitted in line with NPF4 Policy 6: Forestry, Woodland and Trees and LDP2 Policy 40B: Trees, Woodland and Development. Further assessment is again provided below.

Design, Layout and Visual Amenity

47. Being within the Conservation Area, a Design Statement has been submitted, in line with LDP2 Policy 2. This highlights the site topography, which slopes down from the public road (A827) to the river; and the characteristics of the surrounding area. It considers a modest one and a half storey dwellinghouse can be accommodated and the bespoke design and palette of materials will deliver a high level of architectural quality, without detracting from the surrounding historic built environment. Also, that the design has sought to deliver a unique and sympathetic iteration of the buildings found in Grandtully. It notes that the proposal will remove a building that offers little to the overall aesthetic of the conservation area.
48. The location is highly visible in its surroundings and initial concerns were expressed by conservation colleagues. As such a further supporting statement, visuals and a site section were submitted (Documents 24, 27, 28). This set out in more detail the site context, topography and the design approach to ensure a sympathetic development which respects the surrounding environment.
49. The quality of the bespoke design is acknowledged, with views of the river setting capitalised from the floor to ceiling glazing on the ground floor living spaces and a balcony from the master bedroom. The Placemaking Supplementary Guidance (2020) highlights sourcing high-quality, sustainable materials locally whenever possible and that the use of timber can provide a high-quality, natural finish if sensitively designed. Further information was submitted during the application process on the finishing materials (Document 23). This shows the use of locally sourced reclaimed stone to match the surrounding built environment, together with charcoal-stained larch vertical timber cladding. A condition is recommended to ensure full details and samples of the finishing materials are submitted for approval (Condition 4).
50. The position of the dwellinghouse along the tree line reflects the position of the existing timber building and provides some screening. Further planting is proposed to enhance the setting and compensate for the loss of three trees, for safety reasons. Conditions are recommended to ensure that details of boundary treatments and a landscape plan are approved (Conditions 5 and 9).
51. A detached garage is proposed which is designed to reflect the house's architectural style and finish. It's location and design were amended during the application process to move it closer to the house, reduce its height and remove a first-floor level. This was in order to minimise the wider visual impact of the

development upon the immediate environs. A condition is also recommended to ensure the garage is only used incidentally to the house (Condition 3).

52. In respect of the design, no information has been provided on the installation and operation of low and zero-carbon generating technologies as required by NPF4 Policy 2 and LDP2 Policy 32. A condition is therefore recommended to ensure that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies (Condition 10).
53. The attractive bespoke design respects the surrounding environment, and the finishing materials acknowledge local architecture to ensure the new home reflects well in its surroundings. The proposal will replace a redundant timber structure, which impacts the amenity of the area. The proposal is considered to satisfy NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1: Placemaking and related Supplementary Guidance and LDP2 Policy 17: Residential Areas, subject to conditions.

Residential Amenity

54. There is an established public house/restaurant 55m to the south-west. Due to this and the proximity to public roads and river a Noise Impact Assessment (NIA) was submitted with the application (Document 18). This was reviewed by Environmental Health who do not consider that residential amenity would be negatively impacted.
55. The proposal satisfies NPF4 Policy 23 (e): Health and Safety and LDP2 Policy 56: Noise Pollution.

Conservation Considerations

56. The location within the Grandtully and Strathtay Conservation Area saw initial concerns addressed through the submission of further supporting information. This notes the finished floor level would be the same as the existing timber structure and a modest increase in overall height is mitigated by positioning the higher element, one and a half storey, next to the roadside trees with further planting proposed to enhance the setting.
57. In respect of finishing materials, composite cladding with a wood grain effect has been amended to a natural timber finish. A natural timber finish is considered more appropriate given the site characteristics and is in line with Placemaking Supplementary Guidance (2020). A material finishes document now shows the use of locally sourced reclaimed stone, to match the surrounding built environment and charcoal stained larch vertical timber cladding (Document 23).
58. It is considered that the proposal has been sympathetically designed and together with the finishing materials acknowledges local architecture to ensure the new home fits with its surroundings. The proposal will replace a redundant timber structure which impacts on the amenity of the conservation area. To ensure

a high-quality development, a condition is recommended to ensure full details and samples of the finishing materials are approved (Condition 4).

59. The proposal therefore satisfies NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 28: Conservation Areas, subject to conditions.

Natural Heritage and Biodiversity

River Tay Special Area of Conservation

60. In order to protect the watercourse from the impact of pollution and sediment and in line with LDP2 Policy 47, a condition is recommended to require a Construction Method Statement (Condition 6).
61. The proposal thus satisfies NPF4 Policy 4: Natural Places and LDP2 Policy 47: River Tay Catchment Area, subject to condition.

Trees

62. A tree survey (Document 08) has categorised, examined tree conditions and provided advice as to likely impact of the development, and protection measures identified. It did not propose any removals. However, the report has been reviewed by the PKC Tree Officer, who advises for safety reasons that three pine trees (472, 476 and 477) should be removed. The proposed site plan has been revised to show this (Document 26).
63. The Tree Officer recommends that the development is capable of being implemented without adverse impact on other trees identified for retention. Conditions are recommended to ensure a pre-site meeting is held with the applicant's arboriculturalist and the Councils Enforcement Officer (Trees); tree protection measures are in place in accordance with BS5837: 2012; the specific measures detailed within the tree report are carried out and a detailed landscape plan is submitted for approval (Condition 9).
64. The proposal is considered to satisfy NPF4 Policy 6: Forestry, Woodland and Trees and LDP2 Policy 40B: Trees, Woodland and Development, subject to condition.

Biodiversity

65. A Bat, Bird and Protected Species Survey Report was submitted (Document 10) and reviewed by the Biodiversity Officer. It concludes that the proposed development will not have a detrimental impact on the bat population, as no bat roosts were confirmed and the foraging and commuting habitats will remain. Thus a bat licence is not required. A condition is recommended to ensure the recommendations of the report are carried out (Condition 7).
66. In respect of biodiversity enhancement, the Biodiversity Officer recommends a condition to ensure the installation of four swift boxes/bricks (Condition 8).

67. The proposal satisfies NPF4 Policy 3: Biodiversity and LDP2 Policy 41: Biodiversity, subject to conditions.

Roads and Access

68. Vehicular access to the site is proposed through the current private car park of the Inn on The Tay, which connects to the A827. Transportation and Development were consulted and raise no issues with this arrangement and note that the level of car parking proposed for the property will meet the requirements of the National Road Development Guide.
69. The site is in the settlement of Grandtully with shops and services nearby and is accessible by sustainable modes, with a bus stop on the A827 to the south.
70. The proposal thus satisfies NPF4 Policy 13: Sustainable Transport and LDP2 Policy: Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Public Access to River

71. The representations raise concern with access to the river path. There is a well-used pedestrian access to the path from the road bridge (C447), in the north-east corner of the site.
72. LDP2 Policy 15: Public Access states development proposals that would have an adverse impact upon the integrity of any (proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted.
73. The existing access to the river path will not be impacted by the proposed development and is to be retained as indicated on the revised site plan (Document 26).
74. The proposal therefore satisfies LDP2 Policy 15: Public Access.

Drainage and Flooding

75. The Flooding Team requested a Drainage Impact Assessment (DIA).
76. The DIA shows the surface water from the buildings will be directed to attenuation crates using a piped system and surface water will drain by gullies into the sub-base.
77. The Flooding Team confirmed there is no known risk of surface water or river flooding during a 0.5% AP + CC flood event. Also, that the proposed drainage is sufficient to prevent an increased flood risk to the surrounding area.

78. The representations raised the issue of sewage discharging into the river and this is a matter related to Scottish Water infrastructure. Foul water from the proposed development is proposed to connect to the existing Scottish Water sewer as shown on the submitted drainage strategy plan (Document 15). The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system.
79. Scottish Water was consulted and do not raise any concerns.
80. The proposal is considered to satisfy NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding, LDP2 Policy 53B: Foul Drainage and Policy 53C: Surface Water Drainage.

Other Material Considerations

Representations

81. There are issues raised beyond what is assessed above. Several representations refer to this part of the river being a nationally important canoeing site and the proposed development would adversely impact this. With regards to the installation of equipment on the river for sporting use this is not a material planning consideration and is a private civil matter between landowners. Comments regarding retaining access to the river have been clarified and a revised site plan submitted to show the domestic curtilage and the retention of an existing access to the river path from the road bridge, as per deeds.
82. There are no material considerations of sufficient weight to justify refusal of the application.

Developer Contributions

83. This proposal is within the catchment of Grandtully Primary School and Education & Children's Services have no capacity concerns and therefore no contributions are required.

Economic Impact

84. The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development. In respect of the loss of the existing facility, it would be limited to the specific site, and there remain other rafting opportunities on the River.

VARIATION OF APPLICATION UNDER SECTION 32A

85. 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 material finish, the detached garage and boundary planting.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

86. None.

DIRECTION BY SCOTTISH MINISTERS

87. 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

88. 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.
89. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

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

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

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

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

3. The garage hereby approved shall be used solely for purposes incidental to the domestic enjoyment of the dwellinghouse.

Reason: In order to control and restrict the use of the building.

4. 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.

5. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority and agreed in consultation with NatureScot and Scottish Environment Protection Agency (SEPA). The CMS must identify measures to prevent harmful materials entering the River Tay SAC, which could reduce water quality and lead to a damaging impact on the salmon, otter and lamprey interests. The CMS should include the following:

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

The CMS and mitigations as agreed shall be fully implemented as part of the planning permission.

Reason - In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

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

7. Prior to the completion or occupation of the building(s) hereby approved, whichever is the earlier, four swift boxes/bricks shall be provided on the development hereby approved. Thereafter, the agreed scheme shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

8. Prior to the commencement of the development hereby approved, the following shall be undertaken:
- i) a pre-site meeting with the applicant's arboriculturist and the Council's Enforcement Officer (Trees) shall be held to review the recommendations of the Tree Survey Report (Document 8) and any subsequent actions from the meeting will be agreed in writing by the Council as Planning Authority and carried out to the satisfaction of the Council as Planning Authority.
 - ii) full details of the tree protection measures shall be submitted for the written agreement of the Council as Planning Authority. All trees for retention 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.
 - iii) a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of boundary treatments, the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority. 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 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.

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

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

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk.

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

4. 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.
5. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required. Further information on

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

6. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
7. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
8. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
9. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the material finish, the garage and boundary planting.
10. The findings and recommendations contained with the Bat Survey remain valid for a period of 24 months. If the approved planning permission is not implemented within 24 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

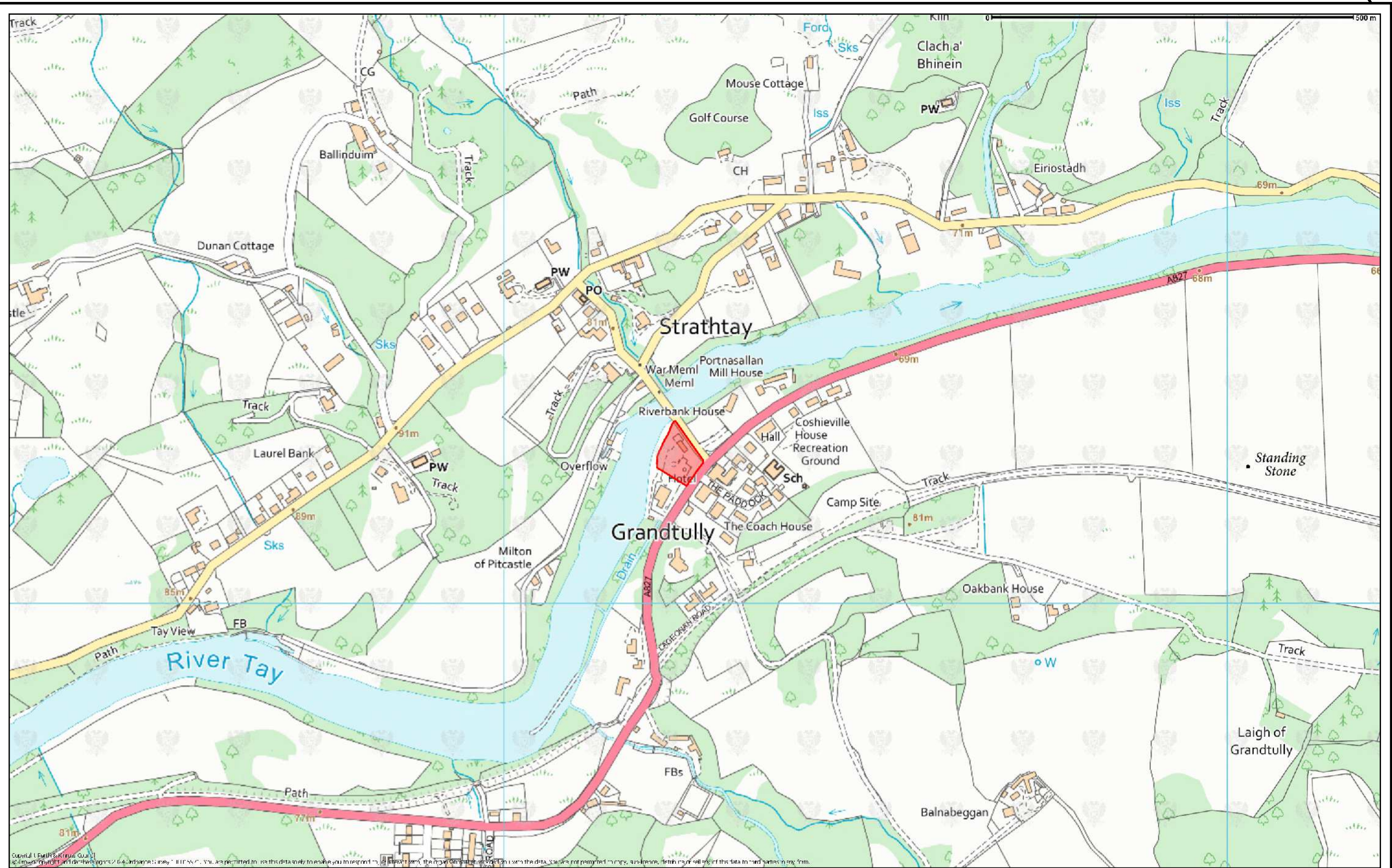
Background Papers: 9 letters of representation
Date: 26 January 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT & PLANNING

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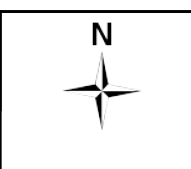
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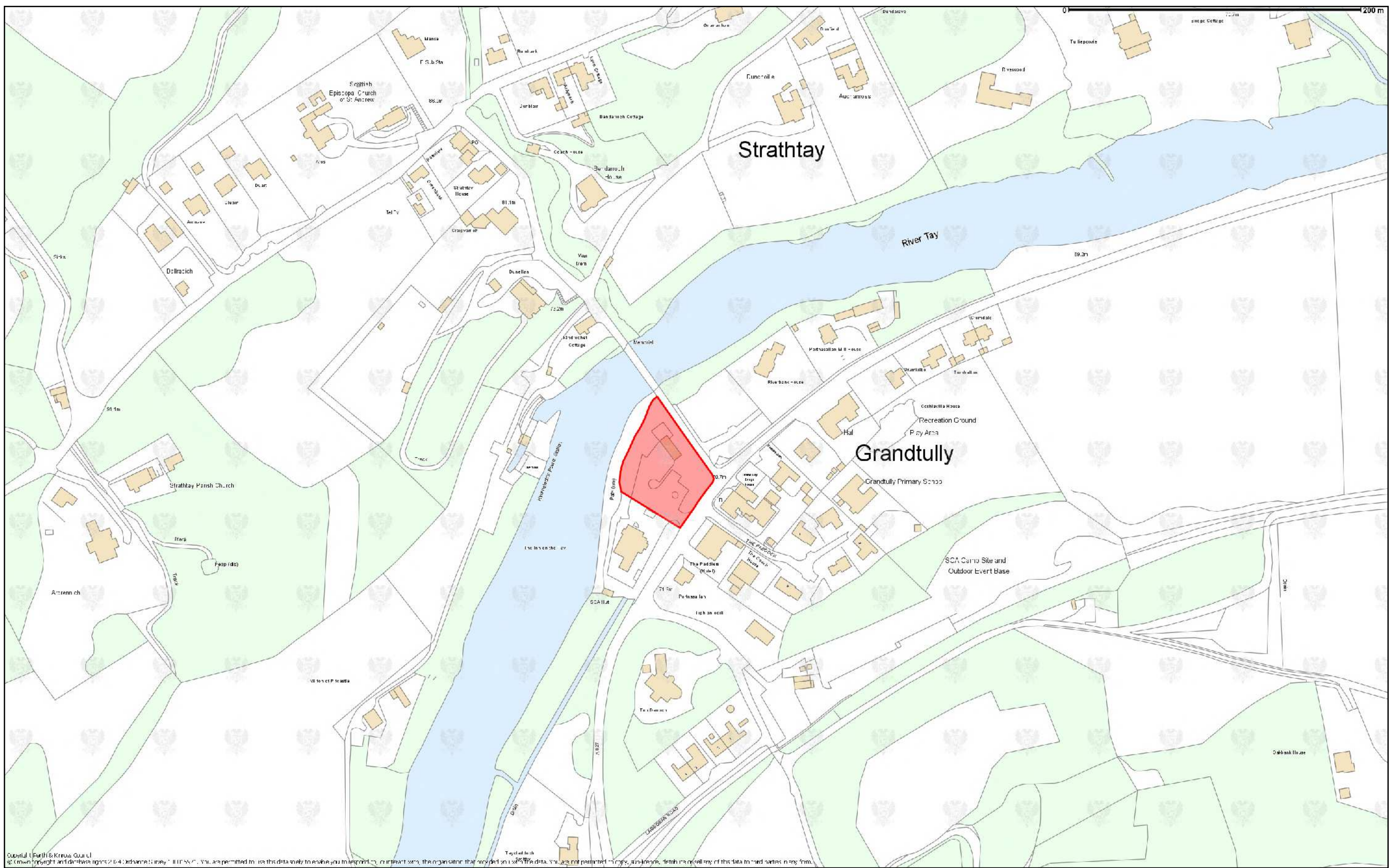
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Planning and Placemaking Committee - 7 February 2024
Scale 1:5000



23/01038/FLL
Proposed dwellinghouse and garage on land 55m northeast of Inn on the Tay, Grandtully

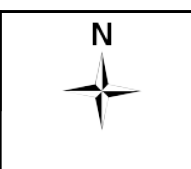




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Planning and Placemaking Committee - 7 February 2024
 Scale 1:2500



23/01038/FLL
 Proposed dwellinghouse and garage on land 55m northeast of Inn on the Tay, Grandtully



Perth and Kinross Council
Planning and Placemaking Committee – 7 February 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
 (Report No. 24/49)

PROPOSAL:	Alterations and extension to core path, installation of signage and associated works
LOCATION:	Murrayshall House Hotel, Murrayshall, Perth, PH2 7PH

Ref. No: [23/01798/FLL](#)

Ward No: P2- Strathmore

Summary

A diverted core path/right of way is proposed in association with the development of a new golf driving range. This would both reduce any conflict between the use of the path and users of the golf facility and upgrade the path construction standard.

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 alteration and extension of a core path, installation of signage and associated works at Murrayshall Hotel, Murrayshall, Perth. The existing core path is also a right of way. As a right of way, it is classed as a bridleway for horses. Cyclists and pedestrians can also use the path.
- 2 The application site is to the west of the hotel and adjacent and across the access drive from the first hole of the golf course. It is bounded on its northwestern side by Murrayshall Road, to the northeast by the existing access drive serving the hotel. To the southwest is a small grouping of residential properties, which are beyond an existing tree belt. The southeast boundary is undefined with the existing driving range beyond and driving bays some distance further.
- 3 Planning permission was granted for a new driving range in July 2022 (ref:[21/01673/FLL](#)). The SCON/7 Core Path, which is also Right of Way 39/7, crosses the approved driving range site in an approximate east-west direction and in its current position would pass directly in front of the approved driving range.

- 4 This route links Murrayshall Road to the west with the U85 public road to the east, at a point close to the existing driving range bays. To accommodate the new, approved driving range and avoid conflict between users of the facility and those of the path, the existing core path and right of way was proposed to be diverted to the north, behind the approved driving range building and away from where balls would travel from the bays. This diverted route was approved as part of the 2021 planning permission.
- 5 The approved development sought a new path to be formed to the north of the proposed car park and driving range building, then turning south and running parallel to Murrayshall Road before re-connecting with the existing route.
- 6 Subsequent to planning permission, 21/01673/FLL, a Section 208 Path Diversion Order was submitted to Perth and Kinross Council. The Section 208 application was withdrawn by the applicant owing to matters arising relating to the path's use as a Bridleway and the need to cater for horses and horse riders.
- 7 This application seeks an amended location for the core path/right of way, to ensure that the required standards are achieved to enable a further Section 208 Diversion Order process to be undertaken should planning permission be granted for these changes to the diverted path route. The new driving range building and associated car park remain unchanged and do not form part of the application.
- 8 The path route currently runs along a track to the east of the application site and to the north of the existing driving range. It then continues westwards across an open field which would form the area where balls would land from the new driving range. Ultimately, it links with Murrayshall Road to the west.
- 9 The proposal involves the realignment of the Core Path SC0N/7 and Right of Way 39/7 at the western end of the existing track around the east of the approved but yet to be constructed driving range buildings. This would be in a north westerly direction before wrapping around the back of these buildings (similar to what was previously granted planning permission). The main change proposed in direction is that the path diversion no longer travels along the northern edge of the approved driving range car park. Rather, the eastern section would be a more segregated route south of the approved car park.
- 10 The proposed path is to be 3m wide and surfaced with self-binding gravel path and see a 1.5m mown grass verge to each side, providing a 6m wide route. This surfacing will be continuous along the diverted route and now avoids conflicts with vehicular traffic by not crossing the access to the car park.
- 11 A separate application for planning permission in principle (PPP) setting out a masterplan for the wider tourism focused mixed-use development of the Murrayshall Estate (ref:[23/00833/IPM](#)) was recently approved.
- 12 This application is, however, for the alteration to the path diversion only and requires to be assessed on its own merits.

Pre-Application Consultation

- 13 There have been numerous discussions between the applicant's agent and the Planning Authority regarding the proposal but no formal pre-application enquiry.

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 peoples 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 Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 6: Forestry, Woodland and Trees
- Policy 8: Green Belts
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 20: Blue and Green Infrastructure

Perth and Kinross Local Development Plan 2019

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "*Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.*" It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 6: Settlement Boundaries
 - Policy 8: Rural Business and Diversification
 - Policy 15: Public Access

- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 27A: Listed Buildings
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 43: Green Belt
- Policy 50: Prime Agricultural Land
- Policy 52: New Development and Flooding
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- Supplementary Guidance - Green & Blue Infrastructure (adopted in 2020)
- Supplementary Guidance - Placemaking (adopted in 2020)

OTHER POLICIES

Non-Statutory Guidance

- Planning Guidance - Planning & Biodiversity

NATIONAL GUIDANCE

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

Planning Advice Notes

- 21 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building Standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Site History

- 22 [20/01688/SCRN](#) On 24 December 2020 a screening opinion request for a mixed use development at the Murrayshall Estate saw PKC advise that EIA was not required.
- 23 [20/00010/PAN](#) On 9 December 2020 a Proposal of Application Notice was accepted by PKC for: residential development, extension to hotel, erection of hotel accommodation units and staff accommodation units, spa facility, golf training and indoor sports buildings, formation of camping grounds, outdoor sports grounds, photovoltaic sites, access roads, SUDS ponds, landscaping and associated works.
- 24 [21/00508/IPM](#) A Planning Permission in Principle application was withdrawn on 4 April 2022, it had proposed: residential development, extension to hotel, erection of hotel accommodation units, café, spa and leisure facilities and groundskeeping buildings, formation of camping grounds, outdoor sports grounds, photovoltaic site, access roads, SUDS ponds, landscaping and associated works (in principle).
- 25 [21/01673/FLL](#) Full Planning Permission was approved on 11 July 2022 for the relocation of a driving range, erection of golf academy building and shop, formation of parking area, part diversion of core path, landscaping and associated works
- 26 [22/00023/PAN](#) On 2 February 2023 a Proposal of Application Notice was accepted by PKC for: residential development, extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of green keeping buildings, formation of central delivery hub, photovoltaic sites and associated access, drainage, and landscaping works (in principle).
- 27 [22/00024/PAN](#) On 2 February 2023 a Proposal of Application Notice was accepted by PKC for: extension to hotel, erection of hotel accommodation units, timeshare and fractional ownership accommodation units, café, spa and leisure facility, formation of camping grounds including camping pods, outdoor sports grounds, relocation of green keeping buildings, formation of central delivery hub, photovoltaic sites, associated access, drainage, and landscaping works (phase 1).
- 28 [23/00833/IPM](#) Planning Permission in Principle was approved on 13 December 2023 for: a mixed-use development comprising spa and leisure facility including ancillary food and drink; holiday accommodation including lodges luxury units and timeshare/ vacation ownership properties extension to hotel central delivery hub for deliveries staff facilities and relocated greenkeeping services outdoor pursuits small-scale residential conversion of existing greenkeepers compound and associated works including photovoltaic array servicing access drainage and landscaping.

CONSULTATIONS

29 As part of this planning application process the following were consulted:

External

Scone and District Community Council

30 Object. The representation identifies a number of concerns related to traffic flow, surface water run off, residential amenity related to holiday accommodation, noise pollution, light pollution and road safety and of which appear to primarily be related to the PPIP (ref:23/00833/IPM) which was approved in December 2023. No direct or specific concerns are identified in relation to this proposal for a diverted core path.

Internal

Development Contributions Officer

31 No developer contributions required.

Structures And Flooding

32 No objection.

Community Greenspace

33 No objection. Advise the realignment of the path sees significant improvement over the previously proposed realignment by separating core path users from vehicular traffic, increasing width and providing space for multiple path users. The proposal has taken into account the requirements of horse riders regarding separation from vehicles and provision of a suitable surface; including improved path width and gradient. The path improvements will also make the route more accessible to other path users including those using wheelchairs, prams or bikes. It should be noted that a path diversion order is required.

Representations

34 23 representations were received all of which objected to the application. This includes objections from the British Horse Society and Scone Community Council. The main issues raised within the representations are:

- Proximity to driving range and associated noise of golf ball strikes
- Option 3 is the preferred diverted route
- Impact on safety for all users
- Relationship and various concerns related to masterplan application
- Lack of consultation with all stakeholders
- Impact on drainage

- Surfacing of path
- Routing and bends in diverted route and enclosure of route behind hedges and fences, limiting forward visibility for users.
- Potential conflict between path users

35 These issues are addressed in the Appraisal section of the report. However, comments raised in relation to the wider development of Murrayshall Estate are not relevant to this application and are thus not considered significant material planning considerations in the assessment of this proposal. It should also be noted that there is no formal requirement for the applicant to undertake consultation with local stakeholders on this type of application.

ADDITIONAL STATEMENTS

36

Screening Opinion	No EIA required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Ecological Assessment • Planning Statement

APPRAISAL

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

Principle

38 The planning principle of diverting the path has been established through the extant permission to relocate the driving range and divert the path route. Details of that application are contained within the Committee Report for application 21/01673/FLL.

39 This assessment will consider whether the amendments proposed for the diverted path route are appropriate and acceptable in planning terms.

40 Policy 15 of the Perth and Kinross Local Development Plan 2 states that development proposals which have an adverse impact upon the integrity of a

core path or right of way will not be permitted. Similar policy requirements are outlined within Policy 8 and 20 of National Planning Framework 4 (NPF4), these seek to ensure that core paths within the designated Greenbelt are protected and that access rights to core paths are safeguarded.

41 As outlined above, planning permission for a new driving range has been granted and remains extant, therefore this assessment relates solely to the proposed changes to the amended route of the path. The revised routing is in parts similar to that which was approved, with revisions largely to the routing of the eastern section which move the route away from the approved car park and to ensure a designated route is provided for path users which avoids conflict with vehicular traffic and is better suited to horse riders. The diverted path is also proposed to an improved standard.

42 A supporting Planning Statement outlines that three options for the diverted route were considered. These are as follows:

Option 1:

43 Provide a revised design to the existing approved diverted route as per permission 21/01673/FLL with amendments to allow for appropriate surfacing and widths suitable for use as a bridlepath.

Option 2:

44 To revise the overall route to avoid conflict with vehicle users of the approved development. Including the following provisions:

- Suitable for horses and riders
- Route no longer passes to rear (north) of car park and avoids roads used by vehicles
- Route is of an increased width
- Suitable for cyclists, pedestrians and all other users
- Path surface to be suitable for all users
- No requirements for realigning/culverting ditch to rear of car park

Option 3:

45 To relocate the diverted route to the south of the golf driving range site. This would involve the path turning south immediately off Murrayshall Road and continuing along the boundary of the 2021 application site at the southern edge of the outfield of the driving range. This option would mean that the diverted route would be remote from the driving range and car park but would increase the overall length of the diversion. There are also concerns identified with the topography and safety given its location to the south of the driving range outfield and potentially in range of ball landing areas.

- 46 The applicant and their agent discussed these options with the Local Access Forum during a site visit on 22 August 2023. A further meeting was then held with Perth and Kinross Council on 5 September 2023 to discuss matters raised.
- 47 The Planning Statement indicates that following this process, that on-balance Option 2 was considered to be the most favourable.
- 48 Option 1 was dismissed as it would not remove conflict between core path users and vehicles using the car park, which was identified as a concern during consideration of the earlier Section 208 Order process.
- 49 Option 3 was also dismissed as the proposed delivery hub for Murrayshall Estate, which is indicated to be located to the west of the driving range in the indicative masterplan associated to permission 23/00833/IPM would conflict with users of any diverted path route. This as the path would require to cross the vehicular access into the delivery hub, creating conflicts between delivery vehicles and path users. There were also concerns with the topography of this route and the ability of the diverted route to cater for all users given the likely gradients. This diversion also would result in a considerable addition to the length of the path, in comparison with the existing path and option 2.
- 50 Option 2 was considered to be the most appropriate proposed diversion as it: avoids conflict with vehicles, allows for an appropriate gradient and allows for an appropriate width and surfacing of the path. Option 2 is that which is subject to this application.
- 51 The proposed diversion extends the overall linear distance of path by approximately 100m, which is similar in terms of length to the previously approved diversion. The 3m wide path provides good space for multiple path users and the 1.5m grass verge on either side offers additional useable space for horse riders or others to manoeuvre. It is important to ensure that the path requires to be suitable for all users and not solely horses. Cyclists and pedestrians require to be considered as do those with mobility issues. Although this diversion is longer than the current path route it reduces the gradient. Importantly, the proposed amended diverted route avoids the risk of path users being hit by golf balls from the new, approved driving range. It is clear from representations that different users of the core path/right of way have a preference for differing surface types, as some suit walkers, others cyclists or horse riders. A balance, however, requires to be reached on a surfacing suitable for all users. In this instance the proposed self-binding gravel is hard wearing and has been accepted as a suitable surface for all users by PKC Community Greenspace and will enable access for multiple path users which the current route does not, resulting in an overall improvement in accessibility terms.
- 52 Representations consider that the proposed hedge at the path's western end may increase the likelihood of horses being spooked by the sound of golf balls being hit. The noise of struck golf balls already exists on the core path and right of way where the path runs close to the existing driving range, however, there is no visual barrier between the path and golfers. A condition is therefore

recommended (Condition 5) to remove this hedge feature, removing the proposed visual barrier and to have it replaced with low level shrub planting. Signage will be in place to ensure users are directed appropriately onto the diverted route and details of this are included in the plans.

- 53 This core path/right of way already passes directly adjacent to and along the full length of the existing driving range at Murrayshall, a short distance to the east. Furthermore, the land to the north is occupied by an 18 hole golf course, with tees in relatively close proximity to the existing route. It would be reasonable to assume that any horse riding undertaken in this area would result in golf shots already being a common sound given these existing well established uses. Therefore, the proximity of the diverted route to the new driving range bays and the resultant noises are not considered to be substantially different from the existing situation.
- 54 The Council's Community Greenspace Service have been consulted and consider the proposals acceptable. They state that the proposal has taken into account the requirements of horse riders, regarding separation from vehicles and provision of suitable path surface; as well as including improved path width and gradient. The path improvements would also make the route more accessible to other path users, including those using wheelchairs, prams or bikes. All in comparison to the existing trodden grass route across the field. Whilst there are some turns in the route and some sections where forward visibility is limited this is not considered to be to any significant degree and the width of the path and grass verge will enable users to manoeuvre around turns appropriately which will aid in forward visibility.
- 55 The revisions to the diverted route are thus considered to be acceptable in planning terms. They will enable continued access and an improved standard of surface along the path network by all users and therefore meet the requirements of Policy 15 of LDP2 and Policies 8 and 20 of NPF4.
- 54 Whilst the proposed amendments to the diversion are considered to be acceptable in planning terms, there are formal processes relating to the stopping up and diversion of core paths and rights of way. These processes are separate from the planning considerations and will require to be addressed if and when planning permission is granted. The applicant is fully aware of these processes, particularly given the recent withdrawal of a diversion order for the original diverted route. It should be noted that the granting of any planning permission does not mean that the core path and right of way can be formally diverted without these separate processes being progressed. The recommendation in this report relates to the land use planning issues associated to the diversion being acceptable and gives no guarantee that the separate process(es) to stop up and divert the path will be approved.
- 55 Separate to the above and similar to the existing permission there is also a requirement to ensure a public access route remains available during construction operations, given that the cut and fill operation for the outfield of the driving range would impact on the existing route. Therefore, a temporary route is required

during the construction phase and before the diverted route opens. Details of this temporary route have been submitted (document 04 relates). These reflect the agreement reached under condition 15 of permission 21/01673/FLL. However, a condition is recommended to ensure this temporary diverted route is implemented during construction (Condition 4).

- 56 Overall, the now proposed path diversion is considered acceptable, allowing for an appropriately surfaced amended route for all path users. It is therefore considered to accord with Policy 15 of the LDP2 and Policies 8 and 20 of NPF4.

Design and Layout

- 57 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2 which relate to placemaking and Policy 14 of NPF4 which seeks to deliver well designed development. Further guidance is also provided within the associated Placemaking Supplementary Guidance. Policy 4(a) of NPF4 is also applicable and seeks to ensure that the development does not have an unacceptable impact on the natural environment.
- 58 In these regards the site has a rural character located on the outskirts of Scone but is very much associated and clearly related to the existing golf course and hotel, which form a key part of the visual amenity of the area. The revised diverted route will be seen in this context, with the approved driving range and associated building/car park. The width and materials of the diverted route are considered to reflect the character of this part of the estate and therefore accord with the requirements of the above policies, subject to ongoing maintenance (Condition 6).

Green Belt

- 59 Policy 43 of the LDP2 and Policy 8 of NPF4 states that development within the green belt will only be permitted in certain circumstances. This development is directly associated with the approved development of a driving range and driving range building and a diverted route has previously been approved in this location. The revised route is not considered to impact on the greenbelt any more than the existing approval. The proposal is therefore considered to accord with the above policies.

Trees

- 60 The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. This is reflected within Policy 40B of the LDP2 and NPF4 Policy 6(a). In this instance the existing permission included a tree survey which demonstrated that one tree required to be felled due to ash die back and three other trees are to be felled due to health and safety concerns. Compensatory planting was secured via a condition on that permission. An Arboricultural Impact Assessment accompanies the current proposals and includes a detailed method statement for

works close to and within root protection areas of retained trees. These works are considered acceptable. A condition is recommended to ensure the methods outlined are implemented. The revised route does not impact on trees to any further degree than the approved route and is therefore considered to be acceptable and to accord with the above policies.

Ecology

- 61 Policy 41 of the LDP2 and Policy 3 of NPF4 state that all wildlife and habitats should be protected, whether formally designated or not, considering natural processes in the area. Also that planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. The site was surveyed via application 21/01673/FLL and an updated walkover survey was been undertaken on 9 October 2023 by the same ecologist and supports this application. The findings highlight the potential impact on trees, which is addressed above but considers the remainder of the route to have limited ecological value. Thus the revised route is not considered to impact on ecology to any significant degree and measures to protect ecological resources are secured via the existing permission. The proposal is therefore considered to accord with the above policies.

Traffic and Transport

- 62 Policy 60B of LDP2 and Policy 13 of NPF4 seeks safe access, egress and appropriate car parking and to encourage the use of sustainable transport. This revised arrangement avoids conflict between path users and vehicular traffic as mentioned elsewhere in this report. The improved width, separation and material of the diverted route is considered to encourage the use of sustainable means of transport and therefore complies with the above policies.

Residential Amenity

- 63 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. The amended diverted route is not considered to have any detrimental impact on the residential amenity of the area and therefore accords with the above policies.

Drainage

- 64 Policy 53C of the LDP2 and Policy 22 of NPF4 require surface water drainage to be managed by a Sustainable Urban Drainage System (SUDS) and a SUDS pond has been approved under the previous application to the west of the driving range. Details of the SUDS solution were included within the submitted Drainage Strategy and the SUDS pond is proposed to be of a natural design to limit its impact on the visual amenity and landscape of the area. This was reviewed by PKC Structures and Flooding who consider it be acceptable. This SUDS pond is considered to be capable of accommodating any run off from the amended diverted route and

furthermore the gravel surface of the path will be porous. The proposal therefore accords with Policy 53C of LDP2 and Policy 22 of NPF4.

Developer Contributions

65 There is no requirement for developer contributions.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

66 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

67 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.

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

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

3. The tree protection measures outlined in the approved Arboricultural Method Statement (doc ref:07) shall be fully implemented on site for the duration of construction operations.

Reason: To ensure implementation of the tree protection measures outlined in

the submitted Tree Survey.

4. The temporary diverted route for the core path and right of way to be provided during construction operations, as identified in document ref: 04, shall be strictly adhered to during construction operations and shall remain available for use until the permanent diverted core path route is open and available for use.

Reason: To ensure continued public access along the core path and right of way.

5. The hedge planting which is proposed at western end of the diverted core path/right of way route, running parallel to Murrayshall Road is not approved. An alternative lower level shrub planting boundary should be planted here and details of this alternative planting shall be submitted to and subsequently approved in writing prior to the commencement of any development. This low level planting shall be maintained at this level at all times.

Reason: To ensure line of site between the core path/right of way and the driving range to limit the possibility of horses being spooked by golf balls being hit.

6. Prior to the commencement of any development a maintenance plan and regime for the path shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented for the lifetime of the development.

Reason: To ensure the diverted path remains available for use by all users.

JUSTIFICATION

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

PROCEDURAL NOTES

None.

INFORMATIVES

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

3. The granting of planning permission does not alter the status of the existing core path SCON/7 and right of way 39/7. An order to stop up and divert the affected path under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the core path under the Land Reform (Scotland) Act 2003, may be required.

Background Papers: 23 letters of representation

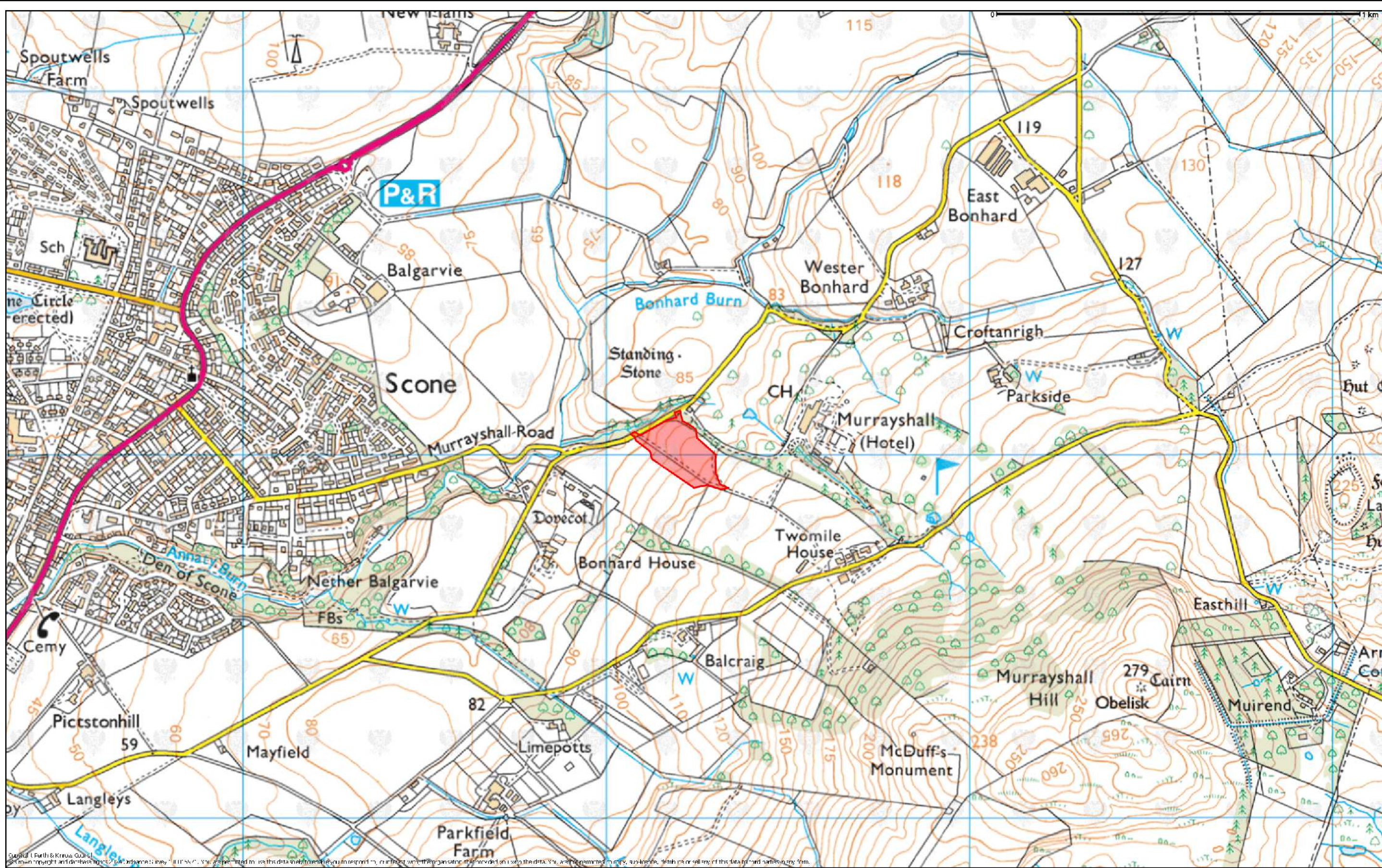
Date: 26th January 2024

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT & PLANNING

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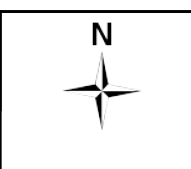
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Planning and Placemaking Committee - 7 February 2024
Scale 1:10000



23/01798/FLL
Alterations and extension to core path, installation of signage and associated works Murrayshall House Hotel, Murrayshall, Perth



