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Council Building
2 High Street
Perth
PH1 5PH

1 March 2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Tuesday, 09 March 2021 at 10:00.**

If you have any queries please contact Committee Services - Committee@pkc.gov.uk.

BARBARA RENTON
Interim 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 Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Michael Barnacle
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Tom McEwan
Councillor Callum Purves
Councillor Crawford Reid
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Tuesday, 09 March 2021

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 PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 13 JANUARY 2021 FOR APPROVAL 5 - 16**
(copy herewith)
- 4 APPLICATIONS FOR DETERMINATION**
- 4(1) MAJOR APPLICATION**
- 4(1)(i) 20/01540/AMM - ALYTH - S42 APPLICATION TO MODIFY CONDITION 13 (WATER CROSSINGS) OF PLANNING PERMISSION 18/01214/AMM, SITE OF FORMER GLENISLA GOLF COURSE, ALYTH 17 - 38**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/26)
- 4(2) LOCAL APPLICATION**
- 4(2)(i) 20/00297/FLL - AUCHTERARDER - PART CHANGE OF USE FROM DWELLINGHOUSE TO DWELLINGHOUSE AND EVENTS VENUE, AUCHTERARDER HOUSE, AUCHTERARDER 39 - 54**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/27)
- 4(2)(ii) 20/01026/FLL - LOGIEALMOND - CHANGE OF USE AND ALTERATIONS TO AGRICULTURAL BUILDINGS TO FORM AN ESTATE OFFICE AND FARM SHOP WITH BUTCHERY AND GAME STORE, FORMATION OF PARKING AREA, ACCESS ROADS AND ASSOCIATED WORKS, KINDRUM PARK FARM, HARRIETFIELD, LOGIEALMOND, PERTH 55 - 72**
Report of Handling by Head of Planning and Development

(Recommendation - Approve) (copy herewith 21/28)

- 4(2)(iii) 20/01700/FLL - PITNACREE - ALTERATIONS AND EXTENSION TO STEADINGS TO FORM A DWELLINGHOUSE AND ANCILLARY ACCOMMODATION, STEADINGS NORTH OF WEST MILL COTTAGES, PITNACREE** **73 - 94**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/29)
- 4(2)(iv) 20/01873/FLL - COMRIE - ERECTION OF 3 DWELLINGHOUSES AND GARAGES, LAND SOUTH WEST OF AQUILA, BRACO ROAD, COMRIE** **95 - 110**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/30)
- 4(3) PROPOSAL OF APPLICATION NOTICES (PAN)**
- 4(3)(i) 20/00013/PAN - BRACO - FORMATION OF AN ENERGY STORAGE FACILITY COMPRISING CONTROL BUILDING, BATTERY STORAGE CONTAINER UNITS, ANCILLARY EQUIPMENT, PARKING, BOUNDARY TREATMENTS, LANDSCAPING AND ASSOCIATED WORKS AT SHINDOUR FEDDAL HILL WOOD, BRACO** **111 - 120**
Pre-Application Report by Head of Planning and Development
(copy herewith 21/31)
- 4(3)(ii) 21/00001/PAN - WEST KINFAUNS - MIXED USE DEVELOPMENT COMPRISING HOTEL, MUSEUM, HOLIDAY ACCOMMODATION, RETAIL AND POTENTIAL PARK AND RIDE FACILITY, CALEDONIAN HOUSE AND LAND AT WEST KINFAUNS, KINFAUNS HOLDINGS, WEST KINFAUNS** **121 - 130**
Pre-Application Report by Head of Planning and Development
(copy herewith 21/32)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 13 January 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, T Gray, D Illingworth, I James, T McEwan, C Purves, C Reid, W Robertson, R Watters, M Williamson and W Wilson.

In Attendance: K Smith, J Scott, D Salman, A Rennie, A Belford, and L Reid (all Communities); C Elliott, D Williams, A Brown, M Pasternak, C Wright and L McGuigan (all Corporate and Democratic Services).

Councillor R McCall, Convener, Presiding.

IN MEMORIAM

Prior to the commencement of business, the Convener led tributes to Councillor Henry Anderson, member of the Planning and Development Management Committee Convener of the Local Review Body, following his untimely passing in December 2020. The sympathy and best wishes of all were extended to Councillor Anderson's family at this sad time

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 15 December 2020 was submitted and approved as a correct record.

4. DEPUTATIONS

There were no deputations to be considered.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) 19/02033/IPM - PERTH - Employment use development (Class 4, 5 and 6) and associated works (LDP2 allocated site E38), land south of Target House, Ruthvenfield Road, Inveralmond Industrial Estate, Perth – Report 21/1 –**

Mr J Scott introduced the report, including showing stills, and provided the following update:

Condition 4 – Second line, the reference to Condition 1(v) of reserved matters specified should be Condition 1(iv).

Resolved:

Grant, subject to the following conditions and informatives:

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the In-Principle Permission (19/02033/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 15 years.

Reason: This is a modification of an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Conditions

1. 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 detailed updated phasing and delivery 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 access, car parking, public transport facilities, footpaths/cycleways, the road layout, design and specification (including the disposal of surface water) and related structures throughout the development;
 - (v) details of any screen walls/fencing including any retaining walls to be provided;
 - (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these

- technology types are, their location and ongoing operation and maintenance;
- (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) noise impact assessment;
- (x) lighting details;
- (xi) bin storage, collection location, recycling facilities provision and access;
- (xii) biodiversity action plan;
- (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
- (xiv) archaeological working scheme of investigation;
- (xv) finished floor levels;
- (xvi) vehicular access and egress road levels.

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

2. Subject to the exemption referred to immediately hereafter, the development shall accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with regards to Transport Infrastructure. Notwithstanding these requirements, the Planning Authority will allow the first 10,000 sqm of Class 4, 5, or 6 of Gross Internal Area (as defined in the Developer Contributions and Affordable Housing Supplementary Guidance 2016), approved as part of a future Approval of Matters Specified in Conditions application(s), to be exempt from these Developer Contributions.

Reason: To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with the Development Plan policy and Supplementary Guidance relating to this application, but with appropriate mitigation to reflect economic conditions.

3. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an assessment of the potential impact that the development would have on the safe and efficient operation of the A9 Broxden Roundabout shall be submitted to, and agreed in writing by, the Planning Authority, in consultation with Transport Scotland.

Where the conclusions of the assessment identify that the potential impact of the development is considered significant by Transport Scotland, the applicant shall be required to agree, before the commencement of development, appropriate mitigation for the A9 Broxden Roundabout to address this impact.

Reason: To ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), 1 all matters shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

5. Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. The GTP will have particular regard to provision for walking; cycling; public transport access to and within the site; electric vehicle (EV) charging points and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The GTP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of sustainable transport.

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

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

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

Reason: In the interests of road safety.

7. Prior to the development hereby approved being completed or brought into use, new public transport infrastructure, suitable to serve buses in both directions on Ruthvenfield Road as well as two-way bus movements internally within the site, are to be provided and available for use to a design and specification to the satisfaction of Perth & Kinross Council as planning authority.

Reason: In the interests of public transport provision.

8. As part of any application for the Approval of Matters Specified by Condition (AMSC), a scheme for a new shared path of an appropriate standard along an agreed section of Ruthvenfield Road shall be submitted for the written approval of the Council as Planning Authority. The approved scheme shall thereafter be fully installed prior to any part of the development being brought into use.

Reason: In the interests of road and pedestrian safety.

9. 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 outwith these times or at any time on Sundays or bank holidays.

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

10. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an updated Construction Environment Management Plan (CEMP) including a detailed Dust Management Plan for the construction stage, detailing prevention control and mitigation measures for dust, shall be submitted for the approval of the Council as Planning Authority. Thereafter the

agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a detailed noise impact assessment must be prepared by a suitable qualified consultant and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

12. All external lighting included within Approval of Matters Specified by Condition (AMSC) applications sought under Condition 1 shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

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

13. 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.

14. As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for the site shall be submitted for the approval 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: To ensure a satisfactory standard of local environmental quality;

15. As part of any application for the Approval of Matters Specified by Condition (AMSC), 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.

16. The conclusions and recommended action points within the supporting Biodiversity Survey by ECOS Countryside Services LLP (December 2019) are hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

18. As part of any application for the Approval of Matters Specified by Condition (AMSC), detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason: In the interests of flood risk.

Justification

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

Informatives

1. 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.
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. 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.
4. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
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.
6. 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.
7. 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.
8. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Environmental Impact Assessment (EIA) Decision

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

The application submitted an EIA Report dated December 2019. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.

The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The significant effects on the environment were identified to be:

- Scheduled Monuments
- Archaeology
- Flood Risk
- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport

The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following;

- Assessment of impact on Scheduled Monument
- Archaeological evaluation
- Flood Risk Assessment
- Air Quality Assessment
- Noise Assessment
- Habitat Assessment
- Tree Survey
- Draft Construction and Environment Management Plan (CEMP)
- Transport Assessment

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 as set out herein, the proposal is acceptable and can be approved.

5(2) Proposal of Application Notices (PAN)

- (i) **20/00010/PAN - PERTH - Masterplan comprising residential development, extension to hotel, erection of hotel accommodation units, staff accommodation units, spa facility, golf training and indoor sports building, formation of camping grounds, outdoor sports grounds, photovoltaic sites, access roads, SUDS ponds, landscaping and associated works, Murrayshall House Hotel, Murrayshall, Perth – Report 21/2**

Councillor Wilson requested that consideration be given to Policies 9, 14, 15, 19, 38, 39, 40, 56 and 60 of the Perth and Kinross Local Development Plan 2 (2019). With particular reference to Policy 60, Councillor Wilson requested that consideration be given to access and traffic at Murrayshall and in Scone. Councillor Wilson also requested that clarification be provided on provision for campervans and Active Travel considerations.

Councillor Purves requested that, should an Environmental Impact Assessment be required, that a habitat survey comes forward in advance of any application.

Councillor Barnacle highlighted that the masterplan should respect the ambiance of the site.

Councillor McCall requested that viability be specifically considered.

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

(ii) 20/00011/PAN - PERTH - Formation of energy storage facility comprising battery storage container units, ancillary equipment, boundary treatments, landscaping and associated works, land south west of Noahs Ark, Old Gallows Road, Perth – Report 21/3

Councillor Wilson requested that consideration be given to traffic impact on Perth City North and Perth City South wards, and that the consultation process include councillors from both of those wards and Almond and Earn ward. Councillor Wilson also requested that consideration be given to neighbouring land uses, flooding and drainage, and future access to the site.

Councillor James requested that safety and security be considered, with specific regards to access for the fire and rescue service.

Councillor Illingworth requested that screening of containers be considered.

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

Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Report of Handling by Head of Planning & Development (Report No. 21/26)

PROPOSAL: S42 application to modify Condition 13 (water crossings) of planning permission 18/01214/AMM

LOCATION: Site of former Glenisla Golf Course, Alyth

Ref. No: [20/01540/AMM](#)

Ward No: P2 - Strathmore

Summary

This report recommends approval of the application as the proposed modification 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 relates to part of the former Glenisla golf course, 750 metres east of the village of Alyth. South of the site is Alyth Burn and Alyth Golf Club, who now operate the 9 holes of the Glenisla Course. East is the B954 road and to the north is the B952 that runs into Alyth village. Mature trees align the site's northern boundary and in the north western corner there is the Pitcrocknie Stone, a Scheduled Monument. The Back Burn runs in close proximity to the eastern edge of the approved housing phases and connects with the Alyth Burn to the south.
- 2 The site has had detailed planning permission ([18/01214/AMM](#)) since April 2019 for a care home, 20 dwellings and 3 business units as part of Phase 1 of an overall masterplan to develop the former golf course ([16/01595/IPM](#)). Construction commenced in Summer 2019 and the business units are complete, the dwellinghouses are almost completed and the care home is projected to be completed by Autumn 2021.
- 3 The applicant is seeking to modify the requirements of Condition 13 regarding the timing and delivery of any temporary and permanent crossings over the Back Burn, so that it allows for the occupation of the dwellings. The current condition reads as follows:

“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.

Reason - In order to take account of the flood risk from the adjacent watercourse”.

- 4 Because the location and specification of the crossings would continue to accord with the approved plan, and not impact on the delivery of the approved housing and care home, the applicant has requested re-wording of Condition 13 is as follows:

“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Details of all proposed crossings of the burn along with the timing of their provision shall be submitted to and approved in writing by Perth and Kinross Council prior to their implementation”.

Reason - In order to take account of the flood risk from the adjacent watercourse”.

PRE-APPLICATION CONSULTATION

- 5 The proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009, but Pre-Application Consultation (PAC) is not required for Section 42 applications.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 The PPP applications (09/01345/IPM and 16/01595/IPM) were both screened for EIA. It was found that EIA was required for the 09/01345/IPM application, but a new/updated EIA was not required for 16/01595/IPM. The site was rescreened, for the 18/01214/AMM application, having regard to the more detailed proposals. It was found that no further EIA procedure was required for Phase 1. As the site and surrounding circumstances have not altered in the past 2 years and recognising the changes sought, it was again determined that no further EIA procedure is required for this application

NATIONAL POLICY AND GUIDANCE

- 7 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 2014

- 8 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.

Scottish Planning Policy (Revised 2020)

- 9 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.
- 10 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: 24 – 35
 - Placemaking: 36 – 57
 - Valuing the Natural Environment: 193-218
 - Managing Flood Risk and Drainage: 254 – 268

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 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 79 Water and Drainage

DEVELOPMENT PLAN

- 12 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

- 13 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.”

- 14 There are no sections of the TAYplan 2016 of particular relevance in the assessment of this S42 application.

Perth and Kinross Local Development Plan 2

- 15 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for

the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

16 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 26: Scheduled Monuments and Archaeology
- Policy 38: Environment and Conservation
- Policy 41: Biodiversity
- Policy 53: Water Environment and Drainage
- Policy 60: Transport Standards and Accessibility Requirements

SITE HISTORY

17 The following planning history is relevant:

04/00862/OUT Proposed development of residential plots (in outline).
Application refused June 2004.

[09/01345/IPM](#) Improvements to golf club/course, erect 9 business units, hotel, nursing home, 216 residential units - 25% affordable plus mainstream housing (in principle). Application approved September 2010.

[13/01114/IPM](#) Variation of condition 1 (09/01345/IPM) for extension of time limit. Application approved September 2014.

[14/00282/AMM](#) Erection of 18 dwellinghouses and garages, formation of access and associated works (Phase 1). Application refused January 2015.

[16/01595/IPM](#) Variation of Condition 5 (roads and access) of permission 09/01345/IPM (mixed use development including residential, business, nursing home and hotel). Application approved February 2017.

[18/01214/AMM](#) Site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1) (matters specified in conditions 16/01595/IPM). Application approved April 2019.

[20/00020/AMM](#) S42 to modify condition 22 (ii) (care home construction) of permission 18/01214/AMM - Site masterplan and erection of a care/nursing home, 20no. dwellinghouses and 8no. garages, 3no. Class 4 business units, a biomass boiler house/store, a pumping station, 2no. entrance buildings/stores and boundary treatments, formation of 2no. vehicular accesses, a service/access road and temporary bridge, a SUDS pond, parking areas, site infrastructure, burn re-alignment, landscaping and associated works (Phase 1). Application approved June 2020.

[20/00511/AMM](#) Erection of 55 dwellinghouses and 51 detached garages, formation of site infrastructure, vehicular access, service/access road and temporary bridge, landscaping and associated works (Phase 3 and 4) (approval of matters specified in conditions of 16/01595/IPM). Currently under consideration.

CONSULTATIONS

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

External

- 19 **Scottish Environment Protection Agency (SEPA)** – No objection to the proposed modification as there is still a requirement for all water-crossings, including temporary crossings over the Back Burn, to be designed to convey the 1:200 year peak flow, including climate change and a freeboard.

Internal

- 20 **Structures and Flooding** – No objection to the proposed modification and advise the proposed structures will require technical approval (Informative 12).
- 21 **Transport Planning** – No objections to the proposal.

REPRESENTATIONS

- 22 None received.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Supporting Statement

APPRAISAL

- 23 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 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 considerations of the Council’s other approved policies, supplementary guidance and consultation responses.

Principle

- 24 Since the approval of the 18/01214/AMM application in April 2019 there has been a Development Plan change from the Perth and Kinross LDP 2014 to the adoption of LDP2. Notwithstanding this change, the principle of development at this location is still maintained under the extant permission as the approved site is currently under construction. The proposed modification Condition 13 (water crossings) must be assessed to ascertain if there is any adverse impact on the area or a risk that some elements of the development will not be completed. Such changes cannot undermine the required delivery of the masterplan, which was a key requirement in the PPP approvals.

Condition 13

- 25 As noted, the existing Condition 13 of 18/01214/AMM requires:

“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. The crossings shall be implemented in full prior to the occupation of the first dwelling.

Reason - In order to take account of the flood risk from the adjacent watercourse”.

- 26 The final details of the Back Burn realignment design and works have been approved by SEPA and the Council’s Structures and Flooding team. This addresses the terms of Condition 11 and 12 of the 2018 permission.
- 27 All temporary crossings for the Back Burn are in accordance with the specification set out in current Condition 13, but the details of any permanent crossings still remain to be finalised. With the first house occupied before the end of 2020 and ongoing work on the Back Burn realignment, the applicant has advised that it is not possible to have all permanent crossings agreed and in place before first house occupation as required Condition 13.
- 28 The applicant has sought to address this matter and ensure the details of any permanent crossings continue to meet both SEPA’s and the Council’s requirements and standards. They therefore propose that the final sentence in Condition 13 stating that *“The crossings shall be implemented in full prior to the occupation of the first dwelling”* be deleted and replaced with the wording

underlined below. The rest of Condition 13 remains unaffected and is proposed now read:

“All water-crossings including temporary crossings over the Back Burn shall be designed to convey the 1:200 year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Details of all proposed crossings of the burn along with the timing of their provision shall be submitted to and approved in writing by Perth and Kinross Council prior to their implementation”.

Reason - In order to take account of the flood risk from the adjacent watercourse”.

- 29 Both SEPA and the Council's Structures and Flooding team have reviewed the proposed amended condition and neither have raised any issue with it. SEPA, in particular have advised that with the amended wording, there is still a requirement for all water-crossings, including temporary crossings over the Back Burn, to be designed to convey the 1:200 year peak flow, including climate change and a freeboard.
- 30 The proposed amendment, with some additional wording for timing and the requirement to involve SEPA, still means there will be crossings in accordance with the design parameters at all stages of the development. The provision of crossings over the Back Burn have no direct linkage to the occupation of houses within Phase 1, which can still be accessed adequately. The amended condition wording ensures that the final design for all crossings will be made in full accordance with both SEPA's and Perth and Kinross Council's requirements and implemented at the appropriate stage of the development.
- 31 This allows the development of Phase 1 to progress, while ensuring control over the final design and delivery of any burn crossings is retained by the Council and SEPA. The proposed modification does not conflict with LDP2 and in particular Policy 53: Water Environment and Drainage.

Design and Layout

- 32 The proposed modification to Condition 13 will have no impact on the approved and under construction development as no physical changes are being proposed.

Landscape

- 33 The proposed modification to Condition 13 will have no impact on the local landscape as no physical changes are being proposed.

Visual Amenity

- 34 The proposed modification to Condition 13 will have no impact on the visual amenity of the area as this will remain unaltered.

Roads and Access

- 35 The Council's Transport Planning team have not raised any issue in relation traffic and road safety. The proposed modification to Condition 13 will have no impact on the road network.

Drainage and Flooding

- 36 As previously confirmed neither SEPA nor the Council's Structures and Flooding team have raised any flood risk or drainage issues with the proposed modification to Condition 13.

Conservation Considerations

- 37 The proposed modification of Condition 13 will not have any impact on the nearby Pitcrocknie Stone Scheduled Monument. An approved Archaeological Working Scheme of Investigation (WSI) is currently in operation on site with feedback being provided to PKHT. The proposed modification will not have an impact on any archaeology in the area but will require the condition from 18/01214/AMM to be replicated with this permission (Condition 6).

Natural Heritage and Biodiversity

- 38 The proposed modification of Condition 13 will not have an impact on local biodiversity.

Developer Contributions

- 39 No contributions are required by this S42 application.

Economic Impact

- 40 The proposed modification will not have an impact on the local economy.

Other Matters

- 41 The 2018 AMSC permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in Summer 2019. It is good practice, where approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered should remain. These conditions are set out in the recommendation section below.

LEGAL AGREEMENTS

- 42 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, upgrading of Losset Road core path and bus service provision. It is future-proofed for S42 applications so will not require modification in light of this proposal.

DIRECTION BY SCOTTISH MINISTERS

- 43 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

- 44 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case, I am content that the development proposed does not conflict with the Development Plan.
- 45 Accordingly the proposal is recommended for approval subject to the following Conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1. The approved development must be completed in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice. For the avoidance of doubt, the masterplan (drawing ref: 20/01540/2) is approved insofar as the identification of general land uses and the phasing of development across the whole site. This approval does not grant permission for any operational development outwith Phase 1 or beyond the specific development approved within that phase as follows (and detailed on drawing ref: 20/01540/07):
 - a) Erection of a 60-bed care home;
 - b) Erection of 20 dwellinghouses (including 8 associated garages);
 - c) Erection of 3 business units (Class 4);
 - d) Erection of an Energy Centre;
 - e) Erection of 2 Entrance/Storage buildings;
 - f) De-culverting and realignment of Back Burn;
 - g) Erection of a Pumping station; and
 - h) The provision of a temporary haul road, including a temporary bridge over Back Burn. (drawing ref:20/01540/12)

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

2. Prior to the approved development being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

3. No biomass boilers shall be installed to the approved energy centre (drawing ref: 20/01540/23), without the prior written approval of the Council as Planning Authority or the submission of a revised air quality assessment. The

methodology for the assessment shall be agreed in writing with the Council as Planning Authority, prior to the assessment being undertaken.

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

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

Reason: In the interests of residential amenity.

6. The development shall continue to be implemented in line with the approved programme of archaeological work and in accordance with the agreed written scheme of archaeological investigation (drawing ref: 20/01540/08) submitted by the applicant, and agreed by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

7. The approved protective fencing (Drawing ref: 20/01540/10) shall continue be erected around SM1575 Pitcrocknie Stone. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

8. All trees and hedgerows shown to be retained (drawing ref: 20/01540/11) shall continue to be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement 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.

9. Any planting which, within a period of 5 years from the completion of the approved phase of development, in the opinion of the Council as 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.

10. The adopted core paths (ALTH/100 and ALTH/4) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

11. The approved realignment design of the Back Burn (drawing ref: 20/001540/13) shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

12. The approved topographic information (drawing ref: 20/01540/14) showing the height differences between the realigned Back Burn, existing ground levels, and finished floor levels of the proposed development shall be implemented in full prior to the occupation of the first dwelling.

Reason: In order to take account of the flood risk from the adjacent watercourse.

13. All water-crossings, including temporary crossings over the Back Burn, shall be designed to convey the 1:200-year peak flow, giving due consideration to climate change, and a freeboard to mitigate against bridge blockage potential. Within 6 months of the date of this decision notice, details of all proposed crossings of the burn, along with the timing of their provision, shall be submitted to and approved in writing by Perth and Kinross Council, in consultation with SEPA prior to their implementation. The crossings shall be delivered in accordance with the approved scheme.

Reason: In order to take account of the flood risk from the adjacent watercourse.

14. The approved Phase 1 planting scheme (drawing ref: 20/01540/11) shall be implemented in full. For the avoidance of doubt this should include:

- Woodland enhancement for red squirrels
- Ecological corridor and Back Burn edges
- Ponds and surrounding area

Reason: In the interests of protecting and enhancing biodiversity.

15. During Phase 1 all road gullies within 500m of the SUDS pond shall have a Wildlife Kerb installed adjacent to it to allow amphibians to pass safely.

Reason: In the interests of protecting biodiversity.

16. During Phase 1 no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures may include creation of sloping escape ramps 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 150mm outside diameter being blanked off at the end of each working day.

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

17. The approved Bat brick(s)/Bat nest box(s) and Swift brick(s) (drawing ref: 20/01540/09) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of enhancing biodiversity.

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Council as Planning Authority

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

19. The approved specification and colour of the proposed external finishing materials (drawing ref: 20/01540/04) to be used in Phase 1 shall be finished in accordance with the approved scheme.

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

20. During construction the public road shall be kept free from mud and debris at all times and suitable wheel cleaning facilities shall be provided within the site to prevent the deposition of mud and debris on to the public road.

Reason: In the interest of proper site management and to protect the amenity of the area.

21. The Construction Traffic Management Scheme (TMS) as approved (drawing ref: 20/01540/05) shall continue to include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - i) details of information signs to inform other road users of construction traffic;
 - j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - n) monitoring, reporting and implementation arrangements;
 - o) arrangements for dealing with non-compliance; and
 - p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management and to protect the amenity of the area.

22. The approved construction programme (drawing ref: 20/01540/06) detailing the phasing and timing of delivery of the elements approved in Phase 1 shall specifically provide for the following:
- (i) the 3 business units must be fully serviced before the occupation of the first residential dwelling; and

(ii) prior to the occupation of the first residential dwelling, the construction of the care home shall be completed to the following specification:

- the timber kit fully erected on the foundations;
- all windows and doors fitted; and
- the roofing and wall membranes applied.

The construction programme and phasing shall be implemented in accordance with the approved scheme.

Reason: To ensure the delivery of the care home and employment generating uses in early phases of the development.

B JUSTIFICATION

The proposal is considered to in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

None required. A Section 75 is in place and future proofed to deal with the agreed upgrade works of Losset Road Core Path (ALTH/100 and ALTH/4) and bus service provision.

D INFORMATIVES

1. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
2. 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.
3. The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
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. 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.

5. The applicant is advised that in terms of Sections 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 (SEPA).
6. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage 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.
7. 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 consent for a development does not provide a defence against prosecution under this act.
8. The applicant is encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspace. Access gaps in wooden fences should be 13cm x 13cm. Advice and assistance is available from the Tayside Biodiversity Partnership.
9. For future development phases of the masterplan and In Principle approval, there will be no structures within 46 metres of Pitcrocknie Stone Scheduled Monument to the east (Phase 2); within 62 metres of the stone to the southeast (Phase 3); and within 72 metres of the stone to the south (Phase 4).
10. For future development phases of the masterplan and In Principle approval, no structures within Phase 2, 3 and 4 and/or within the 100-metre radius around the Pitcrocknie Stone Scheduled Monument shall be above single storey in height.
11. This permission continues to be tied by the Section 75 legal agreement for upgrading of Losset Road core path and bus service provision associated with 18/01214/AMM and the associated requirements will continue to apply. The Terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).
12. All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

Background Papers: 18/01214/AMM Decision Notice and Section 75 Legal Agreement.

Contact Officer: Steve Callan – Ext 75337

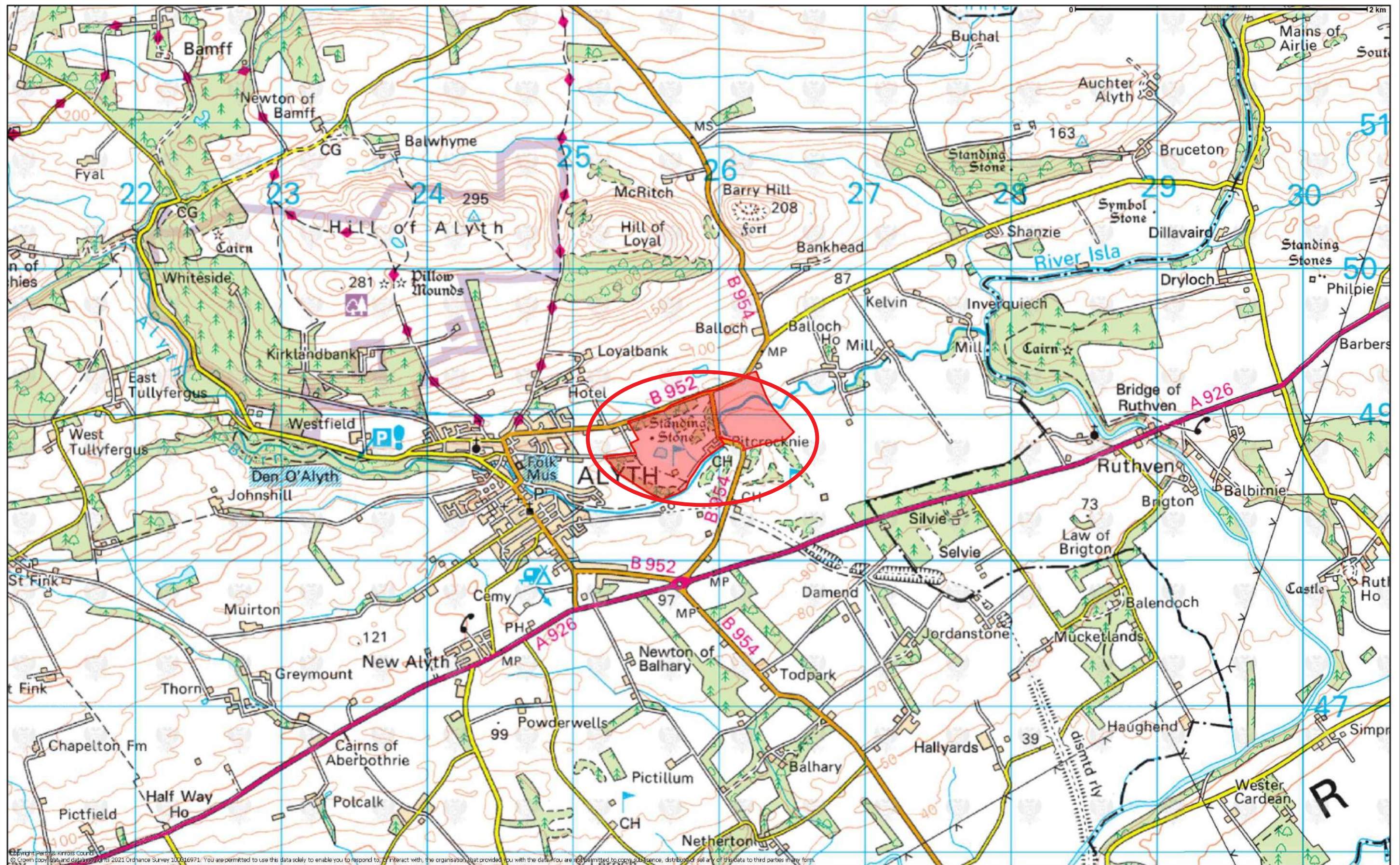
Date: 25 February 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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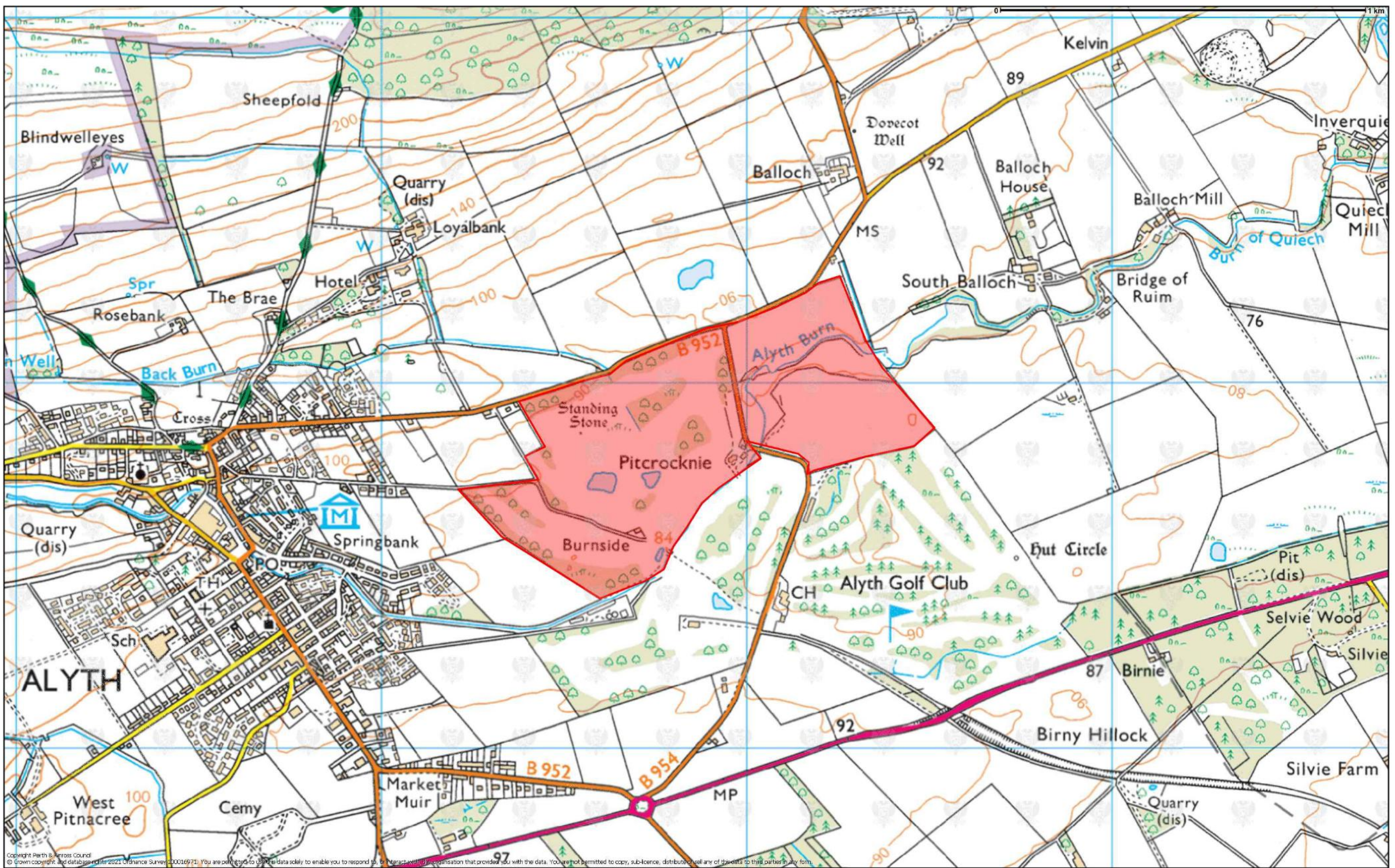
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20/01540/AMM

S42 application to modify condition 13 (water crossings) of permission 18/01214/AMM at Site Of Former Glenisla Golf Course Alyth





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20/01540/AMM

S42 application to modify condition 13 (water crossings) of permission 18/01214/AMM at Site Of Former Glenisla Golf Course Aylth



Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Report of Handling by Head of Planning & Development (Report No. 21/27)

PROPOSAL: Part change of use from dwellinghouse to dwellinghouse and events venue

LOCATION: Auchterarder House, Auchterarder, PH3 1DZ

Ref. No: 20/00297/FLL
Ward No: P7- Strathallan

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The proposal is for a part change of use of Auchterarder House from a dwellinghouse to incorporate an events venue. Auchterarder House is Category B listed and set in extensive grounds some 2 km north-east of Auchterarder. It was formerly a hotel but has more recently been in residential use. Access is via a private gated driveway off the B8062.
- 2 There are two related applications under consideration at the associated stables building, some 180m to the north-east, seeking both planning permission and listed building consent (20/00805/FLL and 20/00806/LBC). These relate to the conversion/alteration of the stables to form an events venue and are not yet in a position to be determined, with information awaited in relation to proposed works within a woodland area. However, whilst it was intended that the three applications would be brought to the same meeting of this Committee, given that they could operate independently of each other, it is not considered appropriate to further delay determination of this application solely for Auchterarder House. If recommended for approval, the proposals at the stables will be presented to a future Committee.

Pre-Application Consultation

- 4 Pre-Application advice was sought in February 2020 (20/00031/PREAPP) and comment given on options for: use of the existing house, conversion of stables and the possibility of erecting a free-standing events venue in the grounds.
- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

- 6 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 2014

- 7 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.

Scottish Planning Policy 2014

- 8 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.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Placemaking paragraphs 36 – 57
 - Promoting rural development paragraphs 74 – 83
 - Valuing the historic environment paragraphs 135 - 142

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 1/2011 Planning and Noise

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 12 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

- 13 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.”

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

- Policy 3 – A First Choice for Investment
- Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

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

- 16 The principal relevant policies are;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 27A: Listed Buildings
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 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

89/00237/FUL - Planning Permission was granted on 23 May 1989 for an extension to Auchterarder House.

89/01256/FUL - Planning Permission was granted on 4 January 1990 for alterations to Auchterarder House.

90/00970/FUL - Planning Permission was refused on 16 July 1990 for extension of Auchterarder House.

90/02004/FUL - Planning Permission was granted on 21 January 1991 for a conservatory at Auchterarder House.

97/01119/FUL - Planning Permission was granted on 20 October 1997 for an extension to Auchterarder House.

02/01132/PPLB - Planning permission was granted on 3 October 2002 to alter and change the use of Auchterarder House from a hotel to a dwellinghouse.

02/01874/LBC - Listed Building Consent was also granted on 18 February 2003 for the removal of existing lead gutters/installation of new profiled cast iron gutters and additional hoppers and down Pipes, as well as the replacement of eight stone pediment features, all at Auchterarder House.

04/02121/FUL - Planning Permission was granted on 4 February 2005 for a dwellinghouse with garages, ancillary to Auchterarder House.

20/00805/FLL - An application for Planning Permission is under consideration for the: Change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works.

20/00806/LBC - An associated Listed Building Consent application is also under consideration for alterations and extension of stable buildings.

CONSULTATIONS

- 18 The following parties have been consulted on the application:

External

- 19 None.

Internal

- 20 **Environmental Health (Noise/Odour):** No objection, subject to conditions. Initially required a noise impact assessment, which after submission and review, sees a request that conditions be applied with regard to: noise, servicing and deliveries, number of events, a noise management plan, ventilation systems, fireworks and external lighting.

- 21 **Structures and Flooding:** No objection, as the proposed development is out with the functional floodplain as shown on the SEPA Flood Map.
- 22 **Transport Planning:** No objection. Following discussions with Transport colleagues, clarification was provided by the applicant on access arrangements and the scale of the proposed activity. Based on these clarifications, it is considered that the existing access is adequate.
- 23 **Development Contributions Officer:** Advise that no contributions are required, as per section 5.5 of the Guidance.

REPRESENTATIONS

- 24 7 representations have been received, two from the same household. The main issues raised are:
- Residential amenity;
 - Noise;
 - Traffic and road safety;
 - Use out of character with the area;
 - Impact on farmland, livestock, wildlife and woodlands;
 - Light pollution; and
 - Lack of detail of type of events.
- 25 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Not Required

APPRAISAL

- 26 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 adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2020.
- 27 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on Planning Authorities

in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Principle

- 28 The site is not located within a settlement boundary as defined in the Local Development Plan. The principal policies of relevance are: Policies 1A and 1B, placemaking; and Policy 8, rural business and diversification. Placemaking policies seek to ensure that developments should contribute positively to the built and natural environment and respect the character and amenity of the place. Policy 8 seeks to support proposals that involve the expansion of existing businesses and the creation of new ones in rural areas, subject to a number of criteria. In general, sites within settlement boundaries are preferred. However, locations out with settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. In this case Auchterarder House, a former hotel, is considered a site-specific resource, as required by the policy. The principle of the change of use can therefore be supported. Beyond this, the detail of the proposal requires to be assessed, with regard to its impact on the character and amenity of the area and compliance with policies related to safeguarding listed buildings, noise and transport impacts.

Design and Layout

- 29 The proposed change of use sees no internal or external alterations promoted.

Landscape

- 30 No physical works are proposed; therefore, the proposals would not result in changes to the existing building or landscape and there are no visual implications associated to the proposed development.

Residential Amenity

- 31 Policy 8 (c) requires proposals to be compatible with surrounding land uses and not to detrimentally impact the amenity of residential properties within or adjacent to the site. In this regard, there have been objections related to the potential impact on residential amenity from events. The closest residential property to Auchterarder House is 'Braehead', approximately 170 metres to the west. 'North Lodge' is approximately 210 metres to the north-west and owned by the applicant. There are also a group of four properties to the west of the B8062, 300 metres or more away. 'Plus Trees' (The Garden Cottage) is approximately 300 metres to the north-east and closer to the stable buildings, being some 70 metres therefrom.
- 32 In assessing the likely impacts, consideration must be given to the types of activities likely to use Auchterarder House, these may include: weddings, birthday celebrations and small conferences. In this context, it is indicated in the submitted information on anticipated transport impacts that groups will have

the exclusive use of the house and rental would typically be for two nights, most likely at a weekend and with around 20-30 events per year.

- 33 It is accepted that, if uncontrolled, there is potential that residential amenity could be adversely affected, particularly from amplified music if used. Review of this issue has been aided by the preparation of a Noise Impact Assessment (NIA), which considers potential impact on surrounding residential property. Notably the NIA assesses the combined impacts anticipated from both the proposed use of Auchterarder House and the related, if separate, proposals at the stables.
- 34 The NIA determined baseline noise levels at the two nearest residential properties: 'Plus Trees' (Garden Cottage) being closest (c.70 metres) from the stables; and 'Braehead' approximately 170 metres to the west and closest to Auchterarder House. North Lodge, some 210m to the north-west of Auchterarder House, was discounted from assessment, as it is owned by the applicant/owner.
- 35 Three scenarios were then modelled; two looking at predicted noise levels at noise sensitive properties from amplified music associated to both proposed venue areas. Scenario 1 looked at impacts with 'no mitigation' measures at the stable venue; and Scenario 2 was 'with mitigation' measures at the stables, including a glazed roof, installation of doors on in the west elevation, and windows all having acoustic properties (32dBRw). The likely noise impact from amplified music related to scenario 1 (no mitigation) was predicted not to achieve the Licencing Board noise policy requirements, due to lack of mitigation at the Stable Venue. However, Scenario 2 (with mitigation) was predicted to satisfy the Licencing Board's noise policy.
- 36 On this basis it is considered that the proposals at Auchterarder House would not impact on residential amenity, and that the Stables development impacts could be mitigated via conditional requirements. As such, no conditions are considered necessary in relation to this application.
- 37 The NIA states that deliveries and collection of waste are to be made within normal working business hours and there will be no external storage of waste or glass recycling bins.
- 38 Noise from patrons arriving, moving about the venue areas and leaving the venue has the potential to affect neighbouring residential properties however, this can be controlled through a noise management condition, requiring design standards and appropriate management practices. To this end a Noise Management Plan will be required by condition (Condition 2). This will set out measures to minimise and control sources of noise, including equipment, music, noise limiter settings, vehicle movements, times of any deliveries to and from the site and activities associated with events including fireworks.
- 39 The NIA was prepared on the basis of there being up to 30 events in a calendar year. Environmental Health has requested that the number of events be controlled to this number by condition. In the light of local objection, it is considered appropriate to limit the number of days on which events can be held

to 30. This will also provide an opportunity to demonstrate the operational impact of the proposal. Should the applicant wish to vary this condition in future and potentially hold events on more than 30 days an application to consider this could be submitted. A condition to limit the number of days to 30 will be added to the planning permission (Condition 3).

Visual Amenity

- 40 The proposal does not involve any external changes to Auchterarder house and as such there will be no adverse impact on visual amenity.

Roads and Access

- 41 The site is accessed from the B8062 public road, via a gated driveway. However, there is potential that other routes could be used, and some objectors are concerned that this would cause disturbance to residents. However, the applicant has confirmed that there is no intention to use any access other than the gated driveway from the B8062.
- 42 It is noted that the house is proposed to be operated as an exclusive rental property for small groups or by people hiring for events. Auchterarder House itself has 10 bedrooms, which will also limit the potential for guest numbers. Transport Planning colleagues have been consulted and consider the existing access suitable for the use proposed, and as a result, raise no objection.

Drainage and Flooding

- 43 The site is not located within the functional floodplain as shown on the SEPA Flood Map. Flooding and Structures colleagues were consulted and do not object to the application. Otherwise the proposal does not indicate any alteration to existing drainage arrangements.

Waste Collection

- 44 It is indicated that the existing waste arrangements for the house will remain. An informative is recommended to ensure compliance with the Council's waste collection requirements (Informative 5).

Conservation Considerations

- 45 Auchterarder House is a Category B listed building. The proposed change of use does not include any alterations to the building and as such, Listed Building Consent is not required. However, an application for Listed Building Consent would be required if internal or external alterations to the buildings are required. An informative note will be added to highlight that permission is for a change of use only and does not include any external or internal alterations (Informative 6).

Natural Heritage and Biodiversity

- 46 There have been objections expressing concern over the potential impact on woodlands and wildlife. However, these proposals related to Auchterarder House do not involve any external or internal alterations to the building or surroundings and as such, will not have any impact on natural heritage and biodiversity within or close to the building. Whilst attendees at events may have access to the garden and grounds this is considered unlikely to have any significant detrimental impact on wildlife and wildlife habitats.

Developer Contributions

Auchterarder A9 Junction

- 47 The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering A9 junction improvements.
- 48 However, although the application site is within the area identified where contributions will be sought, section 5.5 of the Guidance exempts non-residential development where a Transport Assessment (TA) is not required. In this case a TA was not considered to be required, thus no contributions are required.

Economic Impact

- 49 The proposal is for a business use for a building currently used as a dwelling house so would introduce commercial activity. This would lead to some positive economic impact, through the running of events and activities as well as from increased tourism.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 50 None required.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 52 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 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 adopted Development Plan.

- 53 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. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise from the site i.e. equipment, music, noise limiter settings, vehicle movements, times of any deliveries to and from the site, event activities such as fireworks, etc. Once all sources of noise have been identified the plan shall include measures on how noise will be minimised and controlled and incorporate a complaint investigation procedure. The Plan shall be reviewed on a regular basis, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

3. The number of days on which events can be held shall be restricted to a maximum of 30 within a calendar year.

Reason: In order to reflect the position assessed in the Noise Impact Assessment and in order to safeguard the residential amenity of the area.

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. An application for Building Warrant may be required.
5. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
6. This is approval of your application Ref no 20/00297/FLL for change of use only. It does not include any approval for any external or internal alterations.
7. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

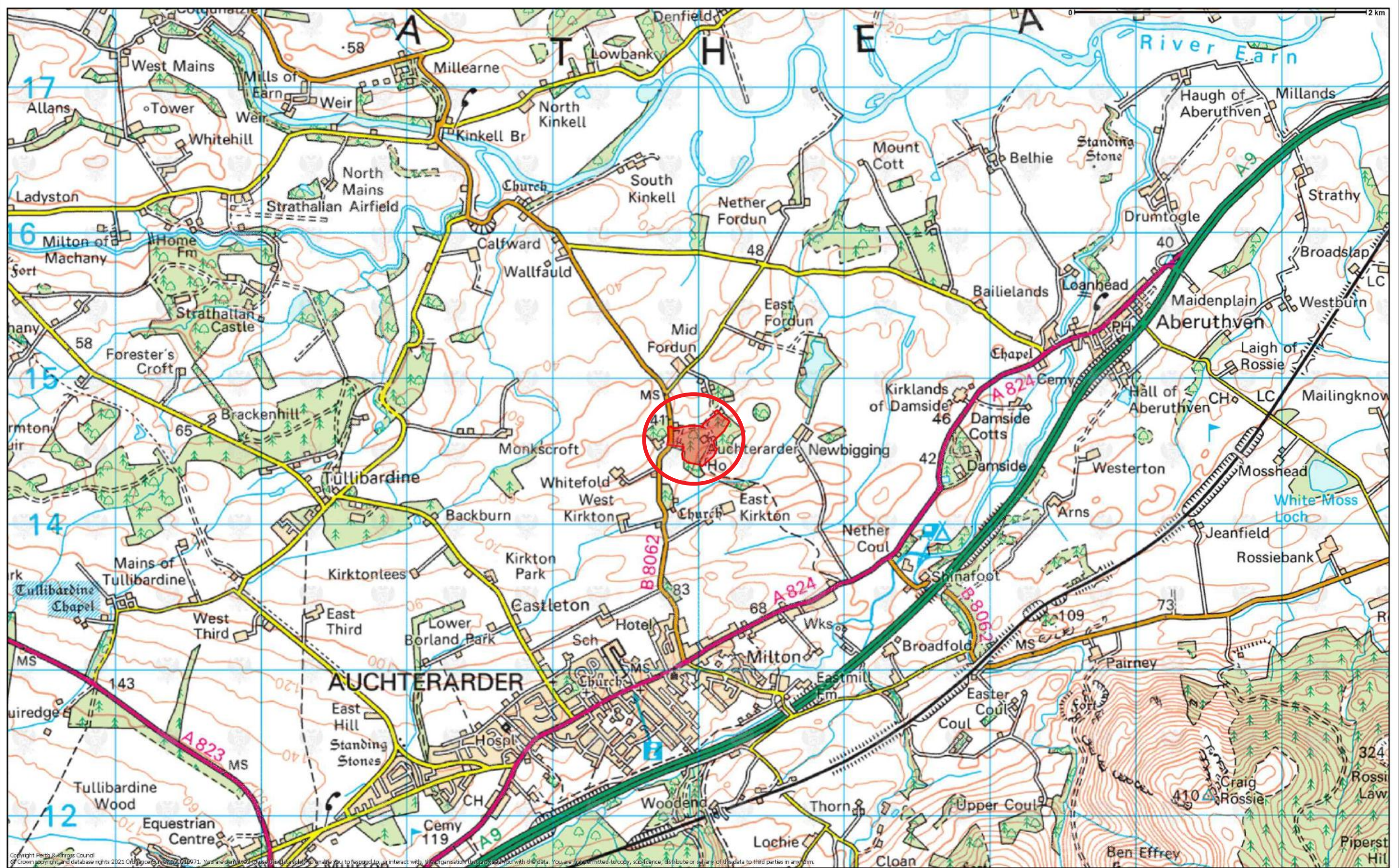
Background Papers: 7 letters of representation
 Contact Officer: Persephone Beer
 Date: 25 February 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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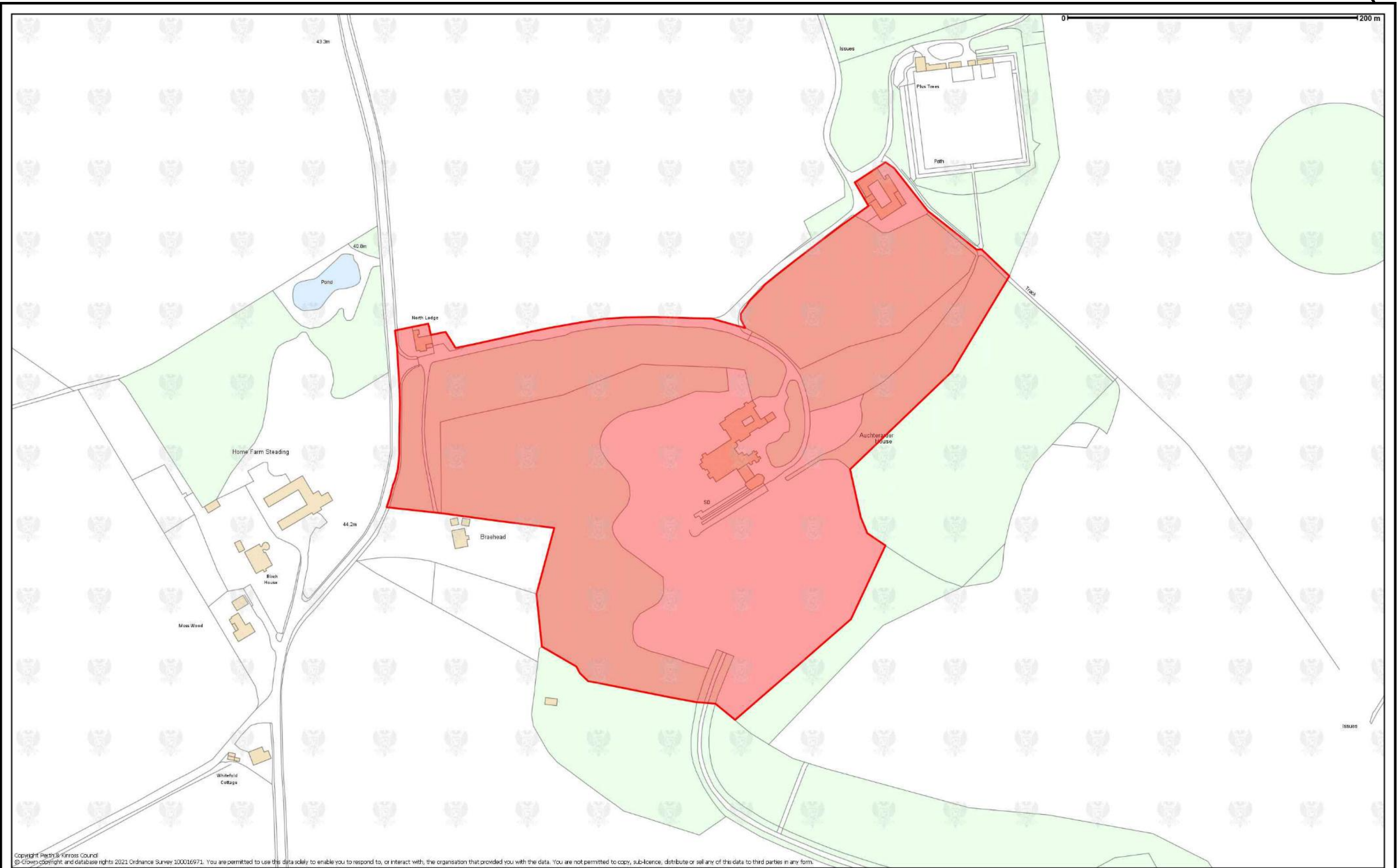
Scale 1:25000



20/00297/FLL

Part change of use from dwellinghouse to dwellinghouse and events venue Auchterarder House Auchterarder





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Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Report of Handling by Head of Planning & Development (Report No. 21/28)

PROPOSAL: Change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, formation of parking area, access roads and associated works

LOCATION: Kindrum Park Farm, Harrietfield, Logiealmond, Perth, PH1 3TD

Ref. No: [20/01026/FLL](#)
 Ward No: P5 - Strathtay

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application is for the change of use of existing farmbuildings to form an office, farm shop, butchery and game store at Kindrum Park Farm Harrietfield, Logiealmond.
- 2 The office/reception building is for the administration of the Estate's forestry, agricultural and tourism activities and the reception area to be used as a central 'hub', for meetings and for guests using holiday accommodation on the Estate to book activities.
- 3 The farm shop/butchery building is for the preparation of game meat from the Estate, with the farm shop selling the estate produce and also local produce.
- 4 Harrietfield, a hamlet of dwellinghouses, is adjacent to the access road for the site, these dwellinghouses are approximately 850 metres from the proposed buildings. The proposal includes improvements to the access track to the farm as well as improvements to the public carriageway at Harrietfield.

National Policy and Guidance

- 5 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 2014

- 6 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.

Scottish Planning Policy 2014

- 7 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.
- 8 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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 75 Planning for Transport

National Roads Development Guide 2014

- 10 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

- 11 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

- 12 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.”

- 13 Policy 1 of TAYplan 2 Locational Priorities is applicable in the assessment of the application.

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 & B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 8: Rural Business and Diversification
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 53B, C & E: Water Environment and Drainage: Foul Drainage, Surface Water Drainage & Water Supply
 - Policy 56: Noise Pollution
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 16 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

- 17 [19/01413/FLL](#) Full Planning Permission was Refused On 4 November 2019 for Alterations and extension to dwellinghouse

CONSULTATIONS

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

External

- 19 Perth And Kinross Heritage Trust – No objection.

Internal

- 20 Environmental Health (Private Water) – No objection. Informatives recommended.
- 21 Transport Planning – No objection subject to conditional control.
- 22 Development Contributions Officer – No objection.
- 23 Biodiversity/Tree Officer – No objection.
- 24 Environmental Health (Noise Odour) – No objection subject to conditional control.
- 25 Transport Planning – No objection subject to conditional control.

REPRESENTATIONS

- 26 A total of 9 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Noise Pollution, no respite from 7 day a week operation, odour
 - Adverse effect on visual amenity, out of character with the area, impact on residents privacy, over-intensive development, overlooking, more sympathetic architecture incorporating local stone would be more in keeping.
 - Road Safety Concerns, Traffic Congestion, HGV traffic struggling to maneuver, Alternative access should be sought. Access restricted to right of way (old drovers road)
 - Impact on curlews and other birds.
 - Conditions should limit any intensification of use at the site
- 27 These issues are addressed in the Appraisal section of the report. The following matter is best addressed at this stage:-
- 28 No community engagement. – The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community. The Planning Authority recognise and encourage developers to engage with the local community and it is apparent that engagement with the community regarding this application may have assisted the development process for all parties involved.
- 29 Impact on local property values – This is not a valid planning concern.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The 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 considerations of the Council's other approved policies and supplementary guidance.

Principle

- 31 There a wide range of policies that are applicable to the assessment of this application as detailed under the Development Plan heading above.
- 32 Policy 1 of Tayplan 2 is of importance. This sets out locational priorities at a strategic level. It confirms under criterion C that proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside and unsustainable patterns of travel and development.
- 33 The need to avoid unsustainable patterns of travel is also a criterion contained within Policy 8: Rural Business and Diversification as well as Policy 60B: Transport Standards and Accessibility Requirements. These policies are consistent with the Scottish Government's Scottish Planning Policy (SPP).
- 34 Rural Business and Diversification Policy 8 expects proposals to meet all of the following criteria:-
- (a) The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re- use of existing buildings.
 - (b) The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.
 - (c) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.
 - (d) The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.
 - (e) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.
 - (f) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.

- (g) The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact. Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement from Transport Scotland.
 - (h) Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.
 - (i) Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on- site staff accommodation.
- 35 This above criterion along with other applicable policies are assessed below and it is determined that the proposal is compliant with Policy 8 Rural Business and Diversification, Policy 39 Landscape, Policy 41 Bio-diversity. Policies Policy 53B, C and E: Water Environment and Drainage as well as Policy 60B: Transport Standards and Accessibility Requirements.

Design and Layout

- 36 The alterations to the agricultural buildings at Kindrum Park are contemporary in nature and consist of the insertion of new buildings within the existing metal clad agricultural structures. The new insertions incorporate glazing, cladding, render and slate to walls. The design solution which utilises the existing agricultural buildings to form estate office, farm shop with butchery and game store complies with the placemaking Policies 1A and 1B of LDP2.

Landscape

- 37 Policy 39: Landscape supports development proposals where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the works to reutilise existing agricultural buildings limits any adverse impact on the wider landscape setting of Kindrum Park. The reconfiguration of access tracks and the formation of parking to the south of the estate office, farm shop with butchery and game store is not considered to have any significant adverse impact on the landscape character of the lowland hills landscape character unit. The proposed formation of hedging will also assist with integrating the changes into the landscape.

On this basis the proposal complies with Policy 39: Landscape and criterion (d) of Policy 8 Rural Business and Diversification as the site infrastructure can be accommodated within the landscape and environmental capacity of the site.

Residential Amenity

Noise

- 38 The main noise sources from the daily operations of the building will be from any plant associated with the buildings such as ventilation systems, air conditioning, refrigeration and from deliveries. Environmental Health recommend that the standard plant noise condition is included on any given permission to protect the residential amenity of neighbouring properties (Condition 5).
- 39 The submitted planning statement states that there will be one delivery of game to the butchery and two collections daily. It also states that the proposed hours of operation for both buildings would be 0800 to 1800 hours Monday to Sunday. Conditional control can be applied to limit the time of deliveries to protect residential amenity (Condition 7).
- 40 With conditional control applied the proposal is considered to comply with Policy 56: Noise Pollution (Condition 5, 6 and 7).

Odours - Butchery /Game Store Operational

- 41 The game handling establishment will have to meet all the relevant legal requirements of both Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004 as specified within the Food Hygiene (Scotland) Regulations 2006 (as amended). Environmental Health note that the food business should undertake good food safety and hygiene practices and procedures therefore, odours from the establishment would be controlled.

Air Quality

- 42 The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical Guidance LAQM.TG (16) which accompanies this act advises that biomass boilers within the range of 50kW to 20MW should be assessed in terms of nitrogen dioxide and particulate matter. The pollution emissions of concern from biomass are particulate matter (PM10/PM2.5) and nitrogen oxides (NOx). The applicant has not submitted any information of the stove to be installed, however given the stove is domestic in nature, Environmental Health note this will be out with the range to be assessed so they have no adverse comments to make with regards to air quality.

Nuisance

- 43 Environmental Health note that they have seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances/stoves. Nuisance conditions can come about due to poor installation and maintenance of the appliance and inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.
- 44 The flue terminates above the roof ridge of the proposed building and due to the distance to surrounding buildings, emissions should adequately disperse and should not adversely affect residential amenity of neighbouring dwellings. Smoke/odour can be further minimised using fuel recommended by the

manufacturer and an informative is recommended to draw this to the attention of the applicant (Informative 7).

Private Water

- 45 The development is in a rural area with private water supplies (including Drumachar Borehole Supply) believed to serve properties in the vicinity. To ensure the new development has an adequate and consistently wholesome supply of water and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance, consultation was undertaken with Environmental Health. They offer no objection to the application but note that the once the development is operational, then Environmental Health will have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. They also recommend the inclusion of an informative to highlight the developer obligations associated with any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area (Informative 5).

Drainage and Flooding

- 46 The development will require private foul infrastructure to comply with Policy 53B and this can be accommodated within the site. The disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy EP3C and this can be controlled conditionally given the extent of the site (Condition 9).

Roads and Access

- 47 Representations have raised concerns about the potential vehicle generation to the farm as a result of the enterprise hub and farm shop. Representation also considers that alternative access arrangements should be sought and any intensification of use at the site controlled by condition.
- 48 The Estate's planning agent was contacted during the assessment of this application and it was highlighted that if there were wider development aspirations at the Kindrum Park site then an alternative location within the Estate may be more suitable to future proof any further development aspirations. The planning agent confirmed that there were no future proposals associated with the Kindrum Park site.
- 49 To help understand the associated trips with the development, the applicant has provided additional trip related information. The applicant has demonstrated that there is likely to be, on average, around 15 arrival and departures associated with the changeover of lodge guests and it is likely that there will be an estimated additional 15 arrival and departures associated with the farm shop. The applicant has also given an indication of the business model associated with the operation of the Farm Shop and the Business Hub. This information has been reviewed by Transport Planning and they offer no objection to the proposal although conditional control is recommended to secure improvements to the road and access track (Conditions 2-4).

Access junction with Public Road

- 50 Transport Planning do highlight that, where the vehicle access joins the public road network, there are signs of deterioration, which has resulted in the edge of the public road network starting to break and they recommend that the junction be surfaced. They have recommended conditional control to secure this prior to the development being completed or brought into use. However, to avoid any further deterioration, the Planning Authority consider that the junction improvement should be secured prior to any of the proposed works (Condition 2).

Access Track Passing places

- 51 Transport planning also note that the access track to the Kindrum Park is narrow and requires upgrading with clearly identifiable passing locations (with Kindrum House not used as a formal passing place). The conditional control recommends that these are agreed and secured prior to the development being completed or brought into use. However, it is considered that these improvements should be secured in advance of construction works to aid construction traffic movements to and from Kindrum Park (Condition 4).

Road improvements within the adopted road boundary

- 52 Representations have also raised concerns regarding the impact of vehicular movements to the road within Harrietfield. The applicant is proposing to undertake road widening on the easterly access to Harrietfield within the adopted road boundary. Discussions have taken place with the Council's Road Maintenance team to discuss the proposed works, at which time they highlighted that there is a roadside drainage channel, which the applicant has been made aware of. The principle of the road widening within the adopted road boundary is acceptable to Perth & Kinross Council and a finalised design proposal shall be provided prior to implementation. The location of any utilities, including the water stop cocks raised by objectors will be identified during the design phase. Once again, it is considered that these road improvements should be undertaken in advance of the construction works at Kindrum Park.
- 53 Insofar as the Roads matters are concerned, Transport Planning offer no objection subject to the improvements being secured by conditional control. With the conditional control in place the proposal is considered to comply with Policy 60B: Transport Standards and Accessibility as well as Policy 8: Rural Business and Diversification criteria (g).
- 54 Representations have also raised concerns about the speed of vehicles travelling along the B8063. This falls out with the remit of Planning and these concerns should directed to Police Scotland.

Conservation Considerations

- 55 There are local archaeological assets near the site (Kindrum Park Farmstead). The proposed development does not affect this resource. Consultation with Perth and Kinross Heritage Trust offers no objection.

Natural Heritage and Biodiversity

- 56 Policy 41 seeks to protect and enhance all wildlife and habitats, whether formally designated or not. 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.
- 57 All bat species found in Scotland are classed as European protected species. They receive full protection under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) making it an offence to disturb a bat in a roost, obstruct access to a roost and damage or destroy a breeding or resting place of such an animal. The impact of development on protected species must be understood before planning permission can be granted.
- 58 The proposal relates to two tins sheds. These do not demonstrate opportunities for roosting bats and therefore a bat survey is not required.
- 59 Objections raise concerns regarding the potential impact on birds. For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest.
- 60 This protection extends to all breeding birds including those nesting in existing buildings or structures and ground breeding birds such as waders. In this case, there is not considered to be an impact on birds and an informative has been added to highlight the requirements of the Wildlife and Countryside Act 1981, as amended (section 1) to the developer (Informative 12).

Developer Contributions

- 61 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 62 The site is located outside of the Transport Infrastructure Contributions area shown in Appendix 3 of the Supplementary Guidance therefore no contributions are sought.

Economic Impact

- 63 There will be positive economic impacts associated with this proposal for estate office and farm shop with butchery and game store.

VARIATION OF APPLICATION UNDER SECTION 32A

- 64 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 access and the inclusion of additional roads supporting information and improvements. A renotification of all neighbours took place.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 65 Not Required.

DIRECTION BY SCOTTISH MINISTERS

- 66 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

- 67 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 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 adopted Development Plan.
- 68 Accordingly the proposal is recommended for approval subject to the following conditions.

A 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. Prior to the commencement of construction associated with this planning application (the change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, and formation of parking area) the vehicular access with the public road shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue to the entrance for a minimum distance of 6 metres.

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

3. Prior to commencement of any development on site, a detailed design of the road widening shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The road widening, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the

commencement of construction associated with this planning application (the change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, and formation of parking area).

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

4. Prior to commencement of any development on site, a finalised drawing detailing the locations of the passing places shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing places, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken prior to the commencement of construction associated with this planning application (the change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, and formation of parking area).

Reason: In the interests of pedestrian and traffic safety.

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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

6. The hours of operations shall be restricted to 0800 hours to 1800 hours daily.

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

7. Servicing of and deliveries to the premises shall be carried out between 0800 and 1800 Monday to Sunday.

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

8. Odour from the butchery/game store building shall not be discernible on the boundary of the closest residential property.

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

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

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

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. 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.
5. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
6. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.
7. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings.

Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

8. The game handling establishment prior to operating should establish the requirement of approval with the Food Standards Scotland. If the establishment is exempt then they are required to be registered with Perth and Kinross Council as a food business under Regulation(EC) No. 825/2004
9. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
10. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.
11. No work shall be commenced until an application for building warrant has been submitted and approved.
12. 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.

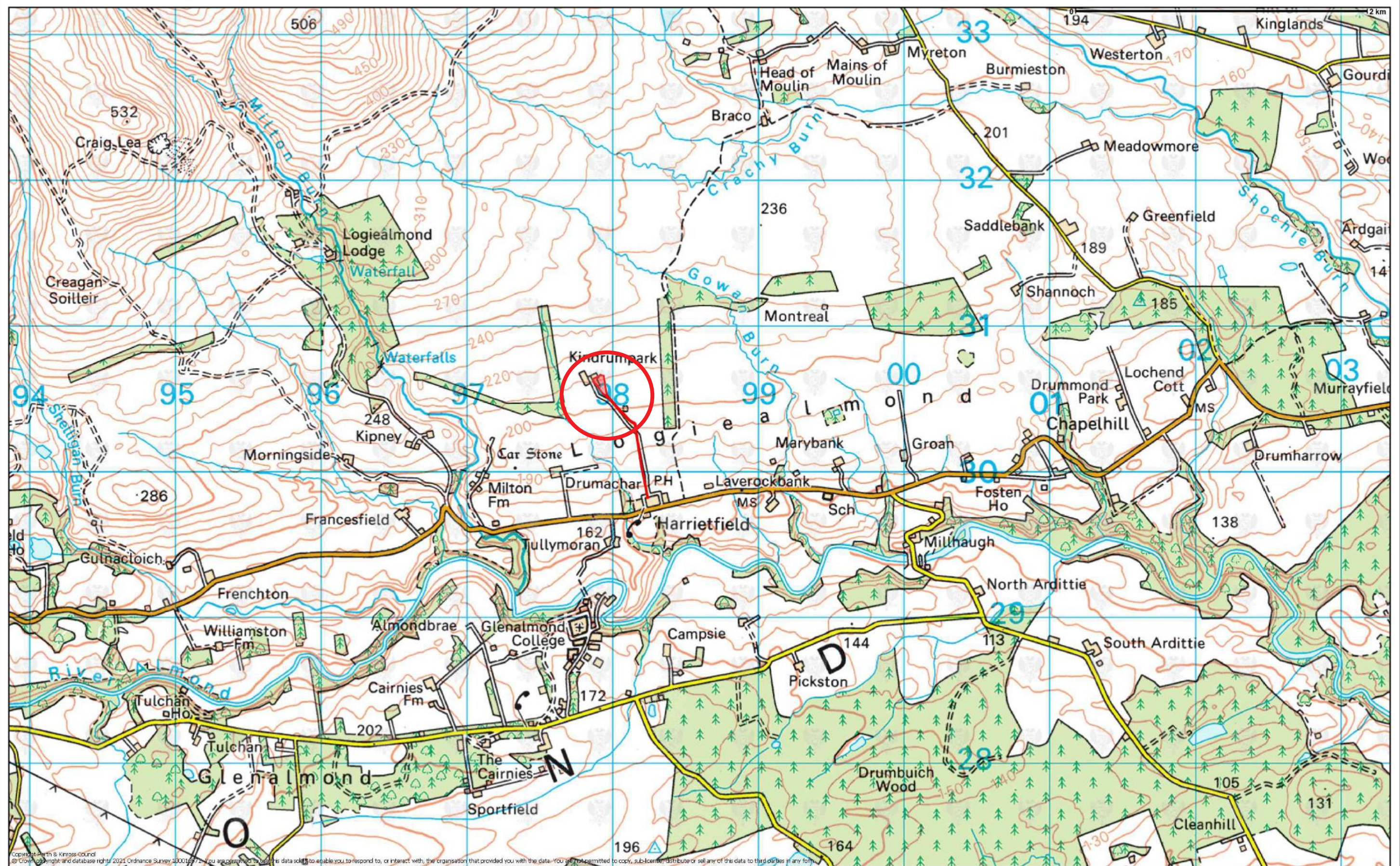
Background Papers: 9 letters of representation
Contact Officer: John Russell
Date: 25 February.2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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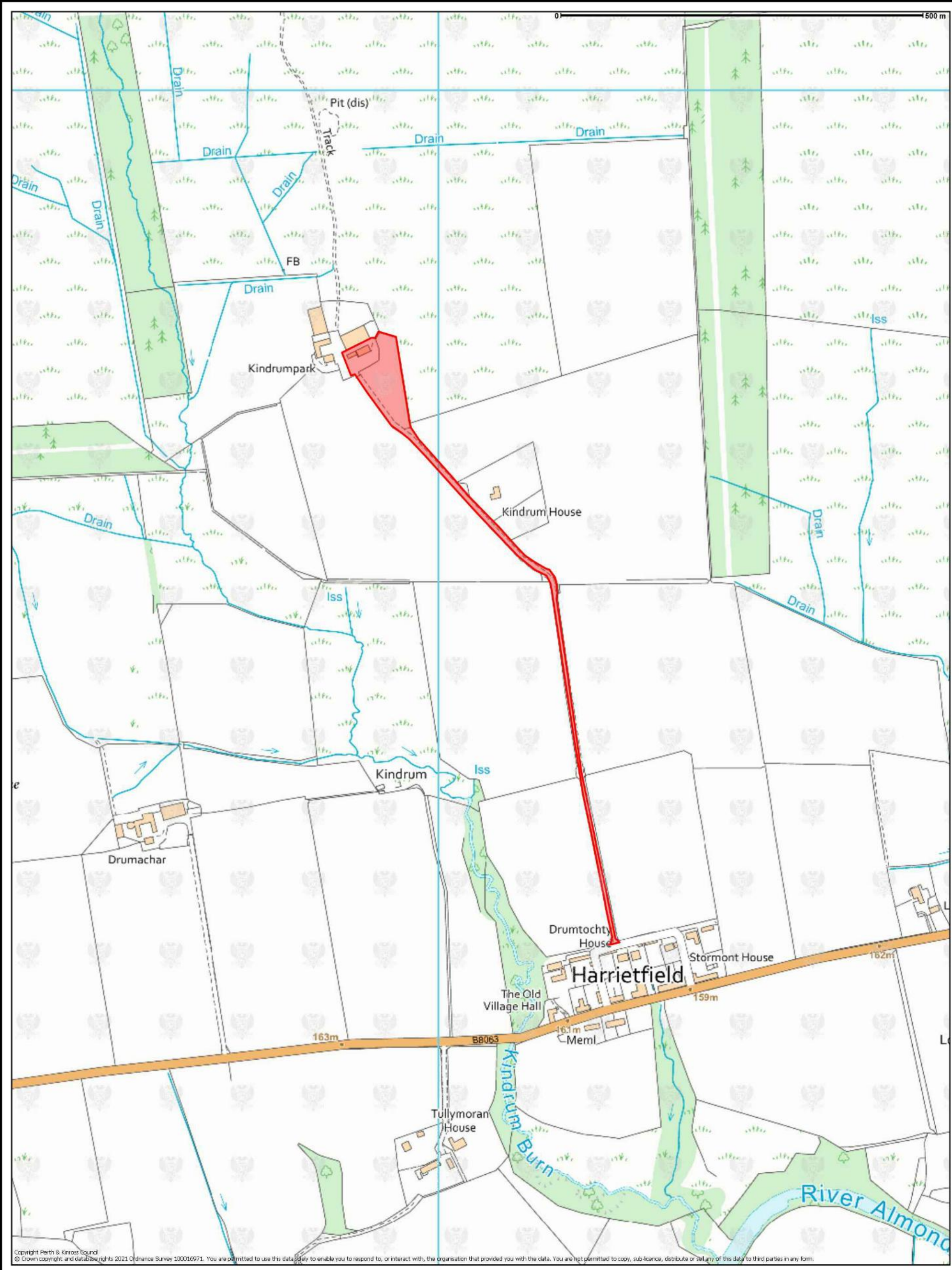
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20/01026/FLL

Change of use and alterations to agricultural buildings to form an estate office and a farm shop with butchery and game store, formation of parking area, access roads and associated works Kindrum Park Farm, Harrietfield, Logiealmond





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Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Report of Handling by Head of Planning & Development (Report No. 21/29)

PROPOSAL: Alterations and extension to steadings to form a dwellinghouse and ancillary accommodation

LOCATION: Steadings north of West Mill Cottages, Pitnacree

Ref. No: [20/01700/FLL](#)
 Ward No: P4 - Highland

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the alteration and extension of existing steadings to form a dwellinghouse with ancillary accommodation at land north of West Mill Cottages in Pitnacree. The application site is located on a rising hillside adjacent to a small group of residential buildings. The site is accessed from the A827 via Strathtay Road and a shared bound driveway. The steading proposed for conversion is located to the north of a group of residential dwellings which include South Cottage, Erracht Bank and Pitnacree Cottage. There is a dwelling immediately to the south which was converted into residential use under planning permission 02/01313/FUL and now forms East and West Mill Cottages.
- 2 There are three existing steading buildings on the site which are constructed from a mixture of timber and natural stone. The two northern most buildings are proposed to be converted into a dwellinghouse and the steading building within the south east corner of the site is proposed to be converted in ancillary accommodation. The roofs of the steadings are finished in a corrugated metal. The proposal is to connect the existing steading buildings by constructing a link structure to allow for a narrow floor plan to be created. Accommodation within the dwellinghouse is proposed on the ground floor along the entire length of the steading with an upper level bedroom proposed at the western end of the building where the existing steading is marginally taller than the remainder. Vehicular access is proposed from the existing estate access to the north between an avenue of trees. A parking and turning area is proposed to the north of the converted steading, together with a garden area to the east which is proposed to be bound by native hedging. There is a secondary, smaller building located to the south east of the main steading which is proposed to be converted into an annex/home office with a bathroom which is accessed through the proposed garden. The finishing materials for the steading include a metal clad roof, rubble stone walling as well as vertical and horizontal timber cladding. The south elevation, facing the existing property will be solely served by roof lights with no

windows. The remainder of the windows on the building are proposed to be located on the north elevation facing onto the proposed drive and garden ground.

- 3 This application is a re-submission following the withdrawal of a previous application for conversion into two dwellinghouses (ref: [19/01710/FLL](#)) where concerns regarding certain elements of the proposal were identified by the Planning Authority.

Pre-Application Consultation

- 4 20/00508/PREAPP – advice was provided to the applicant following the withdrawal of application 19/01710/FLL.

NATIONAL POLICY AND GUIDANCE

- 5 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 2014

- 6 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.

Scottish Planning Policy 2014

- 7 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.
- 8 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
 - Promoting Rural Development: paragraphs 74-83
 - Enabling Delivery of New Homes: paragraphs 109-134
 - Archaeology: paragraphs 150-151
 - Valuing the Natural Environment: paragraphs 193-218
 - Managing Flood Risk and Drainage: paragraphs 254-268

Planning Advice Notes

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- Pan 60 Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 72 Housing in the Countryside
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

- 13 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.”

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

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 15 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 16 The principal relevant policies are, in summary;
- Policy 1: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 19: Housing in the Countryside
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites
 - Policy 39: Landscape
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 52: New Development and Flooding
 - Policy 53B & C: Water Environment and Drainage
 - Policy 58A: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 18 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.

Supplementary Guidance Flood Risk and Flood Risk Assessment

- 19 This draft Supplementary Guidance provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

SITE HISTORY

[19/01710/FLL](#) Full planning for Alteration and extension to steadings to form 2 dwellinghouses. Application withdrawn 22 November 2019.

[19/01711/FLL](#) Full planning application for Erection of a dwellinghouse at Sawmill, South West of West Mill Cottages. Application withdrawn 2 December 2019.

[20/01938/FLL](#) Change of use, alterations and extension to ruinous sawmill to form a dwellinghouse at Sawmill, South West of West Mill Cottages. Pending Consideration.

CONSULTATIONS

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

External

- 21 **Perth And Kinross Heritage Trust:** No objection subject to a condition which secures the provision of a standing building survey of the existing buildings on site.
- 22 **Scottish Water:** No objection. Advise that there is currently water capacity available but that there is no public waste water infrastructure within the vicinity of the development site.

Internal

Transport Planning: No objection

- 23 **Environmental Health (Contaminated Land):** There are potential contaminants as a result of the previous use of the land and therefore a condition is recommended to ensure that an evaluation is undertaken to assess the risk from contaminants.
- 24 **Environmental Health (Noise Odour):** No objection subject to an informative advising that the stove system within the property is utilised in accordance with manufacturers recommendations in the interests of air quality.
- 25 **Development Contributions Officer:** No developer contribution required as Grandtully Primary School is not currently considered to have any capacity issues.
- 26 **Biodiversity/Tree Officer:** No objection subject to mitigation measures within the submitted bat survey being implemented on site and to ensure the provision of bird boxes as part of the development.
- 27 **Structures and Flooding:** No objection following review of topographical data and flood risk information subject to finishing floor levels being above ground levels and that the existing culvert is regularly maintained to prevent blockage. A condition is also recommended to secure the detailed design of the SUDS system.

REPRESENTATIONS

- 28 A total of nine letters of representation have been received. The main issues raised within the representations are:
- Impact on residential amenity
 - Increase in scale and height of building

- Contrary to Development Plan
- Contrary to Supplementary Guidance (including Placemaking and Housing in the Countryside Guide)
- Impact on visual amenity and character of grouping
- Impact on Landscape
- Impact on River Tay Special Area of Conservation
- Lack of drainage information
- Impact on Trees
- Ecological impact
- Light pollution
- Vibration from construction
- Rights of access
- Part of a wider development of the area.
- Buildings are not redundant.

- 29 These issues are addressed in the Appraisal section of the report other than rights of access which are a civil matter and not a material planning consideration.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Likely Significant Effect on River Tay Special Area of Conservation (SAC). An Appropriate Assessment has been undertaken.
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Tree Survey Bat Survey Flood Risk Information Supporting Statement

APPRAISAL

- 30 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The 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 considerations of the Council's other approved policies and supplementary guidance Council's other approved policies and supplementary guidance, namely the Placemaking Guide 2020, the Affordable Housing and Developer Contributions 2020 and Landscape Supplementary Guidance 2020.

Planning Principle

- 31 The Perth and Kinross Local Development Plan 2019 (LDP2) through Policy 6 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.
- 32 However, through Policy 19 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the six identified categories will be supported. The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:
- Building Groups
 - Infill site
 - New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
 - Renovation or replacement of houses
 - Conversion or replacement of redundant non-domestic buildings
 - Development on rural brownfield land
- 33 Category 5 is relevant in this instance and allows for the conversion of redundant traditional buildings and for limited new build accommodation where there are no other pressing requirements for other uses such as business or tourism. Category 5 goes on to state that permission will be granted for the change of use and alteration of redundant buildings provided they are of traditional form and construction or are non-traditional but are otherwise of architectural merit. The submission states that the buildings are now redundant, although it is noted that neighbours indicate that the buildings were in use as recently as October 2020.
- 34 The submission demonstrates that that the buildings are not capable of use as business/commercial premises. The submission indicates that the buildings are not structurally sound and have suffered from water ingress and therefore no longer serve a purpose for the estate. The submission also indicates that, due to the proximity of the building to existing residential dwellings, the scope for use for commercial purposes is limited as a result of the potential disturbance which would occur, and this argument is accepted by the Council.
- 35 In this instance, the buildings on site are of traditional form and construction and therefore can be considered under Category 5, which allows for new build elements to be included but this requires to be limited and should specifically relate to conversion rather than complete replacement.
- 36 The existing steading structures are to be utilised and converted. The infill/link element between the two existing buildings is considered to be sufficiently small in scale to merit being considered "limited" under Category 5. The existing buildings are seen as small-scale ancillary buildings adjacent to the larger adjacent

dwellinghouse to the south. The policy requires that all proposals should be of a scale, layout and design which is appropriate to and has a good fit with the landscape character of the area. The proposal involves a minor increase in height of the western most section of the building to accommodate the bedroom at first floor level. This results in an increase in ridge height of approximately 0.8m. The overall increase is considered to be negligible and can be accommodated without detriment to the visual amenity or character of the area. The finishing materials include timber cladding and random rubble stone which helps to maintain the rural character of the building and is considered to be acceptable in the context of the surrounding properties where similar finishing materials are apparent.

- 37 The overall design of the dwellinghouse and ancillary accommodation is of a scale, layout and design which is appropriate in the context of the wider site and the surrounding landscape and the proposal results in a development which remains of a subservient scale to the adjacent dwellinghouse despite the minor increase in height which is proposed. This is addressed in more detail in the design and layout paragraph below.
- 38 Overall, the principle of converting the building into residential use is acceptable and complies with the requirements of Category 5 of the Housing in the Countryside Guide. The proposal therefore complies with Policy 19 of LDP2.

Design and Layout

- 39 Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance. Furthermore, the siting criteria outlined within the Housing in the Countryside Guide is also relevant. The proposal also requires the landscape character of the area to be respected and meet the requirements of Policy 39, given the sites location within the Strathtay Special Landscape Area (SLA). It is inevitable that the character of the buildings will change from agricultural to domestic given the development which is proposed. However, the proposed design and materials used will retain, as much as possible, the rural character of the buildings and they will remain at a scale which is subservient to the adjacent building and continue to relate successfully to the character of the rural building group. The proposal is therefore considered to be a sensitive adaption and conversion of the existing building as required by the above policies and guidance.
- 40 A small domestic scale landscaping scheme accompanies the application with native hedging proposed on the garden boundaries. A cross section has also been provided to demonstrate the level changes which are proposed on site and shows that the garden ground to the north will be partly stepped to accommodate the access, parking, turning area and entrance into the proposed house.
- 41 The vehicular access, main garden ground for the house and main door into the dwelling are proposed to face north, away from the existing properties in order to limit the impact on residential amenity and to secure privacy for future occupiers and those occupying the adjacent dwellings to the south. A small triangular garden ground area is proposed within an open field to the north of the building. The proposed garden ground is partly bound by the estate track to the north and occupies a small triangular area of agricultural land which is limited in terms of its

agricultural merit. On that basis, its use as a small garden area for a new dwelling, which allows the existing building to be brought back into active use, is considered to be acceptable.

Landscape

- 42 The application site and building group is part of the Strathtay Special Landscape Area and by the nature of what is proposed, the development will change the appearance of the site when viewed from surrounding receptors. However, the development will largely be viewed as part of the existing building group, as a well-considered addition, and the change in appearance will not have a significant impact on the wider landscape character.

Residential Amenity

- 43 The Council's Placemaking Guidance states that windows should generally be positioned to ensure a minimum of 18m between windows and 9m between windows and boundaries. In the previous submission the windows on the south elevation facing the existing dwelling were proposed to be high level in an attempt to address overlooking to the building to the south which is located 6.5 metres from the south facing elevation of the proposed development. These upper level windows have now been removed entirely from the proposal and replaced with high level rooflights to ensure there is no overlooking to the neighbouring property and this is considered to be acceptable. A north/south sectional drawing has been submitted to enable an understanding of the level change between the site and the adjacent dwelling to the south. This shows the existing situation compared with the proposed and indicates that the building is proposed to increase in height by approximately 0.8m. The majority of the existing building has a ridge height of 4.02m and this part of the building is proposed to be 4.82m in height. The western most section of the building is proposed to increase in height from 5.03m to ridge, up to 5.9m to ridge to accommodate the first floor bedroom. Concerns have been expressed in representations regarding the possibility of the increased height of the building impacting upon day light to the existing dwelling to the south.
- 44 As the sun rises in the east and sets in the west, and takes a southerly path across the sky, it is more likely that the proposed dwellinghouse would be overshadowed by the existing dwelling to the south. It is therefore less likely that the proposed development will result in extensive overshadowing to the dwelling to the south in comparison with the existing situation.
- 45 The majority of the windows on the new dwelling are north facing and therefore any overshadowing from the existing dwelling to the south is considered to be minor in impact and not considered to result in any significant detrimental impact to the future occupiers of the new dwelling.
- 46 The Council's adopted Supplementary Guidance relating to Placemaking includes specific information on how the issue of overshadowing can be assessed. This is known as the 25 degrees rule. Any proposed development should maintain and allow for a reasonable amount of natural daylight to the internal living space of neighbouring residential properties. Established practice determines that 25 degrees is a suitable maximum obstruction path which should be afforded directly to a front or rear aspect.

- 47 Having carried out an assessment of the proposed development the increased height of the building does not breach the 25-degree obstruction path as outlined in the Supplementary Guidance. Therefore, the proposed development is considered to be acceptable in terms of its impact on daylight.
- 48 The assessment outlined above is based upon a worst-case scenario and, given the orientation of the proposed development relative to neighbouring properties, the impact is considered to be acceptable.
- 49 The garden ground for the proposed dwelling is located to the immediate north of the garden ground serving the adjacent property to the south east and therefore has potential for overlooking from the garden into the neighbouring property given the topography here. Therefore, an appropriate boundary treatment should be installed on this boundary to ensure overlooking is avoided. This can be secured by condition (Condition 2).
- 50 The ancillary, building, similar to the main dwellinghouse, is proposed to be served solely by rooflights on the west and east facing roof planes. The only door serving the building will face north into the proposed garden. The ancillary accommodation is therefore not considered to result in overlooking to neighbouring properties or have an impact on residential amenity. A condition is recommended to ensure the annex/home office remains in the same ownership as the main dwelling (Condition 3).
- 51 Overall, the development is considered to be acceptable in terms of the impact on residential amenity of neighbours and the amenity of future occupiers and therefore accords with the Local Development Plan where it relates to residential amenity.

Light Pollution

- 52 The letters of representation raise concerns regarding light pollution from the proposed roof lights. The development site is part of a small-scale residential grouping in a rural location and therefore, whilst it is noted that there will be some minor light spill from these windows it is not considered to be of a level which would be significantly different from the existing light levels from adjacent residential properties.

Developer Contributions

- 53 Policy 5 of LDP2 applies which refers to the Developer Contributions and Affordable Housing Supplementary Guidance. This requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 54 This proposal is within the catchment of Grandtully Primary School.
- 55 Education & Children's Services have no capacity concerns in this catchment area at this time and therefore no contribution is required.

Natural Heritage and Biodiversity

- 56 The existing buildings may be habitat to protected species and therefore Policy 41 of LDP2 applies which requires the protection of all wildlife and wildlife habitats. A survey has been submitted with the application which has been assessed by the Council's Bio Diversity Officer and the conclusions have been accepted. The survey has been carried out in accordance with best practise and carried out by an appropriately qualified person.
- 57 Due to the presence of bat roosts, no works can be undertaken before a derogation licence from NatureScot (formerly Scottish Natural Heritage) has been issued. The submitted Bat Roost Assessment Report contains sufficient information for the Planning Authority to be satisfied that all three tests of the license are likely to be met. The same tests need to be passed for NatureScot to issue a licence. A condition is recommended to ensure the conclusions and mitigation measures outlined within the survey are implemented on site (Condition 4). A further condition is recommended to ensure the provision of six bird nest boxes on the site to cater for potential loss of bird habitat (Condition 5).
- 58 Subject to the above conditions the proposal is considered to comply with the requirements of Policy 41B of LDP2.

Trees

- 59 The mature beech tree to the west of the proposed development contributes significantly to the character and visual amenity of the area and appears to be in good condition. In the previous submission, this tree was proposed for felling but is now proposed to be retained. A tree survey has been submitted with the application and demonstrates that the development can be accommodated without impacting upon the mature beech tree and the trees adjacent to the proposed access. The root protection areas of the retained trees are marked on the plans and the submission demonstrates that the development, including the amendments proposed to the ground levels at the access can be carried out without impact on the root protection area of the existing trees. The survey has been carried out in accordance with best practise and has been carried out by a qualified person, meeting the requirements of Policy 40B of LDP2. A condition is recommended to ensure the protective tree fencing is erected in accordance with the survey and to meet the requirements of BS:5837:2012 Trees in Relation to Design, Demolition and Construction (Condition 6).

Roads, Transport and Access

- 60 Policy 60B of LDP2 is relevant and requires that new development does not impact on the road safety of the area. The National Roads Development Guide (NRDG) is also considered to be relevant. This provides detail on parking and access requirements. Parking for two vehicles and turning facilities to allow cars to enter and leave the site in a forward gear are indicated on the submitted site plan which is considered to be acceptable. The proposed site is to be accessed using the existing bitumen bound access which serves Pitnacree House and links to the south onto the C447 public road.

- 61 During the assessment of the previous application, concerns were expressed regarding disturbance from headlights associated with the use of the access which was originally proposed from the south, through the existing building group. This has now been addressed by proposing an alternative access from the north utilising the shared access to Pitnacree House. The proposal for a revised access therefore addresses the previous concerns in this regard. Transport Planning have been consulted on the revised access arrangements and consider these to be acceptable.
- 62 The submission indicates that the existing estate drive will also serve as the access for construction vehicles with construction vehicles proposing to park at the west side of the steading which would allow construction vehicles to reverse back onto the estate drive and enter the public road in a forward gear. This is considered to be acceptable.
- 63 In terms of an increase in traffic on the local roads, the level of additional vehicular movements generated by the development will be low, and the local road network can absorb such an increase.
- 64 Overall, the proposal is considered to accord with LDP2 Policy 60B and the requirements of the National Roads Development Guide.

Drainage and Flooding

- 65 There is an existing pond and burn which are located to the north of the application site. Full topographical details and levels have been submitted with the application given the sloping nature of the site to demonstrate how surface water will be managed.
- 66 The burn turns towards the south and is culverted underneath the existing driveway serving the site. Potential flooding on the site would be caused by any blocking of this culvert. The submitted topographical details demonstrate that any blockage would result in flood water dispersing down the Pitnacree House drive to the west and into an existing culvert further downhill remote from existing properties and therefore is unlikely to impact on existing properties. The submission indicates that the intention is to ensure this culvert is inspected regularly as part of the maintenance of the property to ensure it is not blocked. This can be secured by a suitably worded condition (Condition 7). The proposal is therefore considered to meet the requirements of Policy 52 of the LDP2 relating to flood risk.
- 67 Structures and Flooding have been consulted on the proposal and have indicated that they have no objection in relation to potential flood risk, subject to a condition which ensures that finished floor levels are raised above external ground levels. The finishing floor levels are indicated on the submitted plans to be above ground levels and therefore there is no specific requirement for a condition to secure this. A condition is also recommended to ensure the submission of a detailed Sustainable Urban Drainage System (SUDS) (Condition 8) in order to cater for surface water drainage, to meet the requirements of Policy 53C of the LDP2.

Archaeology

- 68 The proposed development site is considered to be of archaeological sensitivity and therefore in accordance with Policy 26B of the LDP2 a standing building survey has been requested by Perth and Kinross Heritage Trust. This can be secured by condition (Condition 9).

Waste Collection

- 69 The submission indicates that waste collection for the proposed house will be from the bottom of the estate drive where there is a large bellmouth capable of storing bins. This is considered acceptable and normal practise in rural areas.

River Tay Special Area of Conservation (SAC)

- 70 The River Tay Special Area of Conservation (SAC) is located approximately 170 metres to the south of the application site and the watercourse which runs to the west of the application site flows into the River Tay. Due to the proximity of the site to the River Tay there is potential for leaching of materials and sediment into the SAC. Therefore, there is a likely significant effect (LSE) on the qualifying features of the River Tay SAC. It is therefore necessary to consider how these likely significant effects can be addressed. The submission of a basic Construction Method Statement is considered to be appropriate to ensure mitigation measures are put in place to prevent the leaching of materials and sediment into the SAC. This can be secured by condition (Condition 10). Subject to this condition the development is considered to have no adverse effect on the SAC.

Wider Redevelopment

- 71 Concerns are expressed in letters of representation that the proposal may be part of a wider redevelopment of the area. A separate application for the conversion of the adjacent mill building to a dwellinghouse to the west of the site is currently under consideration (ref: [20/01938/FLL](#)) which has been submitted following the withdrawal of an earlier application on that site (ref: [19/01711/FLL](#)). This application requires to be considered on its own merits. Any further applications received will also be considered on their own merits.

Contaminated Land

- 72 Given the historic use of the site, the Council's Land Quality Team have recommended a condition (Condition 11) to ensure that a risk assessment of the land is undertaken to establish any potential contaminated and propose mitigation where required in accordance with the requirements of Policy 58A of the LDP2.

Vibration

- 73 Concerns are expressed in letters of representation regarding the potential for vibration during construction and the impact which this would have on the stability of adjacent properties. The impact from vibration during construction is not considered to be a material planning consideration

Economic Impact

- 74 The development of this site would account for short term economic investment through the construction period and indirect economic investment of future occupiers of the associated development.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 75 Not 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. In this respect, the proposal is considered to comply with the approved TAYplan 2016 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 adopted Development Plan.
- 78 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. Prior to the commencement of any development, details of an appropriate boundary treatment for the southern boundary of the proposed garden area shall be submitted to and approved in writing by the Planning Authority. The boundary treatment, as approved in writing shall be installed as part of the site development and completed in its entirety prior to the occupation of the dwellinghouse.

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

3. The annex/home office hereby approved shall be used solely for purposes ancillary to the domestic enjoyment of the main dwellinghouse hereby approved and shall not be sold, let or occupied separately at any time.

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

4. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document ref: 15) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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).

5. Prior to the commencement of development hereby approved, details of the location and specification of the six bird nest boxes shall be submitted to and approved in writing by the Council as Planning Authority. Thereafter, the six bird nest boxes shall be installed in accordance with the agreed details prior to the occupation of the dwellinghouse.

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

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

Reason: In order to ensure the protection of retained trees on the site during construction.

7. Prior to the commencement of development hereby approved, a detailed maintenance regime for the existing culvert and ditch to the north and west of the dwellinghouse hereby approved shall be submitted to, and approved in writing by, the Planning Authority. The maintenance regime, as approved, shall be adhered to for the lifetime of the development to the satisfaction of the Council as Planning Authority.

Reason: To ensure the culvert remains free flowing and does not become blocked and in the interests of dispersal of surface water.

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

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

9. Development shall not commence until the developer has secured an archaeological standing building survey, to be carried out by an independent and suitable qualified archaeological organisation. The scope of the archaeological standing building survey will be set by Perth and Kinross Heritage Trust on behalf of the Council as Planning Authority. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development. Copies of the resulting survey shall be deposited in the National Monuments Records for Scotland and in the Perth and Kinross Historic Environment Record upon completion of the survey.

Reason: The site lies adjacent to an area of archaeological interest.

10. Development shall not commence until a detailed Construction Method Statement (CMS) has been submitted to the Council as Planning Authority. 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 stock piles, 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.

11. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
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.
6. 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/>.
7. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 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.

8. 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.
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.
<http://www.pkc.gov.uk/article/15061/Supplementary-guidance-Flood-risk-and-flood-risk-assessments>
- 10 The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.

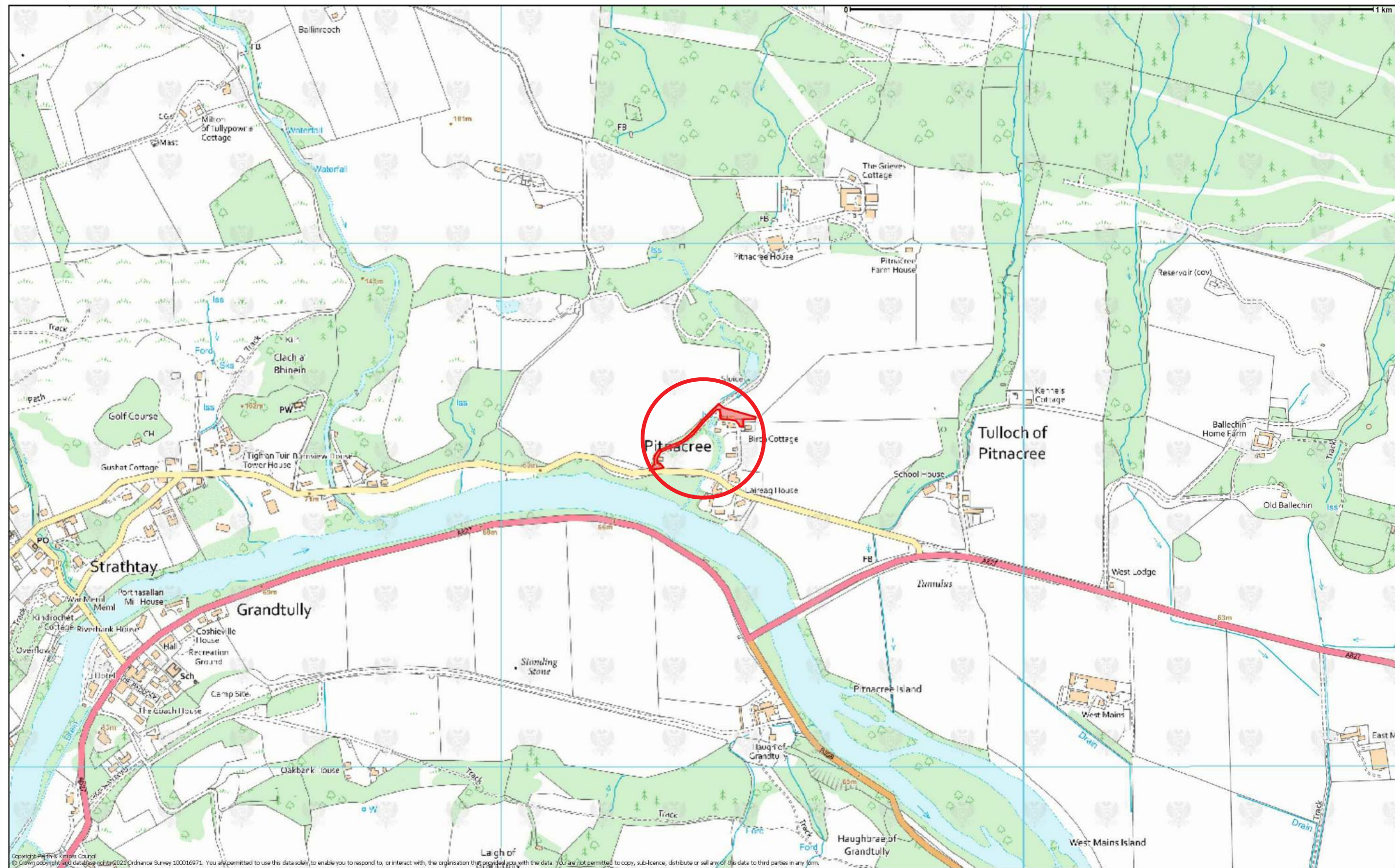
Background Papers: Nine letters of representation
Contact Officer: John Williamson
Date: 25 February 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:1250



20/01700/FLL

Alterations and extension to steadings to form a dwellinghouse and ancillary accommodation Steadings 20 Metres North Of West Mill Cottages Pitnacree



Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Report of Handling by Head of Planning & Development (Report No. 21/30)

PROPOSAL: Erection of 3 dwellinghouses and garages

LOCATION: Land SW of Aquila, Braco Road, Comrie

Ref. No: [20/01873/FLL](#)

Ward No: P6- Strathearn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is on land SW of Aquila, Braco Road, Comrie. The site is located within the designated settlement boundary of Comrie. The application seeks detailed planning permission for the erection of 3 dwellinghouses, each with a detached garage.
- 2 Plots 1 and 2 will be identical 4 bedroomed units each at 1 ½ storey in height. The external materials will comprise of a combination of natural stone and horizontal timber cladding for the walls with traditional slate roofing. Plot 3 will be a slightly smaller dwellinghouse with 3 bedrooms and will also be 1 ½ storey. The materials of Plot 3 will match Plots 1 and 2. The garages on all 3 plots are consistent and will be clad with horizontal timber with natural slate roofs.
- 3 The approximate location of Plots 2 and 3 was originally granted outline planning permission for the erection of a dwellinghouse in 2002 (02/01105/OUT). In 2005, a detailed application was granted (05/02379/FUL). A detailed application was also submitted and granted in 2005 for the approximate location of Plot 1 and the paddock (05/01193/FUL). In 2019, an application was approved for the erection of 2 dwellinghouses on the entirety of the site (19/00323/FLL). None of these permissions have been implemented, although the 2019 permission remains live.

Pre-Application Consultation

- 4 No formal pre-application consultation undertaken.

NATIONAL POLICY AND GUIDANCE

- 5 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 2014

- 6 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.

Scottish Planning Policy 2014

- 7 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.
- 8 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

Planning Advice Notes

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016-2036

- 13 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.”

- 14 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

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

- 16 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

- 17 Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 18 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.

Placemaking Supplementary Guidance 2020

- 19 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

SITE HISTORY

[02/01105/OUT](#) Approved on 31 October 2002 for the Erection of a dwellinghouse (in outline)

[05/01193/FUL](#) Approved on 21 October 2005 for the Erection of a dwellinghouse and garage

[05/02379/FUL](#) Approved on 23 March 2006 for the Erection of a dwellinghouse

[19/00323/FLL](#) Approved on 25 April 2019 for the Erection of 2 dwellinghouses and garages

CONSULTATIONS

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

External

- 21 Scottish Water: No objection to the proposed development as there is currently sufficient capacity in both Turret Water Treatment Works and Comrie Waste Water Treatment Works to service the development.
- 22 Historic Environment Scotland (HES): No objection to the proposed development, although noted the proximity of the designated Scheduled Monument.
- 23 Perth & Kinross Heritage Trust (PKHT): No objection to the proposed development, subject to conditional control regarding archaeological works.

Internal

- 24 Structures & Flooding: No objection to the proposed development, subject to conditional control regarding drainage.
- 25 Development Contributions Officer: No contributions required.

- 26 Transport Planning: No objection to the proposed development, subject to conditional control regarding the requirement for a new footway, street lighting and vehicular access.

REPRESENTATIONS

- 27 A total of 8 letters of representation have been received in respect of the current application (7 objections and 1 general comment). The main issues raised within the representations are:
- Road safety
 - Height of proposed dwellinghouses
 - Overdevelopment/ density of development
 - Loss of privacy
- 28 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	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

- 29 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 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 considerations of the Council's other approved policies and supplementary guidance, namely the Council's Placemaking Supplementary Guidance 2020.

Principle

- 30 The application site is located within the Comrie settlement boundary within an area identified in LDP2 as a residential area; therefore Policy 17 'Residential Areas' is directly applicable. As this proposal is within an identified residential area, the principle of a residential development is considered acceptable as it is compatible with neighbouring land uses. Nevertheless, full consideration must be given to the design, layout, scale, massing and impacts upon residential amenity

from the proposed dwellinghouses. Other policies are also directly applicable to ensure that the amenity and the biodiversity of the area are not compromised.

Design and Layout

- 31 The plots are located at a prominent entrance to Comrie. The traditional design of the proposed dwellinghouses are of a high quality which will make a positive contribution to the street scene. The material choices are also of a high quality which will complement neighbouring buildings and make the dwellinghouses sympathetically blend into their environment.
- 32 Concerns were raised within the letters of representation regarding the height and density of the proposed dwellinghouses. With regards to the heights, the proposed dwellinghouses are approximately 6.9m at maximum height. This is consistent to the maximum height of the 2 dwellinghouses granted on the site under application 19/00323/FLL, which were also 6.9m at maximum height (excluding the chimneys). It is considered that this height is acceptable with the overall height of the proposed buildings forming a suitable link between the existing bungalows to the East of the development and the newer developments to the North West.
- 33 With regards to layout and density, the dwellinghouses are well sited on the plots leaving suitable amenity space for each of the properties, whilst also providing suitable roads and access arrangements. The garages are located in acceptable positions. The layout and plot proportions are similar to those on Langside Drive which immediately adjoins the site and thus will not be out of character with the area. It is therefore not considered that the development of this site for 3 dwellinghouses would result in the overdevelopment of the site.

Landscaping and Visual Amenity

- 34 Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case, the siting of a residential development of this scale on this site within the settlement boundary of Comrie is not considered to erode local distinctiveness, diversity and quality of the landscape.
- 35 Due to the prominence of the site when entering Comrie from the South, it is important that the boundary treatments form a suitable link between the village and its rural surroundings. In this instance, beech hedging is proposed for boundary treatments in addition to some tree planting on the site itself. Consistent to the most recent planning permission on the site, conditional control is recommended to ensure the implementation of this planting in the interests of visual amenity (Condition 7).

Residential Amenity

- 36 The plots are bound by a number of neighbouring properties, namely bungalows to the east, along Langside Drive. It is therefore important that the proposed development has no adverse impact upon neighbouring residential amenity. Loss of amenity/ privacy was noted within the letters of representation received.

- 37 In relation to loss of amenity/ privacy, the windows are sensitively located on the buildings and do not create any immediate concerns to neighbouring buildings. On the east elevations, the plots have been designed to ensure that there are no windows from habitable rooms present. In addition to this, the windows on the east elevation which face Langside Drive, are all at ground floor level (other than rooflights). The window-to-window distances exceed the recommended distances within the Council's Placemaking Supplementary Guidance 2020. It is therefore considered that there is no adverse loss of privacy to neighbouring properties. Similarly, due to the overall height and siting of the proposed buildings, it is not considered that there are any adverse concerns in relation to overshadowing. The closest building to the development is 2 Langside Drive which is approximately 20 metres to the east of plot 3. The height of the proposed building at this distance and orientation will not result in adverse overshadowing.

Roads and Access

- 38 The proposal creates one new access from Braco Road which will serve the three plots. A new footway will also be created along most of the site fronting Braco Road. Each plot has a driveway leading from this new access capable of accommodating at least 3 parked vehicles in addition to suitable turning facilities to allow all vehicles to exit the site in a forward gear.
- 39 Road Safety was highlighted as a concern within some representation. Transport Planning were consulted as part of this application and have no objection, subject to conditional control consistent to the previous scheme regarding access, footways and street lighting (Conditions 4 - 6).

Drainage and Flooding

- 40 The site is located within the SEPA 1 in 200 indicative surface water flood envelope. This would make some of the site at a medium risk of surface water flooding and indicates that there may be a topographical low point within the site. As such, the Council's Structures and Flooding were consulted as part of this application, who have no objection to the proposed development, subject to conditional control with regards to drainage. This is therefore recommended to the permission accordingly (Condition 3).

Conservation Considerations and Archaeology

- 41 The site is immediately adjacent to a Scheduled Ancient Monument (Dalginross Roman Fort) and lies within an area that is known to be archaeologically sensitive due to the presence of Roman period archaeology. This was also raised within some representations. As such, Historic Environment Scotland (HES) and Perth & Kinross Heritage Trust (PKHT) were consulted as part of this application.
- 42 PKHT have reviewed the submitted proposals and have no objection to the proposed development, subject to conditional control regarding archaeology (Condition 2). This is therefore recommended to the permission accordingly. It is also noted that HES have no objection to the proposed development.

Developer Contributions

Primary Education

- 43 The Council's Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 44 This proposal is within the catchment of Comrie Primary School. Education & Children's Services have no capacity concerns in this catchment area at this time, therefore no education contribution is required.

Economic Impact

- 45 The development of this site would account for short term economic investment through the conversion period and indirect economic investment of future occupiers of the associated development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 46 None required.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 47 None required.

DIRECTION BY SCOTTISH MINISTERS

- 48 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

- 49 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none have been found that would justify overriding the adopted Development Plan.
- 50 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. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

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

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

4. Prior to the occupation of any of the dwellinghouses hereby approved, the new footway as shown on plan 03 hereby approved shall be completed to the design and specification of the Council as Planning Authority.

Reason: In the interests of road safety; to ensure that a satisfactory standard of road and footpath is provided timeously in the interest of the amenity of the residents.

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

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

6. Prior to the commencement of development, a street lighting scheme extending the current provision along the new footway to the design and specification of the Council shall be submitted to the Council as Planning Authority for written approval. Thereafter, the consequently agreed scheme shall be implemented and operational prior to the occupation of any of the dwellinghouses hereby approved.

Reason: In the interests of pedestrian and traffic safety.

7. The beech hedging as shown on plan 03 hereby approved shall be planted prior to the occupation of any of the dwellinghouses, to the satisfaction of the Council as Planning Authority. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number. Thereafter, the hedge shall be retained in a reasonable condition to ensure the root system does not impact upon the integrity of the adjacent Scheduled Ancient Monument.

Reason: The site lies adjacent to an area of archaeological interest.

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. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.

5. 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.
6. 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.
7. 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.
8. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. The applicant 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.
11. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn.
12. 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/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000

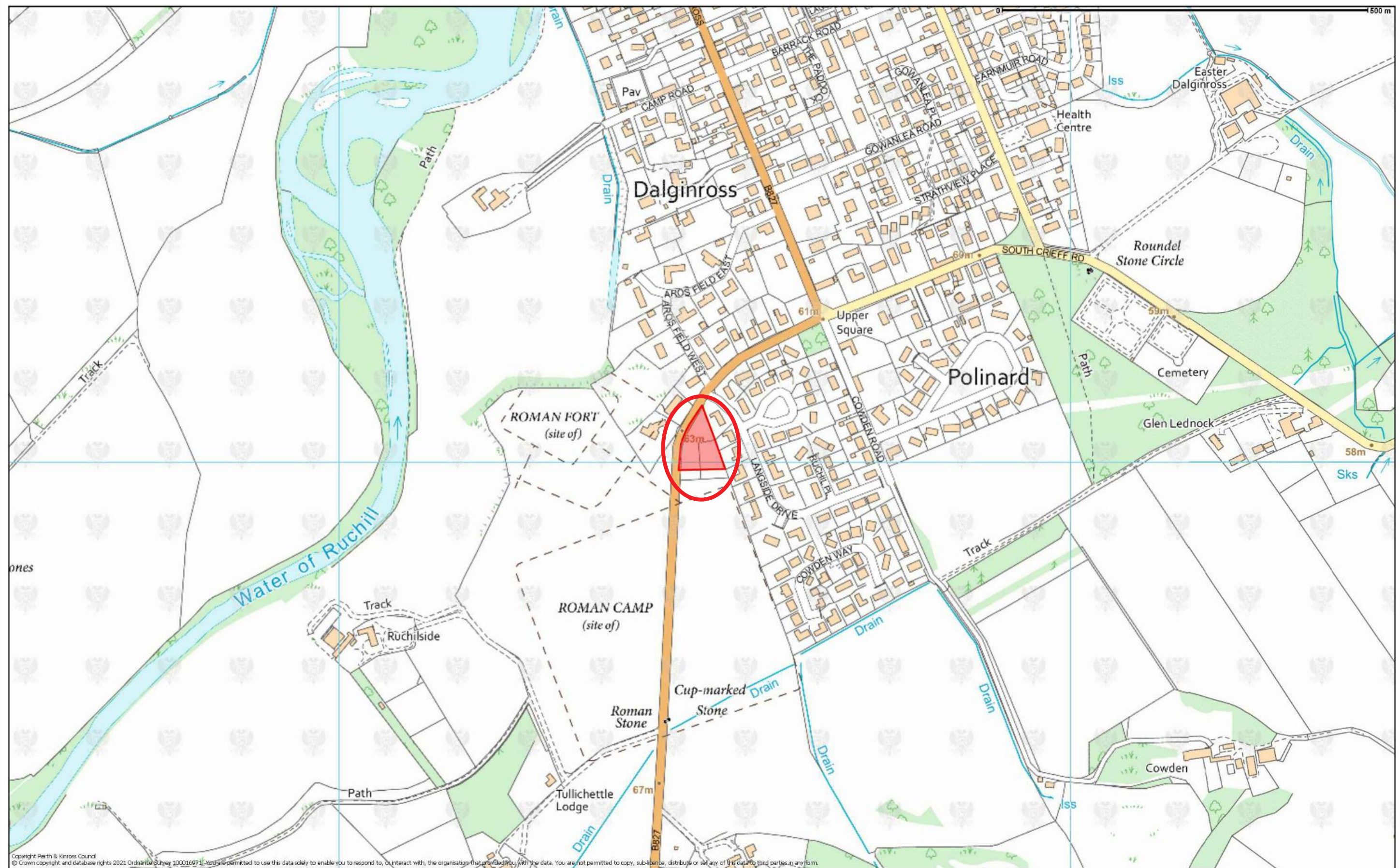
Background Papers: 8 letters of representation
Contact Officer: Sean Panton
Date: 25 February 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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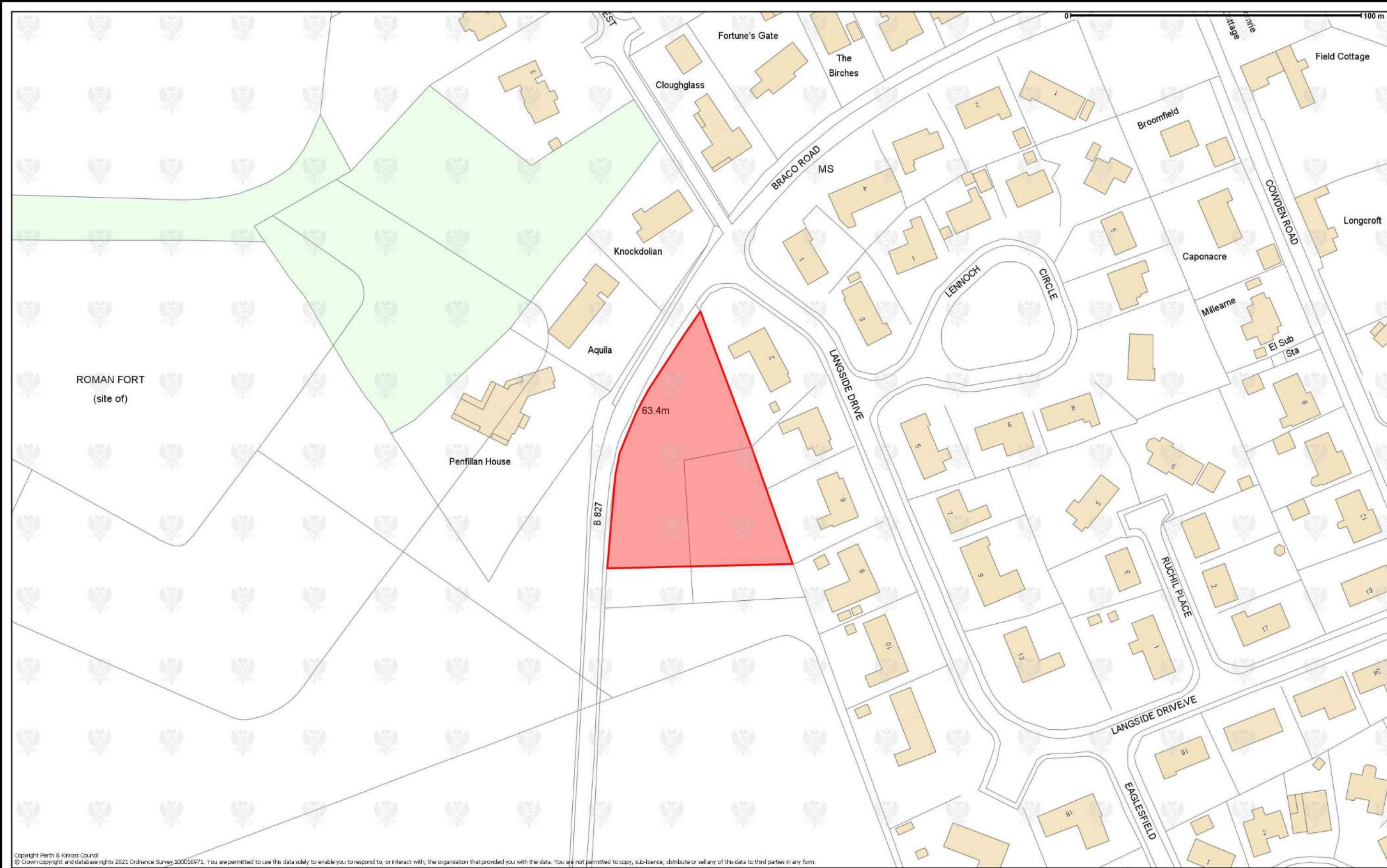
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20/01873/FLL

Erection of 3 dwellinghouses and garages Land 100 Metres South West Of Aquila Braco Road Comrie





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Scale 1:1250



20/01873/FLL
Erection of 3 dwellinghouses and garages Land 100 Metres South West Of Aquila Braco Road Comrie



Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/31)

Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping and associated works at Shindour Feddal Hill Wood, Braco

Ref. No: [20/00013/PAN](#)
Ward No: P7 - Strathallan

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping and associated works at Shindour Feddal Hill Wood, Braco.

The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (PoAN) on 2 December 2020. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Shindour Feddal Hill Wood, Braco for; formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact scale and design of the development will be arrived at during ongoing pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that an online public exhibition was held on 14 January 2021. The Ward MP, MSP, Councillors, and Braco and Greenloaning Community Council, have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 6 The 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. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document 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 2020

- 7 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: 24 – 35
- Placemaking: 36 – 57
- Promoting Rural Development: 74 – 91
- Supporting Business and Employment: 92 – 108
- Delivering Heat and Electricity: 152 - 174
- Valuing the Natural Environment: 193 – 218
- Maximising the Benefits of Green Infrastructure: 219 – 233
- Managing Flood Risk and Drainage: 254 – 268
- Promoting Sustainable Transport and Active Travel: 269 – 291

- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems

- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- Energy Storage Planning Advice

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 9 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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”

- 10 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 2: Shaping Better Quality Places
- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 12 The 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.”

- 13 Under the LDP, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 15: Public Access
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 35: Electricity Transmission Infrastructure
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity

- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport Standards and Accessibility Requirements

OTHER POLICIES

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

- Placemaking Supplementary Guidance March 2020

PLANNING SITE HISTORY

- 15 The following planning history is considered relevant:

[05/01911/FUL](#) Construction of 275/33kv electricity substation, associated building and temporary storage areas, site huts, upgrading/widening works to existing private access road and improvements to junction where access road meets the B8033. Approved April 2006.

[13/01036/FLL](#) Formation of a temporary works compound and topsoil storage area. Approved July 2013.

[14/01758/FLL](#) Retention of temporary access track constructed as part of Beaully-Denny overhead power line. Approved December 2014.

[15/00470/FLL](#) Erection of substation control building, formation of access road and associated works. Approved June 2015.

[16/01719/PN](#) Formation of a forestry track. Approved November 2016.

[17/01810/FLL](#) Formation of an energy storage facility, vehicular access and associated works. Approved November 2017.

CONSULTATIONS

- 16 As part of the planning application process the following would be consulted:

External

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Scottish Forestry
- Braco and Greenloaning Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Biodiversity/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 17 The key considerations against which the eventual application will be assessed include:
- a. Principle
 - b. Need
 - c. Visual Impact
 - d. Scale, Design and Layout
 - e. Relationship to Nearby Land Uses
 - f. Natural Heritage and Ecology
 - g. Landscape
 - h. Water Resources and Soils
 - i. Noise
 - j. Transport Implications
 - k. Impact on woodland

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 18 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- Planning Statement
 - Design and Access Statement
 - Pre-Application Consultation (PAC) Report
 - Transport Statement
 - Drainage Assessment
 - Visual Impact Assessment
 - Tree and Woodland Survey
 - Habitat Survey
 - Sustainability Assessment
 - Grid Connection Site Survey
 - Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

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

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

Background Papers: None

Contact Officer: Steve Callan – Ext 75337

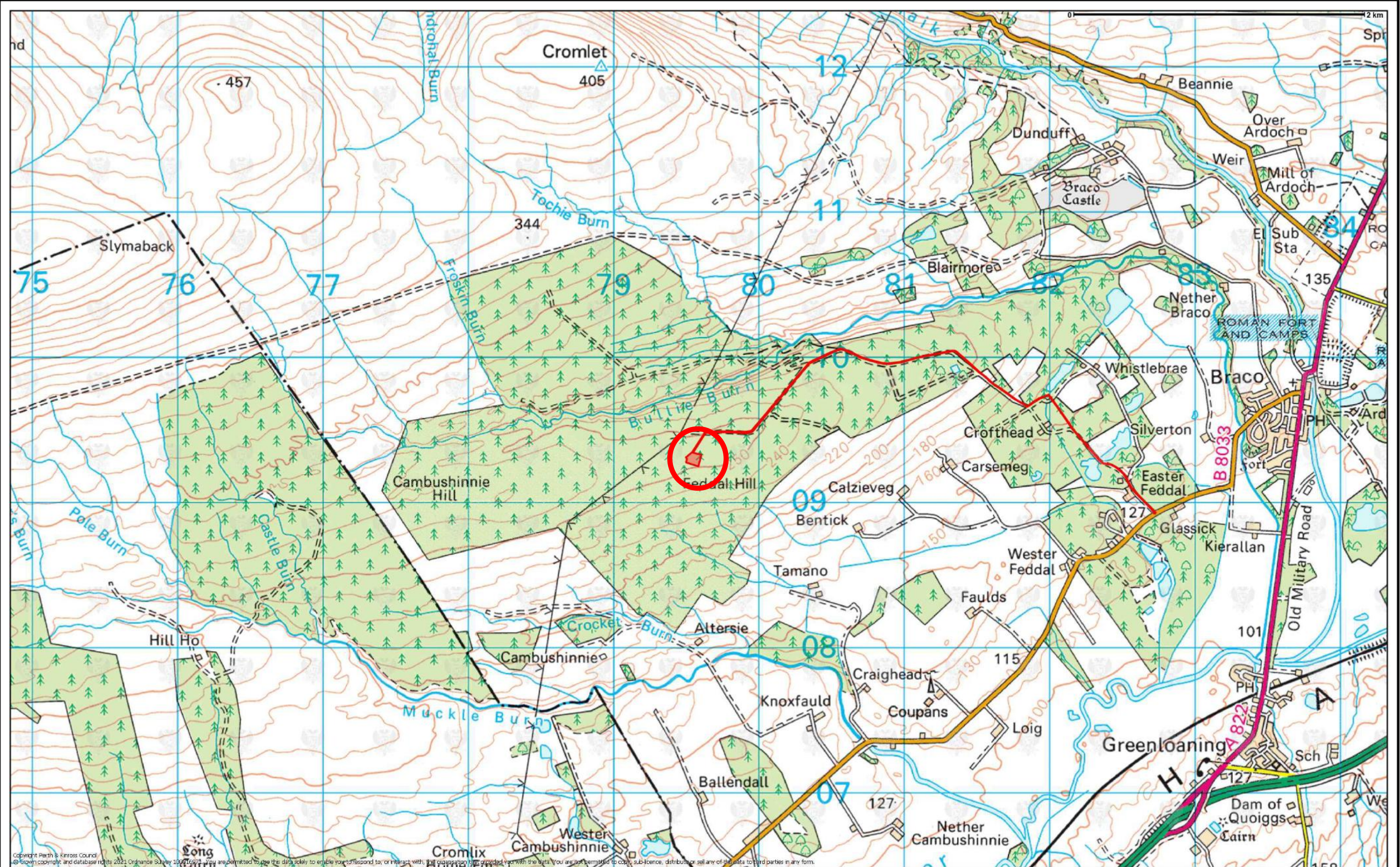
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DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

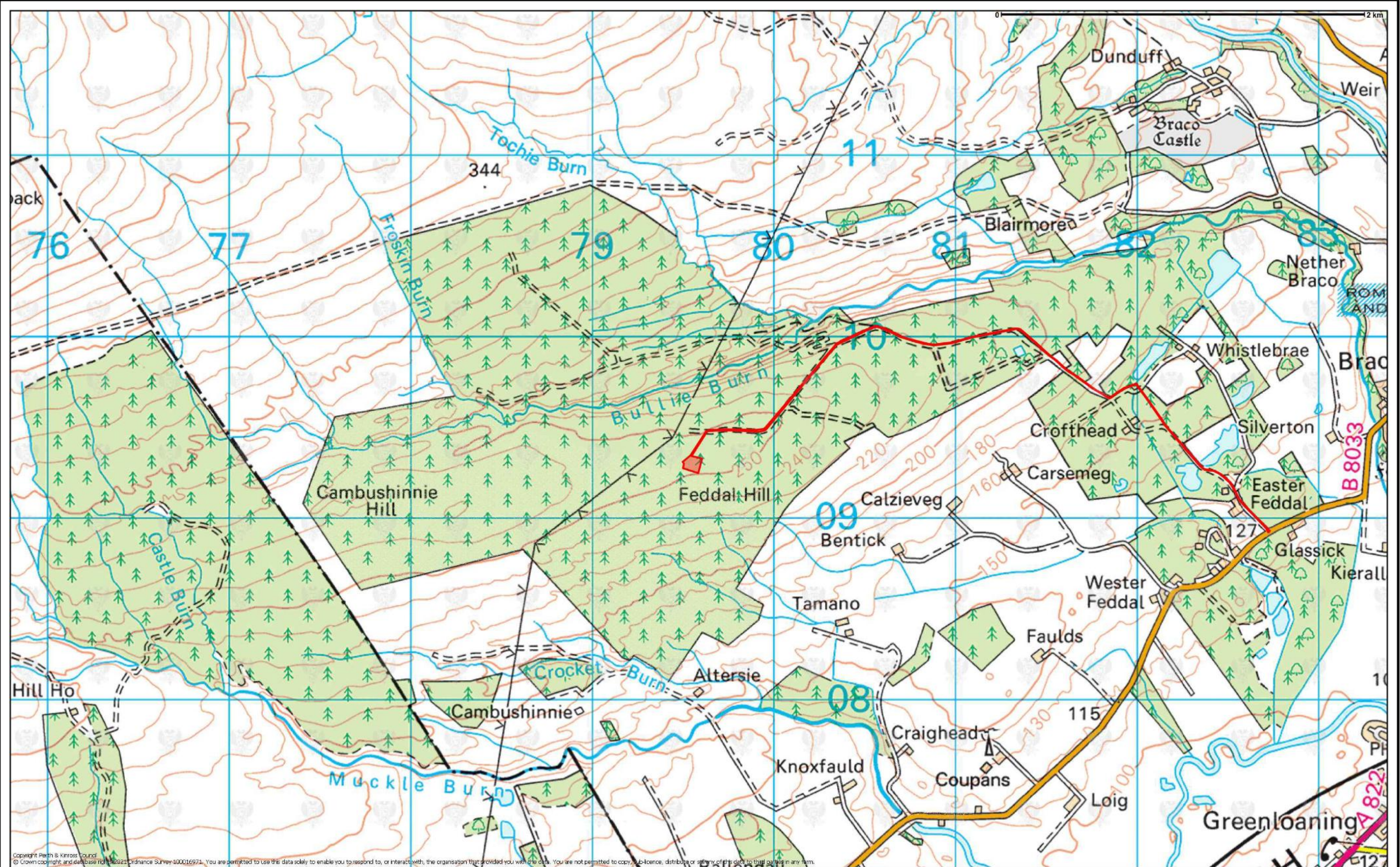
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Perth and Kinross Council
Planning & Development Management Committee – 9 March 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/32)

Mixed use development comprising hotel, museum, holiday accommodation, retail and potential park and ride facility, Caledonian House and land at West Kinfauns, Kinfauns Holdings, West Kinfauns

Ref. No: [21/00001/PAN](#)

Ward No: P1 - Carse of Gowrie

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for Mixed-use development comprising hotel, museum, holiday accommodation, retail and potential park and ride facility at Caledonian House and land at West Kinfauns, Kinfauns Holdings, West Kinfauns.

The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice on 15 January 2021. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development for Caledonian House and land at West Kinfauns, Kinfauns Holdings, West Kinfauns for a mixed-use development comprising; hotel, museum, holiday accommodation, retail and potential park and ride facility. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This proposal of application notice (PoAN) seeks to formally establish a major development comprising a hotel, museum, holiday accommodation, retail and potential park and ride facility. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. A screening request is required to be submitted by the applicant.

PRE-APPLICATION PROCESS

- 4 The Proposal of Application Notice confirmed that a public interactive consultation event will be held on 16 March 2021 between 15:00-19:00. In addition, a website

dedicated to this proposal has been created: <https://west-kinfauns.co.uk/>. The Ward MP, MSPs, Councillors and West Carse, Bridgend, Gannochy & Kinnoull and Earn Community Councils have all been notified. Furthermore, Perth & Kinross Outdoor Access Forum, Perth Civic Trust, Kinnoull Hill Woodland Park Group, Perthshire Chamber of Commerce, VisitScotland and Perth Traders Association have all received a copy of the PoAN. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 6 The 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. Under the Planning etc (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. The document 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

- 7 The SPP is a statement of Scottish Government policy on land use planning. 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
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 75 Planning for Transport

DEVELOPMENT PLAN

TAYPlan Strategic Development Plan 2016-2036

- 9 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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”

- 10 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 3: First Choice for Investment
- Policy 6: Developer Contributions
- Policy 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplan's Assets
- Policy 10: Connecting People, Places and Markets.

Perth and Kinross Local Development Plan 2019

- 11 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 12 The 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.”

- 13 Under the LDP, the following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 3: Perth City
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7A: Employment and Mixed Used Areas: Business and Industrial
- Policy 7B: Employment and Mixed Used Areas: Mixed Use Sites
- Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome / Campervan, and Camping Sites
- Policy 9C: Caravan Sites, Chalets and Timeshare Developments: Chalets, Timeshare and Fractional Ownership
- Policy 10: City, Town and Neighbourhood Centres

- Policy 11: Perth City Centre Secondary Uses Area
- Policy 12: Commercial Centres and Retail Controls
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 33D: Renewable and Low Carbon Energy: Spatial Framework for Wind Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 36B: Waste Management Infrastructure: New Waste Management Infrastructure
- Policy 37: Management of Inert and Construction Waste
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 59: Digital Infrastructure
- Policy 60: Transport Standards and Accessibility Requirements

OTHER POLICIES

- 14 The following supplementary guidance and documents are of particular importance in the assessment of this application:-
- Developer Contributions and Affordable Housing Supplementary Guidance 2020
 - Placemaking Supplementary Guidance 2020
 - Housing in the Countryside Supplementary Guidance 2020
 - Draft Flood Risk and Flood Risk Assessments 2019
 - Draft Open Space Provision for New Developments 2019

PLANNING SITE HISTORY

- 15 The following planning history is relevant:

[99/00353/FUL](#) Extension to existing carpark. Approved April 1999.

[08/00252/REM](#) Erection of 19 dwellinghouses with associated works. Refused 22 April 2009.

[09/01845/AML](#) Erection of 37 dwellinghouse (Approval of Matters Specified in Conditions). Approved 29 July 2010.

17/0097/LDP2 Development of a park and ride to support sustainable travel into Perth City Centre. This site now has planning permission.

[18/02232/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to develop land without complying with (modifying) Condition 13 (construction deliveries) of planning permission 15/01808/FLM (formation of park and ride facility, access road, landscaping and associated works). Approved 11 March 2020.

CONSULTATIONS

- 16 As part of the planning application process the following would be consulted:

External

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Community Council

Internal

- Environmental Health
- Planning & Housing Strategy
- Developer Negotiations Officer
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services
- Biodiversity Officer/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 17 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact – view from Kinnoull Hill
 - b. Scale, Design and Layout – zero carbon

- c. Relationship to Nearby Land Uses – benefits to residents of local settlement
- d. Natural Heritage and Ecology – habitat connections
- e. Landscape – impact on Sidlaw Hills SLA
- f. Water Resources and Soils – River Tay SAC
- g. Air Quality – relationship to A90
- h. Transport Implications - the connections into Perth City Centre and the P&R
- i. Tourism and Economy
- j. Archaeology and Cultural Heritage – contextual relationship to museum

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 18 Should an EIA Report not be required, the following supporting documents will need to be submitted with any planning application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Leisure/Economic Impact Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Sustainability Assessment

CONCLUSION AND RECOMMENDATION

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

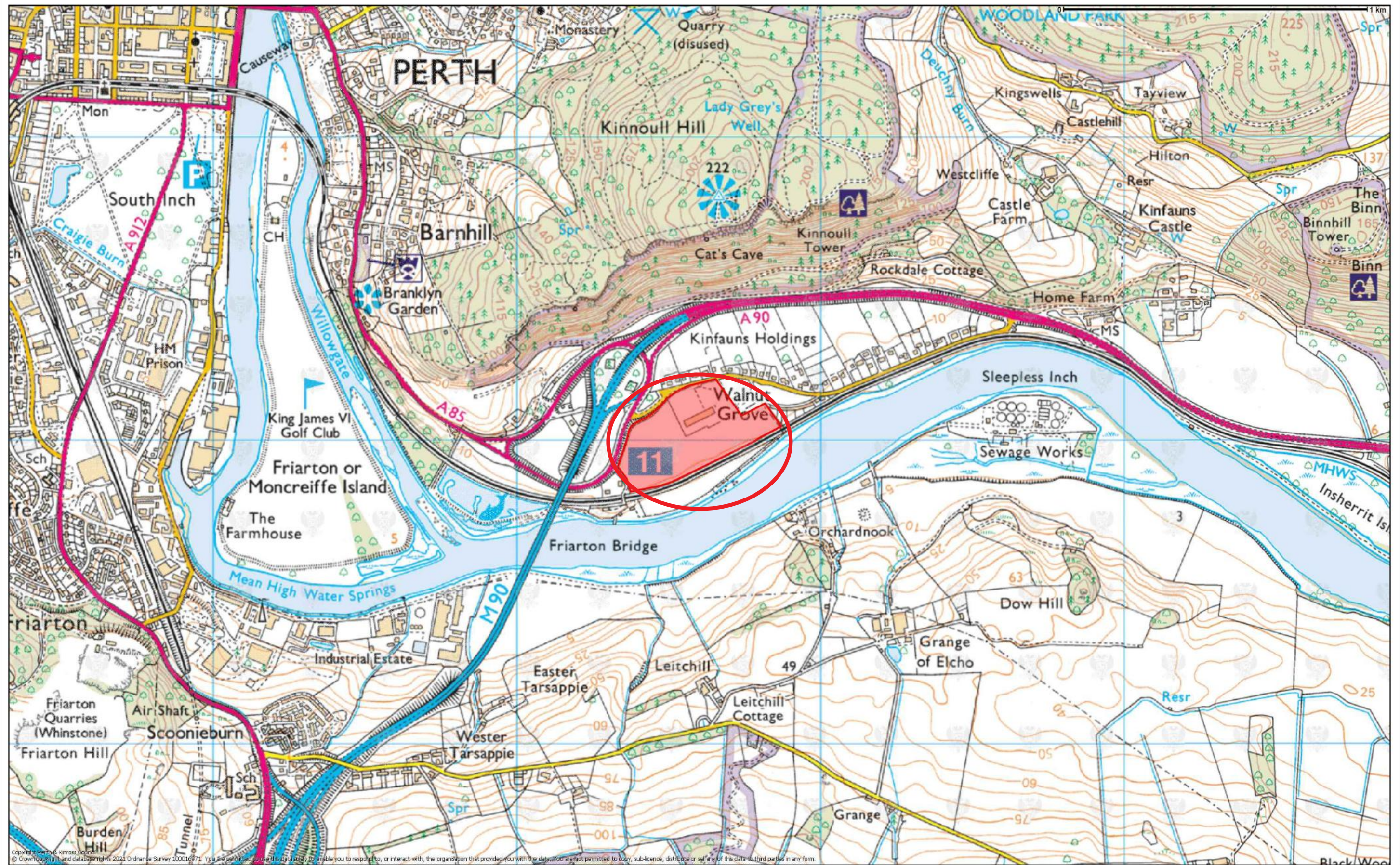
Background Papers: None
 Contact Officer: Beatrice Nichol
 Date: 25 February 2021



DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

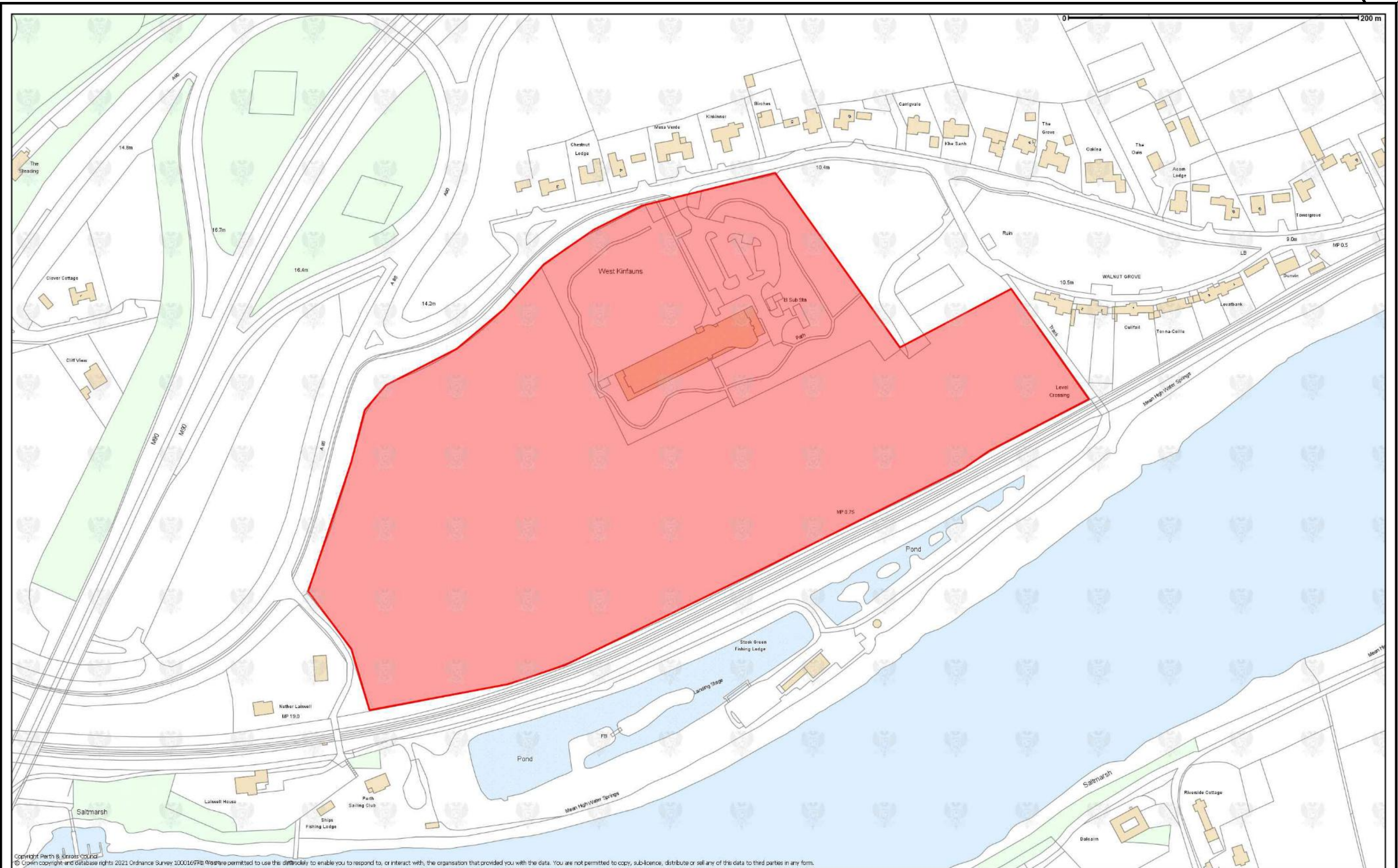
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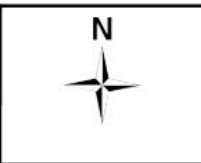


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