

Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
(Report No. 22/75)

PROPOSAL:	S42 application to modify condition 3 (building height) of planning permission in principle 20/01103/IPM
LOCATION:	The James Hutton Institute, Errol Road, Invergowrie, Dundee, DD2 5DA

Ref. No: [22/00187/IPM](#)
Ward No: P1- Carse Of Gowrie

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The James Hutton Institute (formerly known as the Scottish Crop Research Institute) is an internationally renowned organisation that conducts scientific research into agricultural and environmental issues, including research into crop and food science.
2. The proposed site is a 94-hectare (ha) area of relatively flat agricultural land situated just west of Invergowrie village and immediately south of the A90 Trunk Road. It accommodates a number of Institute activities and contains an extensive grouping of centrally located buildings, greenhouses and other facilities, surrounded by extensive agricultural land that is used for cropping and research activities. Currently, the site's main access is from Errol Road to the south, extending from the western end of Invergowrie.
3. The site is identified in TAYplan as a Strategic Development Area and is allocated in the Perth and Kinross Local Development 2 (2019) (LDP2) as E37, allocated for core employment uses - Class 4 Food.
4. The site benefits from Planning Permission in Principle (PPP), under reference 20/01103/IPM, to redevelop the Institute, via a mixed-use development involving agricultural research, industry engagement, skills development, training and education, and related business and ancillary uses. The PPP incorporates the following:
 - development of a new International Barley Hub (IBH);
 - development of a new Advanced Plant Growth Centre (APGC);
 - development of new farm buildings;

- demolition of existing buildings;
 - redevelopment and refurbishment of other existing buildings;
 - ground works;
 - new roads and footpaths;
 - car parking;
 - drainage and utilities infrastructure; and
 - hard and soft landscaping.
5. A separate detailed planning application (20/01104/FLL) has been approved for a new road from the Invergowrie roundabout, to serve the expanded campus.
 6. Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 as Amended) applies to applications for planning permission to develop land which departs from conditions attached to an existing permission. The effect of granting permission for a Section 42 (S42) application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
 7. The primary purpose of this S42 application seeks a revision to the requirements of Condition 3 of the extant planning permission in principle 20/01103/IPM. The proposed revision seeks to increase the height of the building from 15 metres to 18 metres.
 8. The original wording of Condition 3 of permission 20/01103/IPM currently states:
 9. *No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 15 metres in height.*
 10. *Reason - To not impact on the operations of Dundee City Airport.*
 11. Assessment for the proposed changes for this condition is set out below.

Pre-Application Consultation

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

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014 (SPP)

15. The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
16. The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability : paragraphs 24 – 35
 - Placemaking : paragraphs 36 – 57
 - Valuing the Natural Environment: 193 - 218

Planning Advice Notes

17. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
18. PAN 40 Development Management

Creating Places 2013

19. 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.

DEVELOPMENT PLAN

20. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

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

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

The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –

22. Policy 1: Locational Priorities

Perth and Kinross Local Development Plan 2

23. 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.

24. The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 61: Airfield Safeguarding

LDP2 Allocation (E37 James Hutton Institute Core Employment Uses – Class 4 Food

Site-Specific Developer Requirements

- Development must be compatible with existing uses.
- Road and access improvements to the satisfaction of the Council as Roads Authority.
- Transport Assessment.
- Enhancement of biodiversity and protection of habitats.
- Development proposals should not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s).
- Provide new native woodland landscape edge at the western boundary.
- Evaluation of archaeological potential and mitigation on site will be required and protection of the setting of nearby Schedule Monument should be ensured.

SITE HISTORY

25. The following extensive planning history is relevant:
26. **98/01380/FUL** Erection of research glasshouses and support header house Approved On 25 November 1998.
27. **01/01562/OUT** Formation of science and technology park with shared facilities for SCRI and associated roadworks (in outline). Approved on 29 October 2003.
28. **02/00169/PN** Erection of a general building. Approved on 27 February 2002.
29. **02/01144/FUL** Erection of research glasshouse and header building. Approved on 3 September 2002.
30. **02/02026/FUL** Extension of general building. Approved on 21 February 2003.
31. **03/00701/FUL** Extension to header house building. Approved on 30 June 2003.
32. **03/01532/FUL** Extensions to header and glass houses. Approved on 24 October 2003.
33. **07/01073/FUL** Erection of research glasshouses and support headerhouse. Approved on 20 July 2007.
34. **07/01985/PN** Erection of a general purpose agricultural storage building. Approved on 1 October 2007.
35. **10/00005/FLL** Erection of prefabricated building. Approved on 5 February 2010.
36. **15/00832/FLL** Installation of solar PV panels. Approved on 10 June 2015.
37. **15/01731/IPL** Erection of a plant growth facility and associated works (in principle). Approved on 1 December 2015.
38. **16/00126/FLL** Erection of a plant growth research and production facility and ancillary works. Approved on 29 April 2016.
39. **19/00472/FLL** Siting of 3 hydroponic containers. Approved on 1 May 2019.
40. **19/00011/PAN** Mixed use development for Class 4 and Class 8 uses to include agricultural research, industry engagement, skills development, training and education, associated business uses, formation of vehicular access, car parking, hard and soft landscaping and associated infrastructure works. Contents agreed on 30 January 2020.
41. **20/00324/SCRN** Erection of a 2MW solar farm. Decision issued April 2020.
42. **20/00348/SCRN** Mixed use development. Decision issued April 2020.

43. [20/00662/FLL](#) Siting of 3 office/welfare facility units and formation of parking for a temporary period. Approved on 21 July 2020.
44. [20/01103/IPM](#) Mixed use development including alterations and erection of buildings for agricultural research and development, industry engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle). Approved on 19 November 2020.
45. [20/01104/FLL](#) Formation of vehicular access, access road, SUDS pond and associated works. Approved on 24 November 2020.
46. [20/01435/FLL](#) Installation of a ground source heat pump system, formation of equipment yard and associated works. Approved on 30 January 2021
47. [20/01464/ADV](#) Advertisement Consent for Display of signs. Approved on 24 November 2020.
48. [21/00651/FLL](#) Erection of polytunnels. Approved on 17 June 2021.
49. [21/00780/FLL](#) Erection of 2 agricultural research buildings, stores, wash/filling bays, formation of access road, footpaths, parking area, hardstanding and associated works. Approved on 31 August 2021.
50. [21/01494/FLL](#) Erection of compost storage unit and associated works. Approved on 20 October 2021.
51. [21/01495/FLL](#) Erection of a chemical storage building, cold storage building and associated works. Approved on 1 November 2021.
52. [21/01612/FLL](#) Installation of cable and associated works. Approved on 19 January 2022.
53. [21/01662/FLL](#) Formation of SUDS pond and associated works. Approved on 24 November 2021.
54. [21/01663/FLL](#) Formation of SUDS pond and associated works. Approved on 24 November 2021.
55. [21/02031/FLL](#) Siting of 2 relocated portable office buildings and associated works. Approved on 14 February 2022.

CONSULTATIONS

56. As part of the planning application process the following body was consulted:

External

57. Dundee Airport Ltd – no objections.

REPRESENTATIONS

5. No representations received within statutory timescale.

ADDITIONAL STATEMENTS

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

APPRAISAL

61. Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.
62. Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
 - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
63. The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 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 national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

Principle

64. The principle of the development subject of the application has been previously established through the approval of the extant planning permission in principle (20/01103/IPM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. The amendment of Condition 3 to increase the building height is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are anticipated.

65. The applicant proposes a modification to Condition 3 to increase the height of any new building from a maximum of 15m to a maximum of 18m. No additional information has been provided to support this proposed modification.
66. The original wording of Condition 3 of planning permission 20/01103/IPM states:
67. *No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 15 metres in height.*
68. *Reason - To not impact on the operations of Dundee City Airport.*

Design and Layout

69. As this S42 application is in respect of a previously approved PPP there is no detailed proposed design. The indicative proposed layout submitted in support of planning permission 20/01103/IPM showed new buildings to be located within and close to the existing group of buildings and facilities. The assessment of the previous planning approval specified that the development would contribute positively to the quality of the surrounding built and natural environment. The proposed increase in height of the building as proposed here would not alter that view and as such the proposal complies with LDP2 Policies 1A and 1B – Placemaking.

Residential Amenity

70. There are residential properties approximately 200m to the south and south east of the site and 400m to the east, within the village of Invergowrie. Due to the distance to the nearest residential property the proposal would have no impact on residential amenity.

Visual Amenity

71. As this application relates to a PPP permission without any detailed design it is difficult to ascertain fully at this stage the visual impact. The condition restricting the height of the building to 15m was recommended by Dundee Airport Ltd and not due to concerns of visual amenity. As noted above, the indicative proposed layout approved under 20/01103/IPM shows any new buildings to be located within the existing group of buildings and facilities and any visual impact will be minimised through integration with the existing building stock. The increase in building height proposed here would not raise any concerns of visual amenity within its context and would be subject to further assessment through future planning applications.

Health and Safety

72. Dundee Airport Ltd has confirmed they have no objection to the modification of Condition 3 to increase the building height to 18m which would not impact on their operations. As such the proposal complies with LDP2 Policy 61 – Airfield Safeguarding.

Developer Contributions

73. There will be no change to the requirement for developer contributions through amending Condition 3 of planning permission 20/01103/IPM.

Economic Impact

74. The economic impact from this particular proposal is anticipated to be limited.

LEGAL AGREEMENTS

75. None required.

DIRECTION BY SCOTTISH MINISTERS

76. 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

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

A RECOMMENDATION

Conditions and Reasons for Recommendation

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed

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

2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) a construction (including demolition) phasing plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point.
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths/cycleways and structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vii) details of any landscaping, structure planting and screening associated with the development;
 - (viii) full details of the proposed means of disposal of foul and surface water from the development;
 - (ix) details of protection of scheduled monuments;
 - (x) lighting details;
 - (xi) bin storage, collection location and recycling facilities provision;
 - (xii) air quality assessment;
 - (xiii) updated ecology assessment including protected species survey, a breeding bird survey of buildings and potential bat roost features in any buildings proposed to be demolished;
 - (xiv) biodiversity action plan (to specifically include biodiversity enhancement and opportunities to support protected species);
 - (xv) contaminated land assessment;
 - (xvi) a Green Travel Plan (GTP); and,
 - (xvii) archaeological working scheme of investigation.

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

3. No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 18 metres in height.

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

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed applications, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - To ensure a satisfactory standard of local environmental quality.

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

Reason - To ensure a satisfactory standard of local environmental quality.

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

Reason - To ensure a satisfactory standard of local environmental quality.

7. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an Air Quality Assessment shall be submitted to the Council as Planning Authority. The assessment should assess the air quality impacts from traffic and heating systems associated with the development also cumulative effects from other development sites and consideration should be given to impacts on the Dundee AQMA.

Reason - To ensure a satisfactory standard of local environmental quality.

8. Core paths and right of way must not be obstructed during construction or on completion. All public paths created as part of any layout or design submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 must be suitable for all non-motorised user groups (minimum 2m width with suitable surface in wider corridor).

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

9. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, details of the location and measures proposed for the safeguarding and continued operation of any Scottish Water supply pipes sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - To safeguard Scottish Water infrastructure.

10. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason - To safeguard archaeology in the area.

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

Reason - To ensure a satisfactory standard of local environmental quality.

12. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a hard and soft landscaping scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include the following specification:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;

- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture and equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

13. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application an updated Ecology Survey including; a Protected Species Survey, a Breeding Bird Survey of Buildings, a Survey of potential Bat Roost Features in buildings to be demolished shall be submitted to and approved in writing by the Council as Planning Authority.

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

14. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

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

15. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application the mitigation measures identified for Junction 4 - A85 Riverside Avenue / Main Street for its signalisation to reduce the queueing impact from the development, a detailed design shall be undertaken, along with a date for their implementation shall be submitted and agreed in writing by the Council as Planning Authority.

Reason - In the interests of road safety

16. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Council as Planning Authority.

Reason - In the interests of road safety

17. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, the applicant shall provide the following parking provision numbers on site:

- Car Parking - 334 spaces
- Secure Covered Cycle Parking - 100 spaces
- Powered Two Wheelers - 19 spaces
- Disabled Allocation - 17 spaces

Coach parking provision on site shall also be included as part of any detailed application.

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
2. The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
3. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing any demolition work. If bats are found during works, the work should stop immediately, and you should contact

NatureScot at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult NatureScot for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. 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.

4. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
6. 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.
7. 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. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
8. The granting of planning permission does not stop the continued right of public access along the existing core paths INGI/8 and 52/8. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
10. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
12. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Specified by Condition.
13. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he 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.
14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. The applicant is advised that 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.

Background Papers: None
Contact Officer: Gillian Peebles
Date: 31 March 2022

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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