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Council Building
2 High Street
Perth
PH1 5PH

24/05/2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Tuesday, 01 June 2021 at 10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email 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 Rhona Brock
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Tom McEwan
Councillor Crawford Reid
Councillor Lewis Simpson
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Tuesday, 01 June 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.

PLEASE NOTE THAT ALTHOUGH THE PRE-AGENDA MEETING IS NOT SUBJECT TO THE TERMS OF THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973 IT IS RECOMMENDED THAT THE CONTENTS OF REPORTS AND DISCUSSIONS AT THE MEETING CONSTITUTE INFORMATION WHICH IS EXEMPT IN TERMS OF SCHEDULE 7A TO THAT ACT, AND THEREFORE, YOU SHOULD NOT DISCLOSE TO OR DISCUSS WITH ANY MEMBER OF THE PRESS OR PUBLIC ANYTHING CONTAINED IN REPORTS OR DISCLOSED DURING DISCUSSIONS.

- 1 WELCOME AND APOLOGIES/SUBSTITUTES
- 2 DECLARATIONS OF INTEREST
- 3 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT OF 5 MAY 2021 FOR APPROVAL (copy herewith) 7 - 20
- 4 DEPUTATIONS
- 5 APPLICATIONS FOR DETERMINATION
- 5(1) MAJOR APPLICATIONS
- 5(1)(i) 20/00667/IPM MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, BUSINESS, GENERAL INDUSTRY, STORAGE & DISTRIBUTION, SHOPS, FINANCIAL, PROFESSIONAL AND OTHER SERVICES, FOOD AND DRINK, HOTELS, NON-RESIDENTIAL INSTITUTIONS, BUS DEPOT, CAR PARKING, PERTH INNOVATION HIGHWAY, HYDROGEN FUELLING/CHARGING CENTRE, FORMATION OF ROAD JUNCTION, UNDERPASS AND ROAD NETWORK, ROAD ALTERATIONS, FOOTWAYS, CYCLEWAYS, GREENSPACE, 21 - 76

**LANDSCAPING, AND ASSOCIATED WORKS (IN PRINCIPLE),
PERTH WEST (MU70), OLD GALLOWS ROAD, PERTH**

Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/71)

- | | | |
|--------------------------------|--|------------------|
| 5(1)(ii) | 21/00197/IPM - PERTH - S42 APPLICATION TO DELETE
CONDITION 3(II) (PROVISION OF SERVICED BUSINESS
LAND) OF PERMISSION 12/01692/IPM, LAND TO THE WEST
OF CHARLOTTE GATE DEVELOPMENT, GLASGOW ROAD,
PERTH | 77 - 96 |
| | Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/72) | |
| 5(2) LOCAL APPLICATIONS | | |
| 5(2)(i) | 20/00805/FLL - AUCHTERARDER - CHANGE OF USE,
ALTERATIONS AND EXTENSION OF STABLE BUILDINGS
TO FORM FUNCTION VENUE (CLASS 11), FORMATION OF
CAR PARK AND ASSOCIATED WORKS, AUCHTERARDER
HOUSE, AUCHTERARDER | 97 - 118 |
| | Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/73) | |
| 5(2)(ii) | 20/00806/LBC - AUCHTERARDER - ALTERATIONS AND
EXTENSION OF STABLE BUILDINGS, AUCHTERARDER
HOUSE, AUCHTERARDER | 119 - 132 |
| | Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/74) | |
| 5(2)(iii) | 20/01779/FLL - PERTH - ERECTION OF A CARE HOME,
FORMATION OF VEHICULAR ACCESS, PARKING AREAS,
LANDSCAPING AND ASSOCIATED WORKS, LAND AT
FORMER HILLSIDE HOSPITAL, DUNDEE ROAD, PERTH | 133 - 162 |
| | Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/75) | |
| 5(2)(iv) | 21/00224/FLL - KIRKMICHAEL - CHANGE OF USE,
ALTERATIONS AND EXTENSION TO AGRICULTURAL
BUILDING TO FORM EVENTS VENUE, FORMATION OF CAR
PARKING, LANDSCAPING AND ASSOCIATED WORKS,
TULLOCHCURRAN FARM, KIRKMICHAEL, BLAIRGOWRIE | 163 - 182 |
| | Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 21/76) | |
| 5(2)(v) | 21/00357/FLL - LESLIE - CHANGE OF USE FROM
AGRICULTURAL LAND TO FORM GARDEN GROUND AND
ALTERATIONS AND EXTENSION TO DWELLINGHOUSE AND
OUTBUILDING, WEST FEAL BARN, AUCHMUIRBRIDGE,
LESLIE, GLENROTHES | 183 - 196 |

5(3) PROPOSAL OF APPLICATION NOTICE (PAN)

- | | | |
|------------------|--|------------------|
| 5(3)(i) | <p>21/00003/PAN - COUPAR ANGUS - ALTERATIONS AND EXTENSION TO FACTORY, DEMOLITION OF DWELLINGHOUSE AND FORMATION OF CAR PARK, ALTERATIONS TO MAIN ENTRANCE, FORMALISATION OF EXISTING CAR PARK, CREATION OF ENGINEERING YARD, GIST YARD, TEMPORARY AREA AND CONCRETE YARD AT 2 SISTERS FOOD GROUP, GEORGE STREET, COUPAR ANGUS</p> <p>Pre-application Report by Head of Planning and Development (copy herewith 21/78)</p> | 197 - 208 |
| 5(3)(ii) | <p>21/00004/PAN - COUPAR ANGUS - MIXED USE DEVELOPMENT COMPRISING OF THE ERECTION OF A POULTRY PROCESSING FACILITY AND DEMOLITION OF EXISTING POULTRY PROCESSING FACILITY FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL USES INCLUDING PARKING AREAS, VEHICULAR ACCESS, LANDSCAPING, AND ASSOCIATED WORKS 2 SISTERS FOOD GROUP, GEORGE STREET, COUPAR ANGUS</p> <p>Pre-Application Report by Head of Planning and Development (copy herewith 21/79)</p> | 209 - 220 |
| 5(3)(iii) | <p>21/00006/PAN - KINCLAVERN - FORMATION OF HOLIDAY ACCOMMODATION, STAFF ACCOMMODATION AND FACILITY UNITS, LANDSCAPING AND ASSOCIATED WORKS AT BALLATHIE HOUSE HOTEL</p> <p>Pre-Application Report by Head of Planning and Development (copy herewith 21/80)</p> | 221 - 230 |

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 5 May 2021 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, R Brock, T Gray, D Illingworth, I James, T McEwan, L Simpson, R Watters, M Williamson and W Wilson.

In Attendance: D Littlejohn, K Smith, A Condliffe, J Scott, L MacLean, L Reid and R Stewart (all Communities); C Elliott, L Brown, A Brown, M Pasternak and C Wright (all Corporate and Democratic Services).

Apologies: Councillors C Reid.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting and noted apologies as above.

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 7 April 2021 was submitted and approved as a correct record.

4. DEPUTATIONS

There were no deputations to be considered, however it was noted that the architect and a representative from Education and Children's Services would be present for Item 5(1)(ii) to answer members questions.

5. APPLICATIONS FOR DETERMINATION

(1) Major Application

- (i) **20/01770/FLM - ABERNETHY - Extension to substation comprising installation of 2 replacement transformers, plant and infrastructure, formation of access track, hardstanding, laydown areas, SUDS and associated works, land 100 Metres South of Jamesfield Garden Centre Abernethy – Report 21/57 – Scottish Hydro Electric Transmission Plc**

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure a satisfactory development as indicated on the submitted drawings
2. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening or traffic management, must similarly be approved.
Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.
3. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.
Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.
4. Prior to the commencement of development, a maintenance agreement under Section 96 of the Roads (Scotland) Act 1984 shall be entered in to in respect of the A913 Aberargie – Newburgh Road and U75 Ferryfield Road whereby the road shall be inspected on a regular basis and repairs carried out to the timescale and standards specified by the Council as Roads Authority to the satisfaction of Perth and Kinross Council.
Reason: In the interests of road safety.
5. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
 - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;

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

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

Reason: In the interest of proper site management

6. Prior to commencement of any development on site, a detailed design for the passing place and vehicle access on the U75 shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing place and vehicle access, as approved in writing, shall be constructed prior to or during the second key task outlined in the *Transport Statement: PT379 Abernethy Substation (SSE, October 2020; Page 5)*, "Establishing a suitable laydown area for materials and build temporary access tracks", in accordance with the approved details to the satisfaction of the Council as Planning Authority.

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

7. Prior to the commencement of works the requirement for, or extent of, any temporary removal or lowering of bridge parapets, boundary walls and structures adjacent to the public network and the temporary hardening of verges to aid the passage of abnormal loads and construction vehicles

shall require Technical approval from Perth & Kinross Council.

Reason: In the interests of road safety and the safe transportation of the abnormal load.

8. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 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.

9. The conclusions and recommended action points within the supporting Biodiversity Assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

10. 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 protect ecological interests.

11. Prior to commencement of development, a pre-works check must be undertaken by a suitably trained and experienced ecologist to ascertain the presence of protected species and submitted for the approval of the Planning Authority.

Reason: To ensure that the proposed development does not and continues to preserve and enhance nature conservation interests.

12. Prior to the commencement of development hereby approved, a Soil Management Plan (SMP) shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

Justification

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

Informatives

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The development will require the 'Display of Notice while development is carried out' under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41, the notice must be
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material
4. The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. 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.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
8. A record of condition of the structures as well as roads should be prepared prior to the commencement of development and Perth & Kinross Council Structures Inspector should be invited to attend the inspection to agree the baseline.

9. Final approval of any abnormal loads will be required formally from Perth & Kinross Council's Structures department. For the avoidance of doubt, it should be noted that the bridge carrying the A913 over the Edinburgh to Perth via Fife railway line, Greenside Railway Bridge, is a Network Rail asset and they may have their own approval processes for assessment under abnormal loads.
10. An application for Building Warrant may be required.

(ii) **21/00096/FLM - PERTH - Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works, North Muirton Primary School, Uist Place, Perth – Report 21/58 – Perth and Kinross Council**

B Reid (Education and Children's Services) and S Boyle (Architype), both on behalf of the Applicant, answered members questions via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
Reason: In order to safeguard the residential amenity of the area.
3. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.
Reason: In order to safeguard the residential amenity of the area.
4. Development shall not commence until a full site-specific Construction Method Statement (CMS) is submitted for the written agreement of the Council as Planning Authority in consultation with Environmental Health. The CMS shall include a Dust Management Plan (DMP) for the control of dust and noise mitigation measures for the control of noise

at the demolition/construction stages. The DMP shall also include procedures that may affect the AQ(PM) Real Time Monitor. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.

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

5. Noisy 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 order to safeguard the residential amenity of the area.

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

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

7. 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.

8. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

9. Prior to the occupation or use of the building, a Flood Action Plan shall be prepared for the site and submitted for the agreement in writing of the Planning Authority in consultation with the Council's Structures and Flooding Section. This should detail access and egress arrangements during a flooding event. The Plan as approved shall be implemented in full.

Reason: The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

10. The Finished Floor Level of the replacement North Muirton Primary School shall be a minimum of 7.55m Above Ordnance Datum, as stated in Section 3.0 of the Flood Risk Assessment dated 11 January 2021 plan ref (prepared by Goodson Associates P13704 - Rev A).

Reason: The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

11. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason: The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

12. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 2 November 2020 plan ref 30 submitted and hereby approved, shall be fully adhered to, respected and undertaken as part of the construction phase of development (Particular attention is drawn to Section 8: Impact Assessment).

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

13. Prior to the commencement of development hereby approved, details of the location and specification of the six swift nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the six swift nest boxes or bricks shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

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

14. Prior to the commencement of development hereby approved, details of the location and specification of the four triple house sparrow nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the four triple house sparrow nest boxes shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

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

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

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

16. 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 protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

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

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

18. No part of the development shall be occupied until a School Travel Plan (STP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The STP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

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

19. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 94 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

20. Prior to the occupation or use of the approved development a secure scooter parking facility for a minimum of 30 scooter spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

21. Prior to the occupation or use of the approved development a minimum of four electric charge bays shall be provided

within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage the shift to alternative fuelled vehicles.

22. 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. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

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

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

- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

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

Reason: In the interest of proper site management.

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 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. 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:
3. Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. 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.
5. 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.

6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. 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.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. SEPA operate an advance flood warning system that helps the Council facilitate the timely closure of the flood gates. The early warning system is supplemented by the Council's telemetry system that monitors various watercourses in the Perth area to provide additional flood warning alarms and river level data.
9. 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.
10. 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.
11. 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.
12. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the

Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

13. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
14. The Street lighting column that is present at the site discussion must be had with the Street Lighting Partnership to obtain the locations of plant and the possible relocation of the lighting column. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

(2) Proposal of Application Notices (PAN)

(i) 21/00002/PAN - ESSENDY - Extension to quarry, Marlee Quarry, Essendy – Report 21/59

Councillor James requested that consideration be given to Policies 38A(b); 41, in particular the habitat for beavers and otters in the area; 45B in relation to the Lunan Loch catchment area; 49A, in particular in relation to mineral extraction; 50 and 56 in relation to prime agricultural land and the impact of noise pollution for properties adjacent to the proposed application.

Councillor Brawn requested particular consideration be given to transport issues with regard to lorries crossing Essendy Road to access both quarry sites and the possible use of Palace Road as a rat run. The impact on the area in relation to noise and air quality and the archaeological matters be taken into account in relation to the Bronze age site.

Councillor Wilson requested account be taken to traffic and road safety issues, water resources and soils and to reinstatement.

Councillor Simpson requested the residents of Palace Road are directly consulted both on the possibility of a rat run and that they are close to the site of the proposed application.

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

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/71)

PROPOSAL: Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial, professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle)

LOCATION: Perth West (MU70), Old Gallows Road, Perth

Ref. No: [20/00667/IPM](#)

Ward No: P9 - Almond and Earn

Summary

This report recommends approval of the application, subject to a Section 75 legal agreement to secure identified developer contributions, including: infrastructure provision, including healthcare; and the establishment of a Project Design Team, for the detailed application stages of the planning process. Although the development is not considered to fully comply with the relevant provisions of the Development Plan, there are significant material considerations which outweigh the position of the Development Plan and justify a recommendation of approval.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to approximately 257 hectares (ha), of which 161ha forms part of the 262.3ha Perth and Kinross Local Development Plan 2019 (LDP2) allocation, referenced as MU70 and generally referred to as 'Perth West'. The application site therefore includes 95ha of land outwith the MU70 allocation. Of the land outwith the site, this comprises: 84 hectares of woodland at 'West Lamberkin Wood', located in the western part of the site; and a further 11 hectares of woodland at 'Lamberkin Wood', on the south side of the A9. A smaller parcel of circa 1.1ha is situated on the east side of the A9, at Broxden Business Park and is to accommodate a point of access.
- 2 The overall MU70 allocation is identified within LDP2 for: 2,210-3,453 homes; 25+ hectares employment land; two local employment and community focussed centres; land for a medical centre; land for two 'double stream' primaries; and land for cemetery provision, within either the MU70 allocation or Lamberkin Woodland. Further detail on the MU70 allocation stated within LDP2 is set out in paragraphs 28-36.

- 3 The application site is located immediately to the west of Perth, beyond the A9(T). It is generally characterised by open arable agricultural land, related landscaped shelterbelts, with active farm groupings at East Mid-Lamberkin and West Mid-Lamberkin. There are seven other residential properties within the site: Mid Lamberkin Cottages (two), Cotton Cottages (three) and Windyedge Cottages (two).
- 4 Other site surroundings are: further farmland and forestry to the south, west and north. To the north-east and west of the A9 is a collection of buildings around 'Glendevon Farm', adjacent to Old Gallows Road and known as 'Noah's Ark'. That complex mainly comprises of business uses and leisure facilities. All these properties are accessed, from Perth, by a single-lane road bridge over the A9.
- 5 This application seeks planning permission in principle (PPP) for a proposed mixed-use development, comprising the following uses (and indicative development scales):
 - Residential (class 9) – 1,500 dwellings approximately,
 - Business (class 4) – 1.25ha
 - General industry (class 5) – 6.29ha
 - Storage and distribution (class 6) – 12ha
 - Shops (class 1)
 - Financial, professional, and other services (class 2)
 - Food and drink (class 3)
 - Hotels (class 7)
 - Non-residential institutions (class 10) - 225sqm
 - Primary school – 2ha
 - Healthcare centre – 1,550sqm
 - Bus depot and car park Perth Innovation Highway – 2.69ha
 - Vehicle fuelling/charging centre – 1.93ha
 - Mobility Hub east of A9 – 0.81ha
 - Formation of new A9 junction
 - A9 Broxden underpass and road network
 - Road alterations
 - Footways and cycleways
 - Greenspace, landscaping, and associated works.

} 1.12ha
- 6 The proposed phasing of the development is set out as follows.
 - Phase 1 – 278 residential units and 11 hectares of commercial development (use classes 1, 3, 4, 5, 6, 7 and 10) including proposed Perth Eco-Innovation Park;
 - Phase 2 – An additional 440 residential units; and
 - Phase 3 – An additional 782 residential units and 15 hectares of commercial development.
- 7 It is sought to establish the acceptability of the principle of the above uses. However, precise details of the development (e.g. siting, layout, scale, height,

design of buildings) are not fully defined. It is also anticipated that development will extend over a significant number of years and, as such, details will evolve to reflect market changes and the evolution of new technology, especially in terms of energy, carbon reduction and heat demand. Although, parts of the site are outwith the MU70 allocation, a masterplan covering all of MU70 has been submitted to set the vision on how both that allocation and the application site can be developed. This masterplan includes information to indicate that the proposal does not prejudice the northern half of MU70, which is not included in the application, being delivered.

- 8 The application seeks to provide certainty in some areas and flexibility in others. Particularly, matters for which detailed approval is sought are set out as 'Development Parameters' while other elements are set out for illustrative (or indicative) purposes only. The Development Parameters principally relate to types of land-use, the quantum of development for certain uses (expressed as maximum and minimum numbers of residential units, floorspace and/or areas of land), the extent of built development zones, the structure of blue/green infrastructure, and principal access points to and routes through the site. The Development Parameters are set out in the supporting 'Parameters Plan and Schedule of Proposed Land-Uses and Floorspace' (Ref: 20/00667/5).
- 9 A key component of the proposals is the development of a 'Perth Eco-Innovation Park' (PEIP), comprising circa 26 ha in the southern and eastern part of the site. This PEIP proposes a grouping of businesses within the energy, logistics and mobility sectors co-located with academic institutions, to form a 'knowledge hub'. The PEIP also seeks to take advantage of the locational attributes of Perth: as an axis with the north-east, north-west, and central belt of Scotland, whilst capitalising on future investment in energy, mobility, and data sectors.
- 10 Within the PEIP, a 'Perth Innovation Highway' (PIH) is included and proposes to: develop and implement a new strategy of how people and goods move in and out of Perth; and inform the land uses which would enable future mobility patterns to be decarbonised, connected and accessible. The PIH will be the first stage of creating a city/region link between the PEIP site and Perth city centre. PIH benefits from funding from the UK Government, via the Tay Cities Deal. The PIH is identified as a corridor of land, to contain physical and digital infrastructure that will connect and enable delivery of land uses, including: a freight consolidation centre; and 'last mile' logistics centre and integrate these with existing and future neighbourhoods. It proposes to facilitate route prioritisation for public transport, support active travel and enable new models of urban logistics, which would be integrated with digital infrastructure (e.g. smart lighting, responsive traffic lights).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 The proposal is of a type listed within Schedule 2 of the EIA Regulations and overall agreement between PKC and the applicant was reached, without the need for screening, that the proposals comprised EIA development. As such the proposal was the subject of an EIA scoping (18/01184/SCOP) to determine

what subject areas required to be assessed and included in an EIA Report. An assessment of the report's findings and significant environmental effects is provided in the Appraisal section and EIA summary (Section E) below, and the effects and mitigation measures are also summarised in Section E at the end of this report.

Pre-Application Consultation (PAC)

- 12 The proposed development is also classified as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation with the local community.
- 13 The supporting PAC Report advises that a public exhibition was carried out on 6 February 2020, at the Leonardo Hotel in Huntingtower. 61 members of the public attended this consultation event. A presentation was also made to Methven Community Council on 20 February 2020. The applicant has fulfilled the Scottish Government's statutory requirements for pre-application consultations.
- 14 In addition to the above pre-application process, there has been significant public engagement undertaken since 2016 by both the Planning Authority and the respective landowners of Perth West. This related to the site's proposed allocation in LDP2 and included a 'Design Charette' process.

National Policy and Guidance

- 15 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

- 16 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 (Revised December 2020)

- 17 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.

18 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Valuing the Historic Environment: paragraphs 135-151
- Delivering Heat and Electricity: paragraphs 152-174
- Planning for Zero Waste: paragraphs 175-192
- 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

Planning Advice Notes

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

- PAN 1/2011 Planning and Noise;
- PAN 2/2011 Planning and Archaeology;
- PAN 1/2013 Environmental Impact Assessment;
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

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

Creating Places 2013

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

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

National Roads Development Guide 2014

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

Development Plan

- 23 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

- 24 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.”

- 25 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: A First Choice for Investment
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets
 - Policy 10: Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2

- 26 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. The principal relevant policies are, in summary:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 4: Perth City Transport and Active Travel
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries

- Policy 7: Employment and Mixed-Use Areas
- 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 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 30: Protection, Promotion, and Interpretation of Historic Battlefields
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 43: Green Belt
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60: Transport Standards and Accessibility Requirements

LDP2 Allocation

- 27 MU70 is allocated for mixed used development including up to 3,453 homes; 25+ hectares employment land; 2 local employment and community centres; medical centre, 2 double-stream primaries and cemetery provision (within the allocation or within Lamberkin Woodland).

Site-Specific Developer Requirements

- 28 A comprehensive Masterplan is required at the point of any planning application and should include: an Access Strategy, and Delivery Strategy for development of the whole site.

- 29 The Access Strategy must include: early delivery of multiple access points; a through route from the A85 to the A9; early active travel connections; and focus on an east to west residential phasing. This Strategy should also include a comprehensive plan for addressing A9 severance issues.
- 30 The Delivery Strategy must identify how the development will be implemented and any matters to be resolved such as: land assembly and preparation; and co-ordinated infrastructure delivery.
- 31 A 'pause and review' is required once either: 1,500 homes, or 20 hectares of employment land is developed; or by 2035, whichever comes first. All to allow a reassessment of impact on the road network and the amount of modal shift.
- 32 Accessibility
- Transport Assessments, modelling studies, and a transport strategy are required to determine: network, and local junction capacity, when and where the strategic junctions will be required, including connection from the A9 to the A85.
 - Early provision of and enhancement to active travel linkages to existing settlements and to neighbouring core paths including the Sustrans Route 77.
- 33 Landscape and Open Space
- Urban Design Framework including Landscape Framework with Greenspace Network Management Plan.
 - A range of multi-functional formal and informal green spaces.
 - Major public park complexes in north and south areas.
 - Sports facilities to be a shared resource for both community and school(s), and to include full-sized grass pitches.
 - Provision of suitable pedestrian and vehicular access to these facilities, and to include cycle and car parking.
 - Provision of a 'green corridor' along the A9, to control outward views where appropriate; and a blue-green active travel network along the watercourse, with riparian features that connect to the Scouring Burn (the access into the site needs to take into account the route of the Blue-Green corridor).
 - Retain, enhance and secure mechanisms for the long-term management of existing native woodland.
 - Provide a connected framework of woodlands, and tree belts and new native planting areas, to link green spaces.
 - Ensure infrastructure and access arrangements include connection to the existing Tibbermore Road, and the search for cemetery provision and access are informed by the findings of a detailed Woodland Survey.
 - A detailed Woodland Survey, undertaken at the appropriate time of year should be carried out by a suitably qualified consultant.
 - A felling programme which ties in with maintaining and strengthening boundaries and facilitating wider public amenity use of the woodland.
 - Long-term Woodland Management Plan for native woodland.

- An Integrated Surface Water and Drainage Strategy based on surface water flow patterns and aligning SUDS locations with the green network across the site.
- A feasibility study to assess the restoration of the existing culvert on the Newton Burn.
- Open watercourses to be retained and incorporate a minimum 6m buffer strip.
- Strategy to minimise soil sealing and maximise permeability.

34 Cultural Heritage

- A Battlefield Conservation Plan.
- Preserve setting of Mains of Huntingtower, Huntingtower Castle and Scheduled Monument at Huntingtower Cairn.
- An archaeological programme of works, with results feeding into a mitigation strategy for the preservation of heritage assets in situ or by recording.

35 Other Requirements

- A Geo-Environmental Audit.
- Good-quality soils should be removed for effective reuse.
- Incorporate National Grids 'Sense of Place' guidelines.
- Drainage Impact Assessment and Flood Risk Assessment.
- An Energy Statement is required to investigate the potential for the provision of, and/or extension to: a heat network to serve the development. The Energy Statement will be expected to consider possible linkages to LDP2 site MU73 (Almond Valley)
- Noise Impact Assessment
- A Construction Method Statement is required for all aspects of the development, to protect water courses.
- Assessment of potential amenity impacts from nearby businesses.
- Ground Investigation to be carried out for the proposed cemetery site.

Other Guidance

- 36 Tay Cities Region Economic Strategy 2019-2039
- 37 Developer Contributions and Affordable Housing Supplementary Guidance July 2020

Relevant Site History

- 38 [18/01184/SCOP](#) EIA Scoping Request for Mixed Use Development. Content of EIA Report agreed September 2018.
- 39 [20/00001/PAN](#) Proposal of Application Notice for Mixed Use Development, Contents of PoAN accepted February 2020

CONSULTATIONS

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

External

- 41 **Scottish Environment Protection Agency (SEPA):** No objection to the principle of the proposal and uses proposed, this position followed an initial objection related to the level of detail provided in association to proposed blue/green infrastructure and the overall drainage strategy. SEPA now accept that the detailed design stages will also provide the opportunity to provide guidance on the final blue/green infrastructure provision.
- 42 **NatureScot:** No objection, following an initial objection and identification of concerns related to blue/green infrastructure, in particular how biodiversity interests would connect to it. Now accept that the detailed design stages will also provide the opportunity to provide guidance on required biodiversity enhancements.
- 43 **Scottish Water:** No objection. Advise of water and wastewater capacity at the Turret Water Treatment Works and Perth City Wastewater Treatment Works.
- 44 **Transport Scotland:** No objection, in terms of impact on the trunk road network. Recommend 17 conditions are applied to any permission.
- 45 **Historic Environment Scotland (HES):** No objection. Agree with the EIA Report and mitigation of impact on the Inventory of the Battle of Tippermuir site, and the proposed Battlefield Conservation Plan.
- 46 **Perth And Kinross Heritage Trust (PKHT):** No objection. Recommend a number of archaeology related conditions are applied to any permission.
- 47 **Scottish Forestry:** No objection.
- 48 **Royal Society of Protection of Birds (RSPB):** No objection.
- 49 **Director of Public Health:** No objection. Support the provision of a health centre, as this will be required to meet the resultant population growth.
- 50 **Earn Community Council:** No response received.
- 51 **Methven Community Council:** No response received.

Internal

- 52 **Planning and Housing Strategy (PHS):** The proposal is on land allocated under Proposal Site MU70 for mixed-use development and is broadly in accordance with LDP2. The allocation requires a masterplan for the entire MU70 site. A masterplan has been submitted with this application; however, for the remainder of the MU70 site not covered by this application, this is indicative

and is not a masterplan that has been prepared with those landowners, as required by LDP2. The proposed site also includes additional land outwith the allocation. Both are departures from LDP2 that require justification.

- 53 **Transport Planning:** No objection. A number of conditions are recommended, regarding transport connections and required infrastructure.
- 54 **Environmental Health:** No objection. Satisfied in terms of noise and air quality.
- 55 **Land Quality:** No objection.
- 56 **Community Greenspace:** No objection. Support the landscape proposals, including the Blue/Green Infrastructure Strategy.
- 57 **Biodiversity/Tree Officer:** No objection. Propose a number of biodiversity and woodland conditions, requiring future studies be undertaken to inform detailed development proposals.
- 58 **Structures and Flooding:** No objection, on the grounds of flood risk or proposed drainage strategy, including the proposed blue/green infrastructure.
- 59 **Development Contributions Officer:** Confirm that developer obligations are required for: affordable housing, primary education, transport infrastructure including public transport, open space provision and path connections and delivery of a new health centre. A detailed Section 75 legal agreement will be required to agree provision levels and delivery of the requirements.
- 60 **Waste Services:** No objection.

Representations

- 61 A total of 13 representations, including one from Scottish Hydro Electric Transmission (SHET) have been received. The main issues raised within the representations are:
 - Contrary to Development Plan
 - Inappropriate land use/out of character with area/loss of agricultural land
 - Over intensive development
 - Piecemeal development
 - Inadequate public consultation
 - Loss of green belt
 - Visual impact
 - Flood risk
 - Tree loss
 - Biodiversity impact
 - Loss of open space
 - Noise, air, and light pollution
 - Road safety/congestion
 - Overlooking

- Impact on sunlight/daylight
- Loss of battlefield site
- Impact on health and education facilities
- Object to proposed underpass
- Object to filling station on A9
- Loss of car parking
- Not low carbon/energy
- Employment provision
- Excessive height of buildings
- Impact on electricity infrastructure and existing wayleaves (SHET)

62 The material issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

63	EIA Screening Opinion	N/A, stage skipped and moved to EIA Scoping.
	EIA Scoping Opinion	Scoping Agreed
	Environmental Impact Assessment (EIA): Environmental Report	Submitted
	Appropriate Assessment	Not required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk Assessment; Transport Assessment; Air Quality Assessment; Noise Impact Assessment; Landscape and Visual Impact Assessment; Energy Statement; Economic Impact, included within EIA Report

APPRAISAL

64 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

65 Much of the proposed site is within the LDP2 MU70 allocation, which expanded the settlement boundary of Perth. The MU70 site is also identified in TAYplan,

under Policy 3 (A First Choice for Investment), as part of the West/North-West Strategic Development Area (SDA). This SDA to provide 4,000+ homes and over 50 hectares of employment land. In terms of the LDP2 MU70 allocation, approximately 50% is incorporated into the application site. MU70 is intended to support the growth and expansion of Perth, in line with TAYplan Policy 1 – Location Priorities.

- 66 Approximately 95 hectares of existing woodland is included within the application site 'red line boundary', although this area does not form part of the MU70 allocation and is not within the Perth Settlement Boundary. Indeed, some of the area is identified as green belt. As a result, technically, the proposal must be considered as a departure from the Development Plan. However, it is important to note that the area of woodland known as 'West Lamberkin Wood' sees no felling or development proposed, other than to provide a future access point onto the Tibbermore Road as this is a site-specific developer requirement of the LDP2 allocation of MU70. Otherwise, an area of Lamberkin Wood, south of the A9, is incorporated to provide a west bound access off the trunk road network. This is also a site-specific developer requirement.
- 67 Such proposals can be considered through assessment against LDP2 Policy 43 – Green Belt. Indeed, the principle of this type of facilitating development is accepted, as essential infrastructure: providing roads and other transport infrastructure to facilitate the delivery of the MU70 allocation. It can also be justified as an exception under LDP2 Policy 6 – Settlement Boundaries, as it can demonstrate a specific operational and locational need. Taking this together, these elements of the proposal are considered to be a requirement and provide an essential facilitating function, such that appropriate access is provided. Although there are impacts, these are considered to be justified and outweighed by the positive socio-economic impact of the overall development proposals, comprising approximately half of the Perth West development.
- 68 Given the incorporation of a large part of MU70 is identified as a SDA in TAYplan, the principle of the proposed range of uses are considered acceptable. Whilst there are woodland areas included in the red line boundary and these are outwith the MU70 allocation, the level of development proposed across these excursions is considered to be minor, relative to their overall size, and is essential in providing access to the site off the A9 and Tibbermore Road – which in themselves are requirements specified in LDP2 in relation to MU70. As such the incorporation of these areas is considered acceptable and will facilitate delivery of MU70, allowing the city of Perth to continue to expand to accommodate predicted population growth, as well as providing significant employment generation for Perth and the wider region.

Design and Layout

- 69 As a PPP application, the proposals seek to establish the acceptability of the principle of the proposed range of uses. Whilst precise details such as exact siting, layout, scale, height, design of buildings is not yet fully defined, it is anticipated that the development would take around 18-20 years to be completed. As will be appreciated, the detail of development is likely to

significantly evolve over this period, reflecting both market forces and the evolution of new design standards and technology.

- 70 A site-specific requirement of MU70 is the production of a masterplan covering the entire LDP2 allocation. The vision of the submitted masterplan seeks to provide a mixed-use community built around local centres that fits within the historic, cultural, and ecological landscape. It also looks at how it will integrate with the existing city to the east and the sensitivity of the rural landscape to the west.
- 71 However, this application incorporates approximately half of MU70, thus, the submitted masterplan only gives indicative information associated to the elements outwith the scope of the application. It is therefore a departure from the intended terms of LDP2. However, the supporting Masterplan and Development Parameters Plan show that the quantum and location of proposed uses does not prejudice development on the northern half of MU70, nor affect many of the site-specific criteria such as a through connection between the A9 and A85.
- 72 In this case, the submitted Development Parameters Plan and Schedule of Land-Uses and Floorspace indicates the proposed types and location of land-uses, the quantum of development (expressed as maximum and minimum numbers of residential units, floorspace and/or areas of land) within each development zone, the extent of built development zones, structure of blue/green infrastructure and principal access points and routes into the site.
- 73 The proposed information, whilst illustrative, is broadly acceptable in planning terms. It provides certainty over some matters of principle such as where the residential and commercial areas will be located. Where the proposed accesses into the site will be located is considered acceptable and the location of the proposed Heritage Park will help mitigate the proposed impact on the Historic Battlefield site. It also helps with the assessment of the likely environmental effects of the project and has been assessed by the Council and Key Agencies.
- 74 A proposed Phasing Plan has been submitted in support of the proposal and it outlines an 18-20-year construction programme. Phase 1, at the eastern part of the site, would open up the proposed Perth Eco-Innovation Park, comprising: the Mobility Hub (including the Broxden Underpass and healthcare facility); the first section of the Perth Innovation Highway; and employment development of 11ha and 278 residential units. Phase 1 will help open up other land for Phases 2 and 3 with the development moving sequentially in an east-west and north-west direction (Condition 1(i)).
- 75 The retention of control for the Council and Key Agencies over detailed design matters will be maintained through the use of planning conditions and an associated detailed Section 75 legal agreement covering: phasing and delivery of uses; developer obligations; infrastructure delivery including healthcare provision; and the establishment of a Project Design Team involving the

applicant, the Council and Key Agencies such as SEPA and Transport Scotland.

- 76 The submitted information does provide confidence that the principle of the proposed development is acceptable in planning terms and can be delivered, taking into cognisance required cultural heritage and landscape mitigation, while still retaining control over further detailed design matters. Overall, the proposal is considered to comply with LDP 2 Policy 1 – Placemaking, at this stage of the planning process and allows the detailed design to evolve from this. The detailed design would be resolved through subsequent applications for the Approval of Matters Specified in Conditions (AMSC) (Condition 1), which, in turn, would be guided by the design and technical matters stipulated in other recommended planning conditions.

Landscape and Visual

- 77 As part of the EIA Report a Landscape Statement is incorporated and has been examined by NatureScot and PKC's Community Greenspace team. Neither raise concerns over the impact on landscape and wider visual issues.
- 78 NatureScot advise that they agree with the findings of the Landscape Statement, in that there are attractive views from the development looking north and west to rolling, partly wooded Perthshire farmland, with the backdrop of the Grampian Mountains beyond. The foreground includes scattered groups of buildings and overhead power lines, but these do not overly detract. NatureScot considers that this key asset of the site has not been fully utilised to good effect and advise there are opportunities for connecting the proposed development into its rural context to the north and north-west, both visually and in terms of access.
- 79 The site topographically faces north and north-west, away from the A9(T), towards the smaller scale rural landscape. This should make it easier to capitalise on the extensive views from throughout the development. NatureScot suggest that a re-orientation of the overall layout; with amenity spaces towards the north-west could better accommodate these key views and would enhance the development as a distinctive and exemplar place, drawing on this key location's main qualities. This can be delivered in the detailed application stages (Condition 1(vi and xix)).
- 80 Community Greenspace comments relate primarily to the design and layout of proposed open spaces. These comments consider that the information provided within the Landscape Statement (Ref: 20/00667/18) are comprehensive and clear. They particularly welcome the 'Green Web' approach, which integrates existing and proposed planting and paths and seeks to enhance public amenity, active travel, and biodiversity (Condition 1(vii)).
- 81 Community Greenspace also consider the Blue/Green Infrastructure Strategy to be innovative, and while largely incorporating and building on the existing key features it provides for an excellent structure for public amenity and biodiversity

throughout the development. The incorporation of permeable car parks, driveways etcetera and the proposals for the greening of streets/active travel routes with tree planting with bioretention pits/planters is also welcomed. In addition, the incorporation of roof gardens, where appropriate (e.g. school buildings) and the provision of water butts for all dwellings, schools, and community growing areas is recommended for detailed designs (Condition 54).

- 82 The Landscape Statement provide greater detail of the overall proposals. Particularly the extent of public open space equates to approximately 35% of the application site with large areas including a 'Heritage Park' and 'Woodland Park' with paths and around the proposed school and green corridors including copse and hedgerow edges creating a countryside aspect. The creation of green streets incorporating segregated walk, cycle and waterways is also welcomed, as are community growing spaces, play, and pitch facilities. They do advise that it will be important ensure pitch and changing facilities are shared between school and community. This aspect can be secured in the associated Section 75 legal agreement.
- 83 As it is PPP application without any detailed design or layout to fully ascertain at this stage the level of visual impact and the siting, design and landscaping will be fully addressed as part of subsequent detailed applications. However, the site has assessed. Overall, though, the proposal complies with LDP2 Policy 39 – Landscape (Condition 1 (vii) and (xix)).

Residential Amenity

- 84 There are a limited number of residential properties west of the A9(T) and as part of the EIA Report an Air Quality Assessment (AQA), Noise Impact Assessment (NIA) and Ground Conditions Assessment (GCA) support the application. These assessments have been examined by SEPA and PKC Environmental Health, in terms of impact on overall amenity of the western edge of Perth and the wider city. Each issue is considered below:

Air Quality

- 85 The AQA was undertaken to determine if emissions from road traffic generated by the proposed development will have an adverse effect on air quality within Perth's Air Quality Management Area and on existing and future sensitive receptors.
- 86 The AQA concluded that the impact from the development traffic is predicted to be of 'slight adverse significance' for Nitrous Dioxide (NO₂) at some receptors north of the A93. Otherwise the impacts for the change in NO₂ levels are of 'negligible significance'. The predicted impact from particulate matter (PM₁₀ & PM_{2.5}) is of slight adverse significance at some receptors to the east of the A9. Whilst at all other identified sensitive receptors predicted impacts are of negligible significance.
- 87 Environmental Health confirms that the AQA indicates the developments compliance with the objective levels for all pollutants assessed, at all sensitive

receptors. However, the AQA states that as the proposed scheme will not be complete until 2039, there are therefore considerable variances in scenarios and as such the results should therefore be interpreted with this in mind.

- 88 In addition to the AQA the Transport Assessment (TA) states that given the lengthy development phase there could be changes to travel trends and technologies, such as a significant transition to electric vehicles (EVs). Over the lifetime of Perth West, EVs are predicted to exceed vehicles with combustion engines and as such related pollution will reduce; however, congestion on the public road network may not.
- 89 The AQA also states that no specific air quality mitigation measures are required, but details on measures to reduce vehicle use are outlined in the TA. It is also recommended that all vehicle parking spaces are provided with passive provisions for electric vehicle charging. The TA further highlights the ambitions of the development regarding future mobility and the likely emergence of new technologies, services and working practices, all of which have the opportunity to change travel patterns. However, the impact of these are presently unknown, but these technologies can be reflected on via a "Pause and Review" as specified in the LDP2 allocation (Conditions 4 & 32).

Construction Period

- 90 The AQA states that the impacts from construction vehicle emissions are likely to be significantly less than the impacts from the completed scheme. These potential air quality impacts can be controlled through a Construction Environmental Management Plan (CEMP) and the impact of dust from construction activities, such as groundworks, can be quantified through a Dust Assessment. These conditions (30 and 32) will ensure that the proposal addresses LDP2 Policy 57 - Air Quality.

Noise

- 91 The NIA has assessed the impact of road traffic and industrial noise associated to the proposals, on both existing and predicted future noise sensitive receptors. However, as the details of the industrial elements are currently unknown, a full noise assessment could not be completed at this stage. This issue will be required to be assessed at the detailed application stage. Notwithstanding, the existing noise climate was measured and provides an indication of what the noise limits commercial/industrial units should achieve.
- 92 The NIA also states that a full 'outdoor amenity assessment' will be required at the detailed application stages. Again, due to the lack of details for site and house designs, exact location of outdoor amenity areas and what screening will be incorporated (Condition 33).
- 93 Noise impact associated with the proposed development was assessed in relation to existing houses and considered scenarios with and without the development. This concluded that the noise change would be <1dB at all

houses located near the A9. Whilst the additional traffic generated is not considered to significantly impact on existing dwellings.

Construction Noise

- 94 The NIA states that a Construction Environment Management Plan (CEMP) would be prepared at the detailed planning application stages. The CEMP would address noise and vibration and including a monitoring scheme, limit values and related mitigation measures (Condition 30 and 31).

Noise Conclusions

- 95 Environmental Health have no objection on noise grounds and recommend a condition for further noise work to undertaken (Condition 33). Overall, subject to this further detailed assessment, the proposal complies with LDP2 Policy 56 - Noise Pollution.

Roads and Access

- 96 As advised, a TA also supports the application. This has been examined by Transport Scotland and PKC Transport Planning, neither of whom have raised any objections based on traffic volume, road capacity or safety.
- 97 The proposed development is likely to be delivered in the following three phases:
- Phase 1 – 278 residential units and 11ha of commercial development;
 - Phase 2 – An additional 440 residential units; and
 - Phase 3 – An additional 782 residential units and 15ha of commercial development.
- 98 Whilst the phasing is indicative and dependant on market forces, the TA has assumed that Phases 1 and 2 will be completed by 2033, with Phase 3 complete by 2039. The TA considers a worst-case scenario, in terms of potential traffic and transportation impacts.
- 99 The opportunity to facilitate future links to the northern half of MU70, sees plans indicate a number of locations and that access from the A9 to the A85 can be easily achieved. These arrangements would ensure a number of the site-specific criteria will be met (Condition 23).

Trip Rates

- 100 It is estimated that nearly 80% of the trips associated with the development will relate to the housing. The TA looks to achieve a reduction in the number of vehicle trips of approximately 12%, when compared to PKC's standard modelling.

- 101 The modelling has shown that there will be increases in journey times, but as vehicles disperse to the wider area, the impact dissipates. The applicant has shown overall network statistics for 'average travel time', which shows that there will be average increases of around +25 seconds in 2033, in both the AM and PM Peak Periods; and in 2039 modelling, the same +25 seconds in the AM, but around +55 seconds in the PM Peak Period. The proposed trip rate levels and travel times is considered by PKC Transport Planning to be accurate and acceptable.

Further modelling

- 102 The LDP2 requirement for a "Pause and Review" after either: 1,500 homes or 20 hectares of employment land is developed; or by 2035, whichever comes first, seeks to reassess both the impact on the road network and the level of modal shift. This requirement is continued via Condition 4 but have reduced the residential trigger to 1,001 dwellings as current proposal is for 1,500 dwellings.

Access

- 103 Vehicular access to the proposed development is proposed via the following:
- Broxden Underpass at Tweed Place (under the A9 to the north of Broxden Roundabout) to the south-east of the site, connecting with Lamberkine Drive via Tweed Place (to support Phases 1 and 2);
 - Phase 1 and 2 emergency access from the A9 at East Lamberkine Farm (west of Broxden Roundabout), comprising an upgrade to an existing farm access on the A9 (to be closed once the A9 Tibbermore grade-separated junction becomes operational);
 - Proposed A9 Tibbermore grade-separated junction in the south west of the site, replacing the existing A9/Tibbermore Road priority junction (to support Phases 1, 2 and 3);
 - Tibbermore Link Road, connecting A9 Tibbermore grade-separated junction with Tibbermore Road; and
 - Future travel links to the northern half of MU70 to ensure connected and permeable overall site.

Underpass at Tweed Place

- 104 Tweed Place was not originally designed to carry the proposed levels of traffic or large goods vehicles that will require to access Perth West, development during Phase 1 and 2. Rather the current layout is a cul-de-sac with access to a dental practice, offices, car dealership and food establishments.
- 105 As such and to facilitate the proposed traffic patterns, work will be required on the adjoining roundabout and road network. This will require detailed assessment of relevant infrastructure to ensure delivery of a design able to accommodate the range of vehicles expected. Swept path analysis will consider geometry and any works required (Condition 3). Without this proposed access, development of Perth West and in particular Phases 1 and 2 will not be

deliverable. However, the access road to the proposed underpass will soon be under the ownership and control of the Council, enabling delivery of any works.

- 106 The TA highlights that Perth & Kinross Council will upgrade the Lamberkine Roundabout to a signalised junction. PKC Transport Planning supports the principle of opening up the Perth West site with the provision of an underpass at Tweed Place. The timing of any upgrade of Lamberkine Roundabout should be considered at the same time as the proposed underpass, as the Tweed Place Underpass will be the main entrance to the Perth West development for up to 718 housing units and 11ha of commercial development, before the A9 Tibbermore Interchange become available (Conditions 7 and 12).
- 107 To suitably accommodate this use of Tweed Place/Underpass, the TA highlights that parking restrictions will need to be introduced on both Tweed Place and Lamberkine Drive, from the Underpass to the A93 roundabout/signalised junction. The applicant has highlighted that in order to minimise the impact on the residential amenity of surrounding neighbouring properties, parking will be available in the Multi Storey Car Park at the Mobility Hub. It has been estimated that 44 vehicles may be displaced. As such, prior to the implementation of parking restrictions in this location, the Multi Storey Car Park must be operational and have capacity for approximately 50 vehicles. At this stage it is noted that the Multi Storey Car Park is to have a capacity of 118 parking spaces, 25 EV charging spaces, 25 e-bike docks and 50 cycle parking spaces (Condition 5).
- 108 To ensure risks of closure due to surface water issues are mitigated, the proposed underpass at Tweed Place, should be designed such that no pumped systems are required to remove water from it. Water run-off into the Scouring Burn shall be controlled and subject to approval by Perth & Kinross Council (Condition 52).
- 109 A full Road Construction Consent (RCC) application will also be required at the detailed application stage (Condition 3).

Emergency Access from A9 at East Lamberkine Farm

- 110 The proposed emergency access from the A9(T) at East Lamberkine Farm (west of Broxden Roundabout) will be gated to restrict access to that purpose. The gate will require to be set back an appropriate distance, to accommodate vehicles and be clear of the road (Condition 15).

A9(T) Grade Separated Junction near Tibbermore Junction

- 111 The provision of this grade-separated junction will see the closure of the existing right-turn option through the central reservation of the dual carriageway. Transport Scotland highlight that the minimum spacing between junctions on this type of route is 1km, but that visibility impacts should be assessed for acceptability. The slip road cross sections also require to be checked, though it is acknowledged that the design is at an early stage. Transport Scotland have not raised any significant concerns regarding impact

on trunk road and have recommended conditions to mitigate any impact on the A9(T) (Conditions 13 and 14).

Cycling/Walking

- 112 The TA details walking and cycling opportunities from the edge of the development at Tweed Place, noting the increased distance to Perth city centre as development moves westward.
- 113 PKC Transport Planning consider that the proposed Perth Innovation Highway characteristics are generally acceptable. They recommend that Local Transport Note 1/20, Cycle Infrastructure Design, Department for Transport July 2020 should be considered in future detailed design submissions (Condition 3).
- 114 The exact detail of the road widths will be set out in detailed applications and further within RCC documents. However, the application details widths of proposed cycle routes in the TA, and this should be reviewed to ensure that they comply with the Cycle Infrastructure Design guidance, as published by the Department for Transport in July 2020, as a minimum standard to be met or exceeded (Conditions 3, & 22).
- 115 It is noted that the applicant proposes that details of the Tibbermore link shall be presented in a detailed application and that its suitability/design will be discussed in advance with PKC Road Safety Officers (Condition 14).
- 116 The application also proposes to connect into the core path network. It is highlighted that path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands will be heavily used by walkers and cyclists. These conditions shall be provided for through any AMSC applications (Conditions 8 and 44).
- 117 It is therefore proposed that this crossing be upgraded. Perth & Kinross Council are keen to have discussions on how this should be implemented, whether it is a Toucan Crossing or any alternative solution where pedestrian/cyclist priority can be provided. This can be secured through the S75 legal agreement.

Public Transport

- 118 The TA highlights that the development requires good bus provision to and from the site, as a key component to achieving the sustainable modal split identified.
- 119 As such an indicative public transport route is set out and PKC Transport Planning advise this will require further analysis, via future detailed applications to ensure that public transport is available from the earliest possible stage. This will also include the provision of high-quality passenger waiting facilities throughout the development, incorporating 'Real Time Information' screens. A funding mechanism to provide for this during the development phases will be required, and this is to be incorporated into a S75 Legal Agreement.

- 120 The TA acknowledges that Perth rail station is remote from the site and that Perth West rail users would be unlikely to walk to or from the station. Rather it is anticipated that local bus services would be used, and the bus journey time is anticipated to be circa 20 minutes. It is, however, predicted that the level of public transport usage will be high for both commercial and residential elements of the proposal.

Parking

- 121 As a PPP application, the number of parking spaces, for all elements will be considered at the detailed planning application stage, with the National Roads Development Guide informing such details. The level of cycle parking shall also be determined at this stage, with an expectation that facilities should be of high quality and located to maximise the uptake of cycling. In addition, facilities such as lockers and showers for commercial/office spaces should also be incorporated (Condition 3).

Streets

- 122 The design of streets within the development will require to accommodate a 12-metre long refuse vehicle and swept path analysis will need to be provided in each detailed application to demonstrate this (Condition 3).

Future

- 123 The TA highlights that over the life of the development phases there will be changes to travel trends, such as a transition to electric vehicles. The TA also highlights several ambitions of the development regarding future mobility and the emergence of new technologies, services and working practices, which could change travel patterns. The impact of these is unknown at present but there is an opportunity to review the impact of these technologies in the “Pause and Review” (Condition 4).
- 124 Whilst there is considerable detailed work required to be submitted and assessed at subsequent planning stages both Transport Scotland and PKC Transport Planning do not raise any objection to the principle of the proposal. Subject to several transport related conditions (3 to 28) the proposal complies with LDP2 Policy 60 – Transport Standards and Accessibility Requirements.

Blue/Green Infrastructure including Drainage

- 125 As part of the EIA Report a Flood Risk Assessment, Drainage Strategy and Blue/Green Infrastructure Strategy has been submitted and assessed by SEPA, Scottish Water, NatureScot, PKC Strategy and Housing and PKC Structures and Flooding. SEPA initially objected due to a perceived lack of information on drainage and blue/green infrastructure, NatureScot also initially objected for the same reason on the blue/green infrastructure strategy. Both key agencies have now removed their objections. It is recognised that these issues can be explored further and delivered at the detailed application stage (Condition 54).

- 126 In terms of the blue/green infrastructure strategy and drainage strategy, SEPA recognise the enormous opportunity presented by this development. In SEPA's review of the blue/green infrastructure strategy they advised that further information was required to clarify that the SUDS proposals for the site accord with relevant guidance and appropriate for a development of this scale.
- 127 The updated blue/green infrastructure strategy refers to enhancements that are considered a range of possible SUDS options. The proposed Blue/Green Infrastructure document provides useful schematic drawings of the location of SUDS measures and active travel opportunities on the innovation highway. The strategy does not, however, provide full details as to what is proposed for the drainage strategy of the site.
- 128 The production of such a detailed drainage framework at the AMSC stage will ensure the blue/green infrastructure can be developed within the context of an agreed approach for the sustainable management of surface water over the whole site. This approach will allow opportunities within the blue/green infrastructure to be realised, which SEPA have advocated.
- 129 Long-term maintenance of blue/green infrastructure should also be a detailed design stage consideration and inform provision chosen across the site. SEPA advise that the Council should be satisfied that appropriate arrangements have been made in this regard.
- 130 Both SEPA and NatureScot advise that SUDS features should be creatively integrated across the site in such a way that they contribute to wider place-led objectives:
- Deliver biodiverse sustainable urban drainage systems.
 - Aligned and integrated with green networks, taking people from home to places of employment and services.
 - Sensitively integrated with open space to provide a focus for social cohesion, educational resources and add value to enhance biodiversity.
 - Planted species need to be resilient to the effects of climate change.
- 131 At this stage, although the proposed Blue/Green Infrastructure Strategy does not fully address SEPA's and NatureScot's concerns, both acknowledge that the principle of the overall proposal is acceptable and whilst greater detail was expected to be provided at this stage, they recognise that the detailed planning stages still provides an opportunity to influence the design of the final blue/green infrastructure. A detailed blue/green infrastructure strategy and scheme will help design a multifunctional integrated SUDS scheme with areas of useable open space. Further to this, the establishment of a Project Design Team (a criteria in the S75 legal agreement), will provide further engagement and collaboration between: the applicant; the Council; and Key Agencies such as SEPA and NatureScot, to ensure an exemplar development is facilitated. SEPA, in particular, have confirmed their support of this approach.

Flood Risk

- 132 The Flood Risk Assessment (FRA) confirms that due to the topography of the site the flood risk to Perth and the city centre is minimal. To explain the site slopes westwards, away from the city and sits at a lower level than the western edge of Perth. As such any flood risk would be to the west.
- 133 The FRA confirms that the proposed SUDs basins are outwith the functional floodplain and recommends a 5m buffer strip along watercourses and that SUDs basins should not encroach into this. PKC Structures and Flooding are content that this can be delivered and assessed at the detailed application stage. The proposal is therefore considered to comply with LDP2 Policies 52: New Development and Flooding and 53 - Water Environment and Drainage, subject to Condition 51.

Drinking Water Protected Areas

- 134 A review of Scottish Water's records indicates that the proposals are within a drinking water catchment, where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA), under Article 7 of the Water Framework Directive. The River Tay also supplies Perth Gowans Terrace Water Treatment Works (WTW) and it is essential that water quality quantity in the area are protected.
- 135 Scottish Water advise that the catchment is relatively large and development activity is a sufficient distance from the intake, such that it is likely to be a low risk.

Cultural Heritage

- 136 The EIA Report included a Cultural Heritage Assessment, with a Battlefield Conservation Plan and Archaeology Impact Assessment (AIA). These have been examined by Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT).
- 137 Development is proposed within the Tippermuir Battlefield site, recognised as being of national significance through its inclusion in the Inventory of Historic Battlefields. The battle occurred on the 1 September 1644 and is significant as the first victory of the Marquis of Montrose and his Royalist forces, laying the foundations for his campaign against the Covenanter Army.
- 138 HES and PKHT have been involved in detailed discussions with the applicant for a number of years including commenting on the allocation during the LDP2 preparation process. The key focus for HES was the need for a Battlefield Conservation Plan (BCP), to ensure the development takes full cognisance of the national designation and any development proposals are fully informed by an understanding of the asset and opportunities for positive outcomes.

- 139 Both HES and PKHT welcome the submitted BCP. HES advise that it remains a live document to develop over time but content that the assessment followed the advice provided at pre-application stage.

Assessment of Potential Effects on Tippermuir Battlefield

- 140 Overall, the Cultural Heritage Assessment considers that there will be an effect of major significance on the battlefield designation but is reduced to an effect of moderate significance following mitigation and enhancement.
- 141 Effects are predicted for both the construction phase and operation of the development. However, HES are content with the findings of the assessment in this regard, including the assessment of some of the specific sub-areas of the battlefield such as:
- Old Gallows Road, which survives as a track running along the edge of fields and can be traced through field boundaries.
 - The area west of the A9(T) around Glendevon Farm, where the Covenanter army initially deployed.
- 142 Of these sub-areas, Old Gallows Road (south of Southton of Blackruthven) lies closest to the proposed development. The proposed mitigation of the creation of a Heritage Park to the south of Old Gallows Road, adjacent to this area, is considered to have a moderate effect on the battlefield landscape. HES agree that the open space will serve to mitigate effects in this area to moderate (adverse). The Heritage Park will bring positive opportunities for interpretation and promotion of the battlefield where none presently exists and is currently used for agricultural purposes. The mitigation put forward in relation to the creation of a Heritage Park is therefore welcomed.
- 143 While the submitted masterplan is purely indicative, HES note the presence of several drainage ponds within the proposed Heritage Park. Such infrastructure could have a potentially significant impact on areas of defined high archaeological sensitivity and cause negative impacts by changing the topography of the battlefield landscape. These potential impacts will have to be carefully considered and any impacts mitigated, by avoidance or sensitive design, as further detail on the layout of the park is developed.
- 144 In light of this, HES recommend securing the mitigation put forward in Table 10.10 of the applicants Cultural Heritage Assessment (Conditions 35 to 38).

Cumulative Effect

- 145 HES welcome the recognition of the potential cumulative effect of the development, and the entire MU70 site, on the Tippermuir Battlefield. Given this, the BCP will require to evolve and be submitted in support of future detailed applications (Condition 38).

- 146 Overall, HES agree with the findings of the EIA Report, in that there will be an impact on the Inventory Battlefield of Tippermuir and that these impacts will require mitigation. Furthermore, HES also recognise that the proposed development area is allocated within LDP2. In light of this, the preparation of the Battlefield Conservation Plan (BCP), together with the identification of mitigation and enhancement opportunities within the EIA Report is welcomed. Therefore, based on the creation of a Battlefield Heritage Park, the proposal is considered to comply with LDP2 Policy 30 - Protection, Promotion, and Interpretation of Historic Battlefields.

Archaeology

- 147 The area is recognised as being archaeologically sensitive and there are several known heritage sites, beyond the Battle of Tippermuir. These include a temporary roman camp (MPK2164) and post medieval features.
- 148 An Archaeological Impact Assessment (AIA) provides clarity on the physical condition of archaeological remains. Key features were identified and considered regarding sensitivity, impact of development and proposed mitigation.
- 149 PKHT note the methodology outlined in the AIA and appreciate the level of work to date. However, some concern remains regarding the timing of future works in relation to decisions on the development design. Like HES, PKHT require further assessment of the battlefield site, for areas of high importance and areas that should not be developed before any final design can be agreed (Condition 38).
- 150 This would inform the next phase of mitigation across the entire development site and battlefield (where appropriate). PKHT appreciate this will be complex but should ensure the best possible outcome.
- 151 PKHT expect the results of further investigation will raise issues of setting of features and views within the development, which has been preliminarily mapped in the AIA.
- 152 Both HES and PKHT are keen that the battlefield is celebrated within the design. Retaining Old Gallows Road as a core path through the development is an example, and how this asset will fit within the site. It is expected that development of the battlefield continues to be addressed through the development process. This should enable a thorough approach to design and appropriate mitigation and help avoid any conflicts down the line.
- 153 With regards to heritage assets not relating to the Battlefield, PKHT confirm to ensure the protection and/or recording of assets identified in EIA Report, a suite of mitigation measures should be put into place. It is important that the design of the development considers these heritage assets.
- 154 PKHT therefore encourages early consultation to ensure detailed planning proposals adequately protect recorded heritage assets. PKHT recommend conditions 35 to 37, for: 1) the protection of key heritage assets and 2) a

programme of archaeological works. This will ensure compliance with LDP2 Policy 26 – Scheduled Monuments and Archaeology at this stage of the planning process.

Natural Heritage and Biodiversity

- 155 As part of the EIA Report an Ecological and Forestry Appraisal supports the application and has been examined by NatureScot, RSPB and PKC's Biodiversity/Tree Officer. Given the scale of the proposed development, it is appropriate to consider meaningful biodiversity enhancements in the development design.

Breeding Birds

- 156 A breeding bird survey of the site was conducted, although outside of the main period of the bird breeding season (April – June). Notwithstanding this, RSPB consider the bird assemblage recorded to be representative of the habitats. However, PKC's Biodiversity Officer recommends a full survey over the required period is necessary for any detailed application (Condition 47).
- 157 With regards to assessing future biodiversity enhancements related to the breeding bird assemblage, opportunities for enhancing the site are welcomed. There is currently insufficient detail, however, on the distribution of bird species to enable specific recommendations about habitat connectivity and enhancements that could benefit species such as skylark, tree sparrow and yellowhammer.
- 158 The proposals to plant riparian corridors and native shelter belts are welcomed. RSPB recommend that further attention is afforded to how the margins of the site can be improved, to the benefit of declining farmland species. RSPB acknowledge that much of this detail will be explored in future design stages and are happy to provide detailed advice on how features can be incorporated.
- 159 The EIA Report concludes that the "*implementation of landscape proposals / on-going management*" as proposed mitigation will result in a negligible impact on the bird species present. RSPB advise any enhancement measures will need to be in line with LDP2 Policy 41 – Biodiversity.
- 160 In terms of Swifts, the breeding bird survey recorded their presence within the site. Swifts being an amber listed species of conservation concern, whose breeding numbers have experienced rapid declines in Scotland in recent decades. They are also a Tayside priority species. The RSPB recommend the inclusion of a planning condition specific to swifts (Condition 49).
- 161 The inclusion of kestrel and owl boxes in the retained woodland should also be considered, in addition to the provision of nest boxes for tree sparrow. Tree sparrows having declined by over 90% across the UK between 1970 and 2008. It is recommended that nest boxes are installed on the edge of the site.

Protected Species

- 162 The Council seeks to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. The submitted Ecological Survey remains valid for 18 months and as such updated ecological surveys will be required as part of future detailed applications (Condition 47). Surveys were carried out for Bats, Beaver, Red Squirrel and Water Vole, but should be expanded to include deer.

Biodiversity Enhancement

- 163 PKC's Biodiversity/Tree Officer advises that the application provides an opportunity for biodiversity enhancement measures to be included into the detailed design and result in a biodiversity net gain. Suggested measures include:
- Plant native trees, hedges, and orchards.
 - Provide nesting boxes, bricks or tubes for bird and bat species. In major housing developments, 25% of two-storey properties need to contain integrated bat and bird nesting opportunities.
 - Rain gardens and green roofs.
 - Provide access gaps in wooden fences 13cm x 13cm at ground level to allow free movement of hedgehogs.
 - Install wildlife kerbs adjacent to all road gullies within 500m of a SUDS pond.
- 164 The creation of a Site Biodiversity Action Plan detailing the quantity, locations, techniques, timescales, and monitoring arrangements of enhancement measures is also recommended to be carried out and submitted with detailed applications. Enhancement measures should also be incorporated into design schemes (Condition 46).
- 165 Overall, at this stage of the planning process the application is considered to accord with LDP2 Policy 41 – Biodiversity, with net biodiversity gains proposed.

Trees/Woodland

- 166 Both Scottish Forestry and the Council apply the principles of the Scottish Government Policy on Control of Woodland Removal, and there is a presumption in favour of protecting woodland resources. Where loss of woodland is unavoidable, mitigation measures in the form of compensatory planting is required.
- 167 PKC Biodiversity/Tree Officer advises that the proposal contains a number of positive elements including: structural planting; riparian corridor creation; open parkland creation; planting of copse and hedgerow edge; planting of hedge and avenue trees; as well as the provision of green streets and green links. Retention of as much woodlands, hedgerows, and individual trees as possible is also encouraged.

- 168 Hedgerows are listed as a priority habitat under the UK Biodiversity Action Plan and are important in providing corridors of semi-natural and structurally and floristically varied habitat within farmland areas. Enhanced consideration of hedgerows is required in any detailed applications.
- 169 Although not legally protected, Ancient Woodland sites are also important and an irreplaceable habitat. The Tayside Local Biodiversity Action Plan (LBAP) seeks to enhance, restore, and extend coverage of ancient woodland. The EIA Report notes that there is ancient woodland to the south-east within what is known as West Lamberkin Wood. Consideration of opportunities to enhance, restore and extend coverage of ancient woodland is required, with focus on connectivity of habitats - which is key for biodiversity, particularly in a changing climate.
- 170 Overall, the proposals do not raise any issues in terms of woodland loss and a significant level of enhancement has been proposed. The proposal therefore complies with LDP2 Policy 40 – Forestry, Woodland and Trees.

Energy Provision

- 171 The EIA Report incorporates an Energy Statement, which has been examined by SEPA and PKC Planning and Housing Strategy. The proposed Energy Strategy has been subject of numerous studies, commissioned jointly between Perth & Kinross Council (PKC) and the John Dewar Lamberkin Trust (JDLT) since 2017. Particularly in relation to the southern part of the Perth West allocation MU70. These include:
- PKC District Heat Study by BuroHappold (2018)
 - University of Edinburgh/Towards an Energy Strategy for Perth West (2018)
 - Resource Efficient Scotland Perth West Phase 1 Low Carbon Heat Study report (2019)
- 172 These studies informed a Perth Energy Workshop, hosted by the Council in November 2019, which contributed towards the preparation of an Energy Strategy for the Smart Perth Investment Board (SPIB). The SPIB is a multi-partner group charged with ensuring a strategic joined up approach to digital, energy and transport innovation across the public and private sectors.
- 173 With an ambition to deliver a zero-carbon energy development a key objective for the project is to deliver enabling infrastructure to support the decarbonisation of electricity, heat and mobility for the Perth West and neighbouring areas. Consistent with the provisions of allocation MU70 and LDP2 Policy 32 - Embedding Low and Zero Carbon Generating Technology in New Development and Policy 34 - Sustainable Heating and Cooling, the Energy Statement sets out the approach towards delivering a clean and inclusive growth strategy for the project and wider city.
- 174 This strategy is, however, dependent upon several independent city scale projects, including: the full fibre network, Perth Innovation Highway, and a solar park as part of a smart city scale energy infrastructure project.

- 175 In response to the policy provisions within the LDP2, the Energy Statement sets out a project pathway to building a business case, in collaboration with public, private, and academic institutions. All through a sequential approach to design development detailed in the accompanying “*Delivering a comprehensive masterplan development for Perth West*” paper, which forms part of the planning submission.
- 176 As such, the energy strategy promotes an ambition to provide zero carbon energy network into the site, although several variables remain outwith the control of the applicant. To that end, the proposed baseline provision is a gas and electrical network.
- 177 However, given the urgent need to decarbonise the domestic heating sector and move households and businesses off gas, both SEPA and the Planning Authority consider it counterproductive to provide developers with the option of installing gas, that could be built in many years to come. The Council’s desire is for a zero-carbon network to be achieved at the commencement of development. Given the New Build Heat Standard will require low carbon heat in all new builds from 2024 the option of gas or other fossil fuels should not be brought forward on this strategic site.
- 178 To ensure compliance with LDP2 Policies on heat and energy, any future detailed applications will require detailed energy reports, where true zero-carbon developments will be the accepted baseline standard. Condition 55 addresses this requirement for the future application requirements to ensure both the Scottish Government’s and Council’s ambitions and targets for zero carbon developments.

Developer Contributions

- 179 Developer obligations will be required for: affordable housing provision (25% of 1,500 dwellings); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision and maintenance and core path connections.
- 180 A financial contribution is also sought by Transport Scotland for strategic network improvements at Broxden Roundabout. Also required, will be the provision of a new health centre which is earmarked to be located on the east side of the A9 and underpass, adjacent to the existing Dental Practice at Tweed Place.
- 181 A detailed Section 75 legal agreement will be required to secure required developer obligations and infrastructure delivery, including the establishment of a Project Design Team. The Heads of Terms of the Section 75 legal agreement are currently being drafted by the Council, in the event the application is approved. This will ensure the proposal and future detailed applications will comply with LDP2 Policy 5 – Infrastructure Contributions and associated Supplementary Guidance. The S75 will ensure the proposal and future detailed applications will comply with LDP2 Policy 5 – Infrastructure Contributions and associated Supplementary Guidance.

Waste Collection

- 182 No concerns have been expressed at this stage of the planning process by either Waste Services or SEPA in terms of the required waste provision, including recycling requirements. This will be more fully considered and assessed at the detailed application stage of each submitted phase (Condition 56).

Economic Impact

- 183 As part of the EIA Report an Economic Statement supports the application and has been examined by PKC Economic Development. The Statement outlines that the potential significance of economic impact of Perth West's development and is accepted by PKC Economic Development. The proposal is reflective of key economic policy at local, regional, and national level, which supports Perth West's development. These strategies emphasise the importance of investment in infrastructure, developing innovative sectors of economic activity, and reinforcing the benefits of placemaking in driving inclusive growth. Perth Eco-Innovation Park (PEIP) and Perth Innovation Highway are the key economic components of Perth West, with PEIP providing 26 hectares of employment land aiming to deliver local, regional, Scottish and UK ambitions to create an innovative and technology-driven economy focusing on clean growth opportunities. It will develop a community of manufacturing and service businesses seeking enhanced environmental and economic performance, through collaboration in managing environmental and resource issues, including energy, water, materials, infrastructure, and natural habitats. This will be the catalyst for the development of a city-scale innovation district along the Perth Innovation Highway, a 5-mile corridor linking the Eco-Innovation Park to Perth city centre. Low carbon and digital infrastructure will help establish Perth as the UK's leading smart and sustainable city. Green connections to Perth and its city centre will integrate the urban expansion as a new innovative area of growing city.
- 184 Through the Tay Cities Region Deal, the UK Government has already committed £5m to enable necessary on-site infrastructure to develop the Perth Innovation Highway. National recognition has also been achieved through the Scotland Capital Investment Programme (Scottish Government, 2018) and the Scottish Cities Alliance Investment Prospectus (Scottish Government, 2018). Building on the 'Invest in Great Britain' initiative, positive engagement with the UK Government through the Catapult Network (Connected Places) programme has been developed and Perth West has been included as a case study in the 'Hubs of Innovation: A Playbook for Place Leader' (2021). Perth & Kinross Council and the project promoter, The John Dewar Lamberkin Trust, will deliver the Eco-Innovation Park and the Innovation Highway with oversight provided by the Smart Perth Investment Board.
- 185 Perth West will provide high quality jobs and homes to attract and retain high skilled individuals, with 2,300 jobs predicted: 1,080 of which are net additional to Perth & Kinross, including 440 in advanced logistics and mobility sectors, 400 in research and development, and a further 250 in services sectors.

Employment in high productivity sectors will directly generate an estimated annual uplift of £137.4 million gross GVA, 5.4% of the Perth and Kinross total. By 2045, it is estimated that £669m net additional GVA will be generated.

- 186 Investment in physical infrastructure will also accelerate development of the wider area, bringing forward a further 2,000 homes. Household expenditure of an additional £8.2 million each year in local retail and hospitality sectors is predicted following Perth West's completion, supporting at least 85 gross jobs.
- 187 In terms of tax revenue, housing and commercial development is anticipated to generate £1.7 million and £2.1 million in annual Council Tax and Business Rates revenue respectively, this equates to £30 million by 2045.
- 188 Perth West's delivery will support an estimated 3,000 gross temporary construction jobs. Of these, 1,285 would be net additional, generating a one-off boost of £119 million GVA to the Council's local economy.
- 189 In summary, Perth West will create new living and working communities, resilient to climate change, and assisting a step-change in the regional economy. Its development proposals enable climate change adaptation, new housing for population growth, skilled employment provision, and new mobility and energy networks for the city and region to come forward at speed. The delivery of the southern half of the Perth West allocation will result in significant socio-economic benefits from investment and job creation for a site in such a strategic location. Whilst it would have been an even greater impact if the landowners on the northern half of the allocation were ready to come forward in tandem, the simple fact is they are not ready or in a position to do so. Notwithstanding this, the impact and benefit of the proposal as it stands for Perth and the wider region is a significant, positive material consideration in the determination of the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 190 As noted, a S75 obligation is required for various developer obligations and infrastructure delivery. This will likely include: affordable housing provision; education (land for a primary school and contributions); transport infrastructure; public transport; open space provision and maintenance; sports provision; health care and community facilities. As stated above the Heads of Terms for a Section 75 legal agreement will be progressed by the Council.

DIRECTION BY SCOTTISH MINISTERS

- 191 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

- 192 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the majority of the proposals are considered to comply with the approved TAYplan 2016 and LDP2. However, it is accepted that there are areas of the proposed development that lies outwith the MU70 allocation/settlement boundary identified in LDP2 and within the green belt. This represents a departure from the Development Plan. However, these two areas, largely comprising of woodland are proposed to see essential infrastructure provided and this is considered as required enabling works. When considered against the overall scale and uses within the scheme, these incursions are considered relatively minor, acceptable, and appropriate. Account has been taken of the relevant material considerations and it is considered appropriate to override the adopted Development Plan in this respect.
- 193 Based on the submitted Masterplan, Parameters Plan, Schedule of Land-Uses, Floorspace and illustrative information, the principle of the proposed development is considered acceptable in planning terms. It is accepted that not all landowners and developers related to the whole MU70 Perth West site are in a position to contribute to the masterplan at this point in time. However, the likely delivery/development period is likely to be beyond the horizons of some of these parties. Thus, the requirement for a masterplan for the entirety of the MU70 Perth West allocation, has proven disproportionate and the approach taken is accepted in light of the significant material considerations present.
- 194 The current proposal, focused on the southern half of MU70, does not compromise the longer-term development of the northern half of the allocation, and can therefore be supported. In future, through the establishment of a Project Design Team, the Council and Key Agencies will be proactively involved in detailed design matters associated to emerging phases. This will help ensure Perth West will be the exemplar development that it aspires to be.
- 195 Perth West will create new living and working communities, resilient to climate change, and assisting a step-change in the regional economy. Its development proposals enable climate change adaptation, new housing for population growth, skilled employment provision, and new mobility and energy networks for the city and region to come forward at speed and will provide a significant socio-economic benefit to both the Perth and regional economy.
- 196 Accordingly, the proposal is recommended for approval subject to the following direction, planning conditions and a Section 75 legal agreement.

RECOMMENDATION

Approve

Direction, Conditions and Reasons for Recommendation

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 Planning Permission in Principle (20/00667/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

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

CONDITIONS

General AMSC

- 1 The Permission hereby approved shall be limited to:
 - residential development of a maximum of 1,500 dwellings;
 - commercial development of 26 hectares comprising: business (class 4); general industry (class 5); storage and distribution (class 6); shops (class 1); financial; professional and other services (class 2); food and drink (class 3); hotels (class 7); and non-residential institutions (class 10); and
 - Infrastructure development comprising: bus depot; car parking; Perth Innovation Highway; hydrogen fuelling/charging centre; formation of road junction; underpass and road network; road alterations; footways; cycleways; greenspace; landscaping; and associated works.

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 are:

- (i) a detailed updated phasing and delivery plan (incorporating commercial, residential, transport infrastructure, drainage infrastructure and open space) which shall specify that commercial uses are delivered in the first zones within Phase 1 and for the delivery of Phases 1-3 to accord with the Transport Assessment (Ref: 20/00667/15);
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of each 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 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, boundary treatments 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) updated Transport Assessment;
- (xvi) updated Flood Risk Assessment
- (xvii) updated Drainage Impact Assessment including SUDs Design Principles
- (xviii) updated Battlefield Conservation Plan.
- (xix) updated landscape and visual impact assessment.

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

- 2 The submitted Masterplan (Ref: 20/00667/15) and Development Parameters Plan and Schedule of Uses and Floorspace (Ref: 20/00667/5) is purely indicative only and are not approved.

Reason: The application is for planning permission in principle only at this stage.

Roads

- 3 As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), 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.

- 4 The development of the application site, shall be reviewed by 2035 or when there has been 1,001 housing units or 20 hectares of employment land developed, whichever comes first, to reassess the impact on the road network and the amount of modal shift. The applicant shall refer to LDP2 Main Issue Report or page 52/189 of the *Perth West: Transport Assessment Ref: GB01T20A18.2PROJ.10964013 (SYSTRA, 22/05/20)* for details of the “Pause and Review”. No development shall take place until the review has been undertaken, submitted, and agreed in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

- 5 As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed multi-storey car park shall be submitted for the approval of the Council as Planning Authority.

For the avoidance of doubt the multi-storey car park must occur before the implementation of any parking restrictions on Lamberkine Drive or Tweed Place and continue to be available for the vehicles displaced as result of the restrictions. The number of parking spaces to be made available for displaced vehicles shall be agreed with the Council as Planning Authority before the first AMSC application.

Reason: In the interests of road safety.

- 6 As part of any Approval of Matters Specified by Condition (AMSC) application, all external lighting and streetlighting details submitted under Conditions 1 (iv) and/or (x) shall be designed to be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of minimising light pollution, protecting amenity and road safety.

- 7 As part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed design for the signalisation identified for the A93/Lamberkine Drive shall be provided and including the upgrade of the zebra crossing on Lamberkine Drive to a controlled crossing, to reduce the impact of queueing from the development. A detailed design shall be undertaken, along with a date for their implementation by the developer shall be agreed in writing by the Council as Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved scheme.

Reason: In the interests of road safety.

- 8 As part of the first Approval of Matters Specified by Condition (AMSC) application, a scheme for mitigation measures for the core path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands, where it crosses Lamberkine Drive, shall be submitted to and

approved in writing by the Council as Planning Authority. This scheme shall include a detailed design that facilitates the safe crossing of pedestrians and cyclists and must also specify date for its implementation by the developer. The scheme as approved shall be implemented prior to the occupation of the 100th dwellinghouse.

Reason: In the interests of road safety.

- 9 As part of any application for the Approval of Matters Specified by Condition (AMSC), the phasing of the project as part of any approval under Condition 1(i) of this permission, will be such that the upgraded A9(T) Tibbermore grade-separated junction shall be operational by the completion of the 1,001st housing unit on the site.

Reason: In the interests of road safety.

- 10 No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 11 Prior to the commencement of any works on site, a scheme for the delivery of the proposed Broxden Underpass shall be submitted to and approved in writing by the Planning Authority, in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 12 Prior to the commencement of any works on site, a scheme for the delivery of a signal controlled A93 / Lamberkine Drive junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 13 Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore grade-separated junction shall be submitted to and approved in writing by the Planning Authority in

conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 14 Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore Link Road shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 15 Prior to the commencement of any works on site, a scheme for the delivery of the proposed temporary emergency access from the A9 at East Lamberkine Farm shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales. The temporary access shall be closed once the A9 Tibbermore grade-separated junction becomes operational.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 16 Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.

- 17 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 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 CTMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interests of road safety.

- 18 All vehicles transporting construction material to and from the proposed development shall be sheeted.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 19 Prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 20 Prior to the occupation of any part of the phased development, a comprehensive Residential Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the

system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 21 Prior to the occupation of any part of the phased development, a comprehensive Commercial Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 22 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. A strategy shall be included in the GTP for monitoring, reporting, and updating the plan as necessary. The GTP will have particular regard to provision for:

- a) walking and cycling;
- b) public transport access to and within the site;
- c) provision of electric vehicle (EV) charging points within all residential, commercial and community use development parcels;
- d) identify measures to be provided (including the provision of new and/or enhanced public transport services);
- e) any phasing, the system of management, monitoring, review, reporting and the duration of the Plan.

The GTP as agreed shall be fully implemented by the applicant.

Reason: In the interests of sustainable transport.

- 23 Prior to the commencement of any phased development, a Development Phasing Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that establishes what level of development mitigation interventions will be required.

Reason: To minimise any interference with the safety and free flow of traffic on the trunk road network.

- 24 Prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that

considers the various public transport improvements cited in the Transport Assessment.

Reason: To ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network.

- 25 A barrier of a type approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 26 Prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 27 There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected.

- 28 The proposed development shall be limited to the scale assessed within the Transport Assessment (Ref: 20/00667/15).

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

Residential Amenity

- 29 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 (as identified by the Scottish Government).

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

- 30 As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction,

shall be submitted for the written agreement of the Council as Planning Authority in consultation with NatureScot, Scottish Environment Protection Agency (SEPA) and Environmental Health. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. The CEMP shall include noise & vibration and Dust assessments; to assess the impacts from construction operations. The CEMP shall also include procedures, limit values and mitigation measures to control noise and vibration and a detailed quantitative dust assessment shall be undertaken. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

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

- 31 Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:

- Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
- Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
- They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, re-instatement and de-commissioning of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall

contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

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

- 32 As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Air Quality Assessment (AQA) must be prepared by a suitable qualified party 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.

- 33 As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Noise Impact Assessment (NIA) must be prepared by a suitable qualified party 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.

- 34 As part of any Approval of Matters Specified by Condition (AMSC) application, 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.

Cultural Heritage

- 35 As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 a detailed report setting out protection of key heritage assets and their settings shall be submitted to and approved by the Planning

Authority in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter the agreed actions will be undertaken in full, to the satisfaction of the Council as Planning Authority.

Reason: the protection of key heritage assets.

- 36 No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust

Reason: To safeguard archaeology in the area.

- 37 As part of any Approval of Matters Specified by Condition (AMSC) application, a scheme detailing the provision and timing of protective fencing shall be submitted to the Council for approval as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Once approved, the fencing shall be erected around the historic battlefield area in a manner as approved and retained in accordance with the approved scheme. 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.

- 38 As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 an Updated Battlefield Conservation Plan (BCP) 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 the preservation and enhancement of the historic environment.

Landscape

- 39 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 each phase 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.

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

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

- 41 As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

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

- 42 As part of any Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.

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

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

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

- 44 The asserted right of way/core paths METH/121, METH/13, METH/131 and CTYS/112 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.

- 45 As part of any Approval of Matters Specified by Condition (AMSC) application, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

Reason: To ensure that public access is maintained at all reasonable times, to the local path network.

Biodiversity

- 46 As part of any Approval of Matters Specified by Condition (AMSC) application, a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Biodiversity Action Plan shall be implemented in accordance with the approved plan.

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

- 47 As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, protected species and deer shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points 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.

- 48 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.

- 49 As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

- 50 As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

Flood Risk and Drainage

- 51 As part of any Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

- 52 As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Drainage Strategy including detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The strategy and 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 provide effective drainage for the site.

- 53 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

- 54 As part of any Approval of Matters Specified by Condition (AMSC) application, following consultation with SEPA and NatureScot a detailed Blue/Green Infrastructure Scheme, shall be submitted for approval of the Council as Planning Authority. 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 provide effective drainage for the site in line with Councils policies on good placemaking.

Heat and Energy

- 55 As part of any application for the Approval of Matters Specified by Condition (AMSC), an updated, detailed Energy Statement supporting a zero-carbon development shall be submitted for the written agreement of the Council as Planning Authority. The statement must include timescales for the provision of zero carbon developments within the site. The agreed energy measures and zero-carbon initiatives shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To reduce reliance on fossil fuels and to deliver a zero-carbon development at Perth West.

Waste

- 56 Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the commercial or residential units shall be occupied until the agreed scheme has been provided in full.

Reason: In order to ensure adequate servicing facilities are provided.

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

- 1 A Section 75 is required to deal with a financial contribution towards affordable housing, primary education, transport infrastructure (including public transport), open space provision, path connections, healthcare infrastructure and

establishment of a Project Design Team including the Council and Key Agencies for the detailed design stages of the planning process.

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

D 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 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 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.
- 10 The granting of planning permission does not stop the continued right of public access along the existing core paths METH/121, METH/13, METH/131 and CTYS/112. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
- 11 There is a Section 75 legal obligation associated with this planning permission, which relates to affordable housing provision (25%); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision, health care provision, maintenance and core path connections, and establishment of Project Design Team for any detailed applications. A copy is available to view on the Council's [Public Access portal](#).

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

- 1 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:
- 2 The application submitted an EIA Report dated May 2020. 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.
- 3 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:

- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport
- Flood Risk and Drainage
- Tippermuir Historic Battlefield Site
- Archaeology
- Blue/Green Infrastructure
- Landscape and Visual Impact

4 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.

5 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:

- Woodland Planting and Landscaping
- Assessment of visual impact on wider area
- Construction and Environment Management Plan (CEMP)
- Ecological Clerk of Works (ECoW)
- Construction Traffic Management Scheme (CTMS)
- Green Travel Plan
- Blue/Green Infrastructure
- Air Quality Assessment
- Noise Impact Assessment
- Habitat Assessment including Breeding Birds and Protected Species
- Landscape and Visual Impact Assessment

7 In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 6, 8, 9, 16, 17, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 46, 47, 51, 52, 54 and 55 as set out herein, the proposal is acceptable and can be approved.

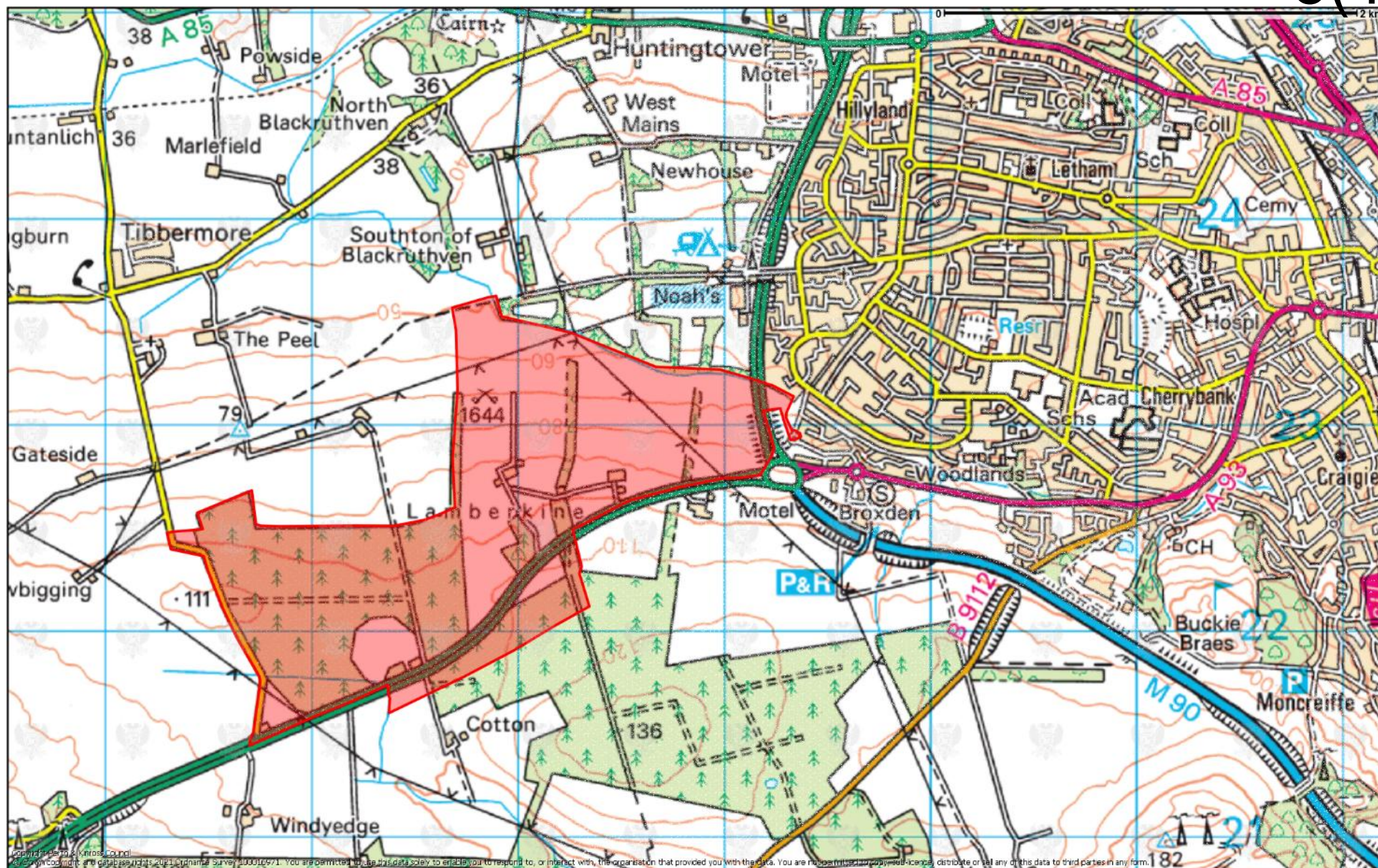
Background Papers: 13 letters of representation
Contact Officer: Steve Callan
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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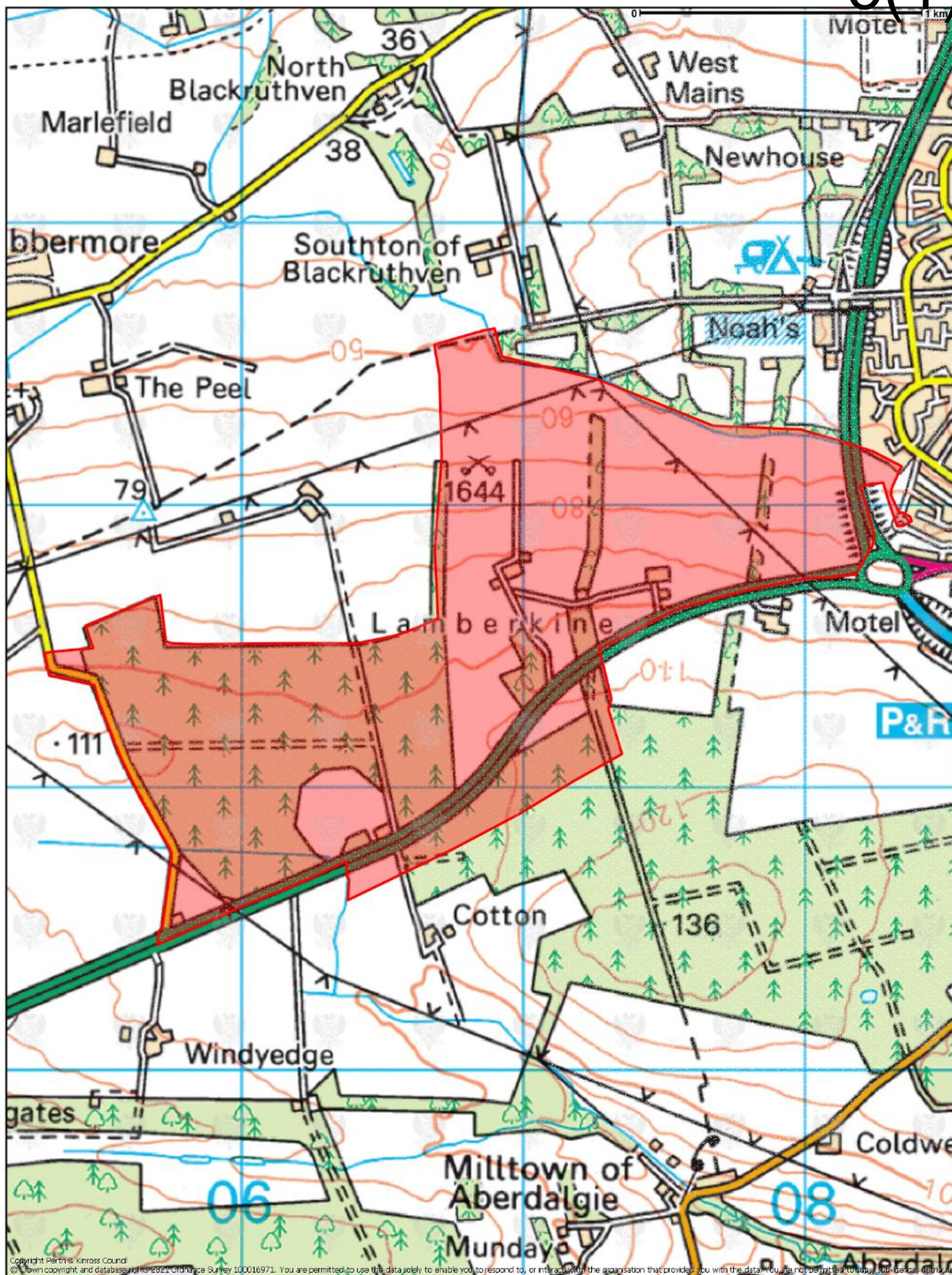
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20/00667/IPM

Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial, professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle)





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Scale 1:18000

20/00667/IPM

Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial, professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle)



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/72)

PROPOSAL:	S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM
LOCATION:	Land to the west of Charlotte Gate development, Glasgow Road, Perth

Ref. No: [21/00197/IPM](#)

Ward No: P10 - Perth City South

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located to the western edge of Perth. Planning Permission in Principle (PPP) was granted in August 2013 for mixed use development, incorporating housing and employment land (Class 4), on land to the west of Cherrybank Gardens (Ref: 12/01692/IPM). The approved masterplan included two phases of business land and four phases of residential development. Planning approvals have been granted for 234 dwellings in total for the 4 residential phases and Phase 4 is nearing completion with all dwellings occupied (15/00809/AMM and 17/00204/AMM).
- 2 The employment sites historically formed part of an allocation in the 2014 Perth and Kinross Local Development Plan (LDP) for both residential and employment use (MU1). This site now forms part of Perth and Kinross Local Development Plan 2019 (LDP2) allocations E340 and E2 for core employment uses.
- 3 Condition 3 of 12/01692/IPM states that:

Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the planning authority. The construction programme shall accord with the phases outlined below.

- (i) *phase 1 of the business land development must be fully serviced by the occupation of the first residential dwelling associated with phase 3.*
- (ii) *phase 2 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4.*
- (iii) *the road link required by condition 2(ii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site before the occupation of 50% of the residential dwellings associated with phase 4.*
- (iv) *the 4.0 metre bund required by condition 2(iii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site and landscaped before the start of construction of residential dwellings associated with phase 3.*

Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the planning authority.

- 4 In terms of Condition 3(i), the Phase 1 business land, at the eastern part of the PPP site near the hotel, was fully serviced by November 2017. As highlighted above, Condition 3(ii) requires the Phase 2 business land to be fully serviced before the occupation of 50% of the residential dwellings within residential Phase 4.
- 5 In January 2021, full planning permission was approved by the Planning and Development Management Committee for 49 houses on the land identified in the PPP as the Phase 2 business land (ref. 20/00505/FLL). The applicant is therefore seeking to delete Condition 3(ii) of 12/01692/IPM as it is no longer needed and cannot be met by virtue of the recent planning permission for 49 dwellings.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 The proposal is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening related to the 'PPP' permission 12/01692/IPM. It is not proportionate to fully repeat this process, with the proposal following the overall environmental parameters previously considered. Thus, having considered the proposal's characteristics, location and likely significant environmental effects, the Planning Authority has adopted an opinion that the proposal is not EIA development.

PRE APPLICATION CONSULTATION

- 7 Due to the size of the application site this proposal is classed as a Major Application as defined in the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. However, Pre-Application Consultation (PAC) is no longer needed for Section 42 applications. Accordingly, there is not a requirement for the applicants to carry out a PAC.

NATIONAL POLICY AND GUIDANCE

- 8 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

- 9 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. It provides a national context for development plans and

planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SPP) (Revised December 2020)

- 10 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.
- 11 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

Planning Advice Notes

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

DEVELOPMENT PLAN

- 13 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

- 14 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.”

- 15 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

- 16 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. The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 7A: Employment and Mixed Used Areas
- Policy 23: Delivery of Development Sites

LDP2 Allocation

E340 Broxden 4.5ha employment uses (core)

Site-Specific Developer Requirements

- The servicing of this employment land must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4 of the in-principle planning permission.
- Provision of landscape framework: retain and reinforce planting on southern boundary, creation of a linear landscaped park along the westernmost watercourse incorporating a viewing point and neighbourhood park and landscaping on the north boundary to create a ‘green corridor’ along the Glasgow Road.
- Green Travel Plan.
- Access from new signal controlled junction on the A93 Glasgow Road.
- A robust landscape framework maximising the potential to enhance biodiversity, protection of habitats, and retention and enhancement of woodland screening.
- Updated Flood Risk Assessment

E2 Broxden 4ha employment uses (core)

Site-Specific Developer Requirements

- Flood Risk Assessment and Drainage Impact Assessment required which will define the open space which will be protected in perpetuity for flood risk reasons.

- Flood Risk Assessment must demonstrate that development does not increase the risk of flooding elsewhere particularly downstream on the Craigie Burn.
- Open space to also provide a green wedge into the city and links to the Green Belt.
- Cycle paths, core paths and rights of way incorporated into Masterplan and designed to improve active transport links to Perth.
- Enhancement of biodiversity and habitats

SITE HISTORY

- 17 [11/00010/PAN](#): A Proposal of Application Notice (PAN) related to a 'Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure' saw the approach to be taken in relation to pre-application consultation with the local community set out in a decision letter issued by PKC on 12 October 2011.
- 18 [12/01692/IPM](#): Planning Permission in Principle (PPP) was approved on 29 August 2013 for a 'Mixed use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure'.
- 19 [15/00809/AMM](#): A Matters Specified in Conditions (MSC) application, associated to 12/01692/IPM was approved on 13 May 2016 allowing the Erection of 164 dwellinghouses and associated works (Phases 1-3).
- 20 [17/00204/AMM](#): A second MSC application associated to 12/01692/IPM was approved on 4 January 2018 for the Erection of 70 dwellinghouses (Phase 4).
- 21 [19/02129/FLL](#): Planning permission was approved on 25 May 2020 for land engineering (land raise) operations (in part retrospect) of LDP2 site E340.
- 22 [20/00505/FLL](#): Planning permission was granted on 14 January 2021 for the development of 49 dwellings on part of LDP2 site E340 (Phase 5).

CONSULTATIONS

- 23 None undertaken. It is however highlighted that consultee feedback from both the Council's Economic Development and Strategy and Policy teams were received for the recent application for 49 dwellings on the Phase 2 business land site (20/00505/FLL). Both responses confirmed that they were content with the loss of Phase 2 - Employment Land as it was proven to be an unviable site for commercial/employment purposes.

REPRESENTATIONS

- 24 A total of 3 representations have been received in respect of the current application. The issues raised within representations are however related to the planning approval for 49 dwellings on part of the same site (20/00505/FLL) and not about the deletion of the condition being considered here. They are therefore not considered material to the assessment of this S42 application as no development is proposed.

ADDITIONAL STATEMENTS

25	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	Planning Statement Submitted

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 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 consideration of the Council's other approved policies and supplementary guidance.

Principle

- 27 Since the approval of the 12/01692/IPM application in August 2013, there has been a number of Development Plan changes with the adoption of Perth and Kinross LDP in 2014 and the adoption of LDP2 in 2019. Within LDP2 there are two areas of land of the PPP site allocated (E340 and E2) for core employment uses of classes 4, 5 and 6.
- 28 LDP2 site E340 benefits from detailed planning permission but as advised, this permission is now for residential development and construction of the 49 dwellinghouses has recently commenced. This residential approval and development determined through permission 20/00505/FLL now means that the allocation for employment use on LDP2 site E340 and the requirement of Condition 3(ii) within permission 12/01692/IPM are nullified. Although the application does not fully comply with the relevant provisions of the Development Plan, the material consideration of the 20/00505/FLL permission now outweighs the position of the Development Plan and justifies a departure.
- 29 Notwithstanding the Development Plan changes, and residential development on E340, the principle of employment development at E2 (Phase 1 – Employment Land) remains and continues to be maintained under its allocation in LDP2. The proposed modification Condition 3(ii) of 12/01269/IPM does not adversely impact the Phase 1 – Employment Land at the E2 allocation will not be compromised and does not prevent a planning application coming forward for Class 4, 5 and 6 uses.

Condition 3(ii)

30 Condition 3 (ii) of 12/01692/IPM requires that:

(ii) phase 2 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4.

31 Following the PPP (12/01692/IPM), detailed planning approvals for Phases 1-4 have been granted (15/00809/AMM, 17/00204/AMM). Phases 1 to 3 have been completed and all dwellings have been occupied, whilst Phase 4 is nearing completion.

32 In January 2021, planning permission was granted for 49 houses (ref. 20/00505/FLL) for what is now known as Phase 5 of the residential development. This Phase 5 residential development is on land identified as the Phase 2 business land. This means that condition 3(ii) is no longer deliverable or indeed enforceable. The deletion of Condition 3(ii) does not raise any planning issues as it is now undeliverable as employment land. LDP2 site E340 will need to be deallocated in LDP3 as the sites use for employment uses has been superseded.

Design and Layout

33 The proposed modification to Condition 3(ii) will have no impact on the approved and under construction development as no physical changes are being proposed.

Landscape and Visual Amenity

34 The proposed modification to Condition 3(ii) will have no impact on the landscape or visual amenity as no physical changes are being proposed.

Residential Amenity

35 The proposed modification to Condition 3(ii) will have no impact on the residential amenity of the inhabited and under construction dwellings adjacent to the site as no physical changes are being proposed.

Roads and Access

36 The proposed modification to Condition 3(ii) will have no impact on the road network.

Drainage and Flooding

37 The proposed modification to Condition 3(ii) will have no impact on the drainage infrastructure or pose a flood risk as no development is proposed.

Conservation Considerations

- 38 The proposed modification of Condition 3(ii) will not have an impact on nearby listed buildings on B9112 Road as no development is proposed.

Natural Heritage and Biodiversity

- 39 The proposed modification of Condition 3(ii) 1 will not have an impact on local biodiversity.

Developer Contributions

- 40 No contributions are required by this S42 application.

Economic Impact

- 41 The proposed modification of Condition 3(ii) will not have an impact on the local economy.

Other Matters

- 42 The PPP has a number of planning conditions or elements of conditions that are no longer relevant, as detailed applications have been approved over the past 8 years and construction is ongoing. It will still be necessary to update/revise the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be adhered to should remain. These conditions are set out in the recommendation section below.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 43 None required.

DIRECTION BY SCOTTISH MINISTERS

- 44 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

- 45 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of LDP2 and other material considerations, such as the ineffectiveness of the site for employment use and recent planning permission for 49 dwellings on part of E340. In this case, it is considered that there are sufficient material considerations present that justify setting Development Plan policy, in particular the Site E340 allocation in LDP.
- 46 This departure is not considered to be significant as the area of the employment land lost, when considered against the overall allocation within LDP2, is marginal within the context of the available employment land within the Perth Core Area. The principle of developing the site for housing is now

considered to be acceptable and construction is currently underway. The new land use is now regarded as being the most deliverable and optimum use of the land at this location.

- 47 Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve

Conditions and Reasons for Recommendation

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle for the development of Phase 1 – Employment Land only (LDP2 Site E2) shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

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

- 2 No works in connection with the remaining development site Phase 1 – Employment Land (LDP2 Site E2) hereby approved shall take place unless 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) an updated delivery plan for Phase 1 - Employment Land
- (ii) details of all cut and fill operations in the construction of remaining development Phase 1 – Employment Land;
- (iv) 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 1 – Employment land, relative to existing ground levels and a fixed datum point;
- (v) the siting, design, height, and external materials of all buildings or structures;

- (vi) the details of all roads, footpaths, and cycleways within Phase 1 – Employment land;
- (vii) details of any screen walls/fencing to be provided;
- (iix) measures to maximise environmental sustainability through design, orientation and planting or any other means; and
- (ix) details of all landscaping, planting, and screening associated with the development of Phase 1 – Employment land;
- (x) full details of the proposed means of disposal of foul and surface water from the development of Phase 1 – Employment land;

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

- 3 Prior to the start of any work on the site of Phase 1 – Employment land (LDP2 Site E2), an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the Planning Authority.

Reason - In order to ensure the implementation and completion of the remaining business land component of the proposal.

- 4 Notwithstanding the details on the approved masterplan (Plan Ref: 12/01692/2) and prior to the commencement of any works in connection with Phase 1 – Employment Land (LDP2 Site E2) a development brief shall be provided for the area covered. The brief shall specify:
 - (i) the height and appearance of all new structures;
 - (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
 - (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
 - (iv) the lighting of all streets and footpaths
 - (v) the layout of play areas and the equipment to be installed;
 - (vi) maintenance of all open space and treed areas;
 - (vii) Details of car charging points to be provided within the development.

Once approved, all development shall be carried out in accordance with the approved brief.

Reason – In order to give further consideration to those details which have still to be submitted.

- 5 A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for remaining Phase 1 – Employment Land (LDP2 Site E2) for the written approval of the Planning Authority, all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of buildings. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

Reason - To ensure adequate protection of the water environment from surface water run-off.

- 6 Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority, and thereafter complied with.

Reason - In the interests of public health and to prevent pollution.

- 7 Schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for the remaining Phase 1 – Employment Land (LDP2 Site E2). Details of the schemes shall include:

- (i) existing and proposed finished ground levels relative to a fixed datum point;
- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas, and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

- 8 No part of the development of Phase 1 – Employment Land (LDP2 Site E2) shall be occupied until provision has been made towards a path network connection with the adjoining park and ride facility and residential area. The details of this provision shall be agreed in writing with the Planning Authority prior to the commencement of development.

Reason - To secure and enhance existing public access.

- 9 No part of the development of Phase 1 – Employment Land (LDP2 Site E2) shall commence until provision has been made towards a road improvement scheme that mitigates the impact of the proposed development on the Trunk Road Network. The details of this provision shall be agreed in writing with the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate.

Reason - To ensure that the development proposals will not have a significant detrimental impact on the operation of the trunk road network.

- 10 No part of Phase 1 – Employment Land (LDP2 Site E2), shall be occupied until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided the system of management, monitoring, review, reporting and the duration of the plan.

Reason - To promote sustainable travel modes.

- 11 Prior to the commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

Reason - In the interests of visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.

- 12 Prior to the commencement of development Phase 1 – Employment Land (LDP2 Site E2) a detailed Site Waste Management Plan (SWMP), including specific measures to minimise the use of raw materials and methods to reduce, re-use or recycle waste material on site where appropriate, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date. Thereafter the development shall be fully undertaken in accordance with the approved SWMP.

Reason - To minimise waste production and reduce reliance on landfill.

- 13 Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a lighting scheme shall be submitted to and approved in writing by the Planning Authority. Once approved, the lighting installation shall be

implemented in accordance with the approved details as part of the works on site.

Reason - In the interests of the amenity of the area and to avoid excessive light pollution.

- 14 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc, must be designed and installed so as to prevent noise disturbance to adjoining properties.

Reason - To prevent disturbance from noise.

- 15 Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a site-specific plan, detailing bin storage areas and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason – To ensure there is adequate provision for waste disposal and recycling.

- 16 Prior to commencement of development of Phase 1 – Employment Land (LDP2 Site E2), a scheme of mitigation to improve air quality shall be submitted to and approved in writing by the Planning Authority. The approved scheme shall be implemented before the occupation of the development and all to the satisfaction of the Council as Planning Authority.

Reason - To prevent the deterioration of air quality above a level that would be detrimental to the amenity of the area.

B JUSTIFICATION

There are material considerations that result in a recommendation to depart from the approved Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 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 38 the notice must be :
- Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 4 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 8 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 9 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 Environmental Protection Agency.
- 10 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact the Construction and Maintenance Manager, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 11 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 12 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site

comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.

- 13 The Council's Community Waste Adviser should be contacted to clarify the bin storage and recycling requirements for the development of Phase 1 – Employment Land (LDP2 Site E2).

Background Papers: 12/01692/IPM Decision Notice

Contact Officer: Steve Callan

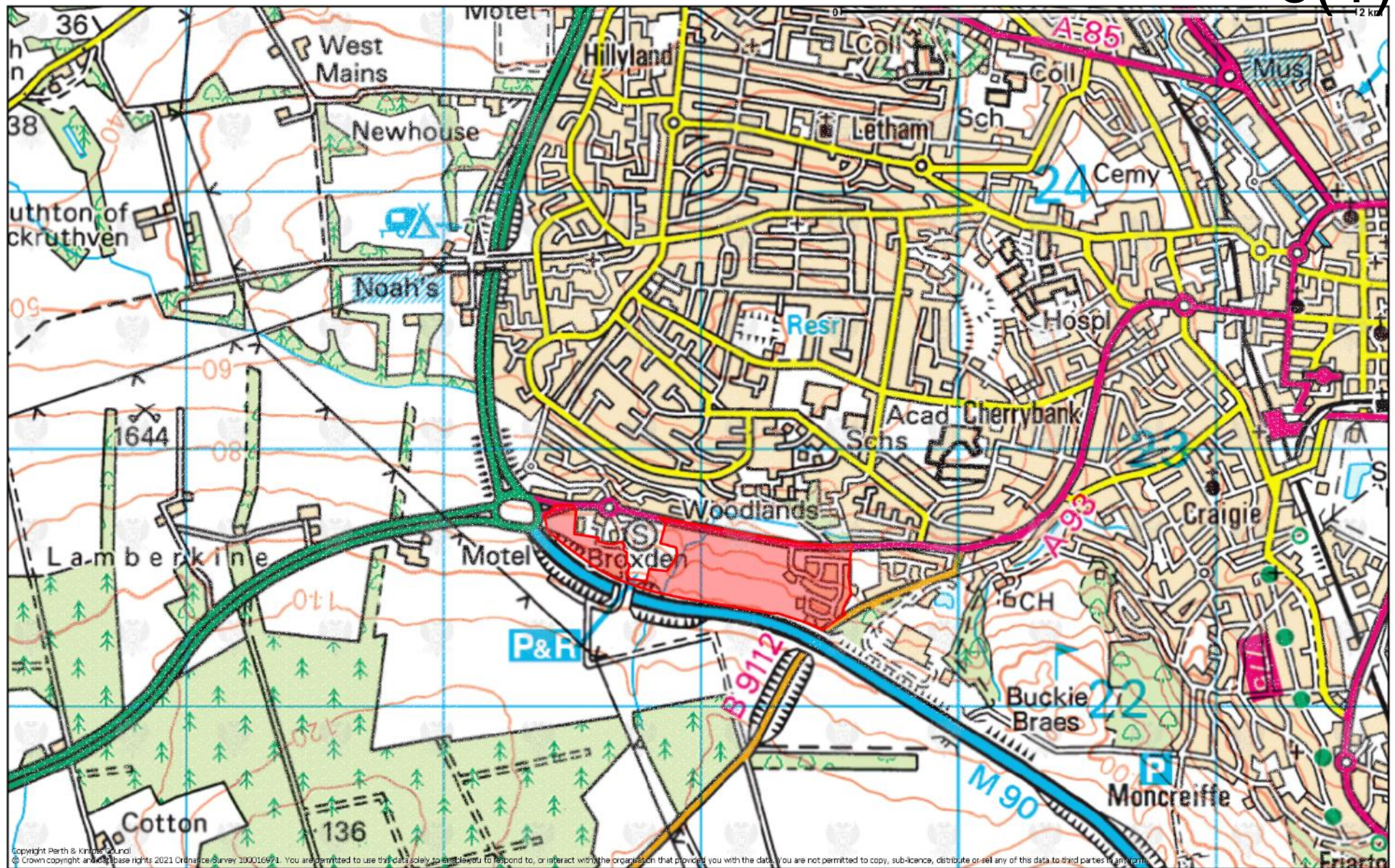
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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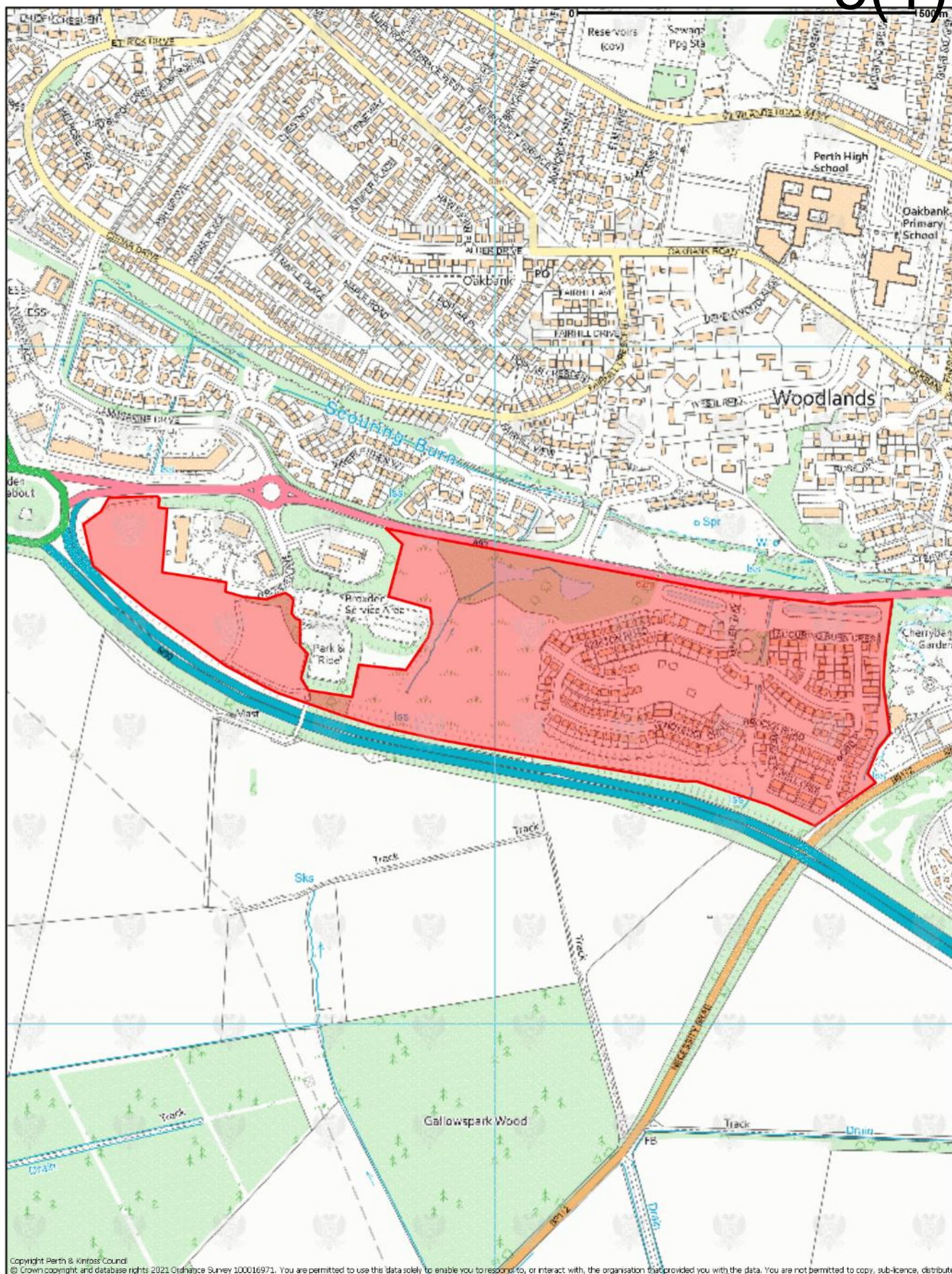
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21/00197/IPM

S42 application to delete condition 3(ii) (provision of serviced business land) of permission 12/01692/IPM





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21/00197/IPM

S42 application to delete condition 3(ii)
(provision of serviced business land) of
permission 12/01692/IPM



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/73)

PROPOSAL: Change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works

LOCATION: Auchterarder House Auchterarder PH3 1DZ

Ref. No: [20/00805/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 the change of use, alterations and extension of former stable buildings to form a function venue (class 11). It is also proposed to form an associated car park in a woodland area sited between the stables and the main house, and other required works such as the provision of drainage. The buildings are associated with Auchterarder House, which recently saw planning permission granted for its part time use as an events venue (Ref: 20/00297/FLL). The stable buildings are some 180m north-east of Auchterarder House, both are Category B listed. Access is off the B8062, via a private gated driveway.
- 2 It had initially been intended that the three related applications would be brought to the same meeting of this Committee. However further information was awaited in relation to the impact on the woodland area, and as the house and stables operations could operate independently, it was considered appropriate to progress the application related to Auchterarder House. It was however clear that the fact that all three applications are related and that the Auchterarder House proposals were supported by a Noise Assessment (NA) which included reference to the proposals for the stables, caused some confusion. However, that NA is considered adequate to assess the issues raised by this application. As the tree and woodland information is now available this planning application and associated Listed Building Consent application (20/00806/LBC) are now presented to the Committee.

PRE-APPLICATION CONSULTATION

- 3 Pre-Application advice was sought in February 2020 (Ref: 20/00031/PREAPP) and comment was given on the options presented: use of the existing house,

conversion of stables and the possibility of erecting a free-standing events venue in the grounds.

- 4 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

- 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.

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 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
 - Valuing the historic environment paragraphs 135 – 142

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 1/2011 Planning and Noise

National Roads Development Guide 2014

- 10 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

- 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 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

- 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:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 8: Rural Business and Diversification
 - Policy 27A: Listed Buildings
 - Policy 31: Other Historic Environment Assets
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- 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 **89/00237/FUL** - Planning Permission was granted on 23 May 1989 for an extension to Auchterarder House.
- 18 **89/01256/FUL** - Planning Permission was granted on 4 January 1990 for alterations to Auchterarder House.
- 19 **90/00970/FUL** - Planning Permission was refused on 16 July 1990 for extension of Auchterarder House.
- 20 **90/02004/FUL** - Planning Permission was granted on 21 January 1991 for a conservatory at Auchterarder House.
- 21 **97/01119/FUL** - Planning Permission was granted on 20 October 1997 for an extension to Auchterarder House.
- 22 **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.
- 23 **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.
- 24 **04/02121/FUL** - Planning Permission was granted on 4 February 2005 for a dwellinghouse with garages, ancillary to Auchterarder House.
- 25 [20/00297/FLL](#) - Planning Permission was granted on 9 March 2021 for a part change of use from dwellinghouse to both a dwellinghouse and events venue

- 26 [20/00806/LBC](#) - An application for Listed Building Consent is under consideration for alterations and extension of stable buildings.

CONSULTATIONS

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

External

- 28 **Perth And Kinross Heritage Trust:** No objection, subject to a condition related to recording the special architectural and historic interest of stable building, prior to development works.
- 29 **Scottish Water:** No objection. Advise of capacity for a public water supply, but that there is no Scottish Water wastewater infrastructure in the area. As such a private treatment system will be required.
- 30 **Transport Planning:** No objection, subject to a condition regarding the access specification of the car park access onto the private road within Auchterarder House grounds.
- 31 **Development Contributions Officer:** Advise that no contributions are required, as per section 5.5 of the Supplementary Guidance.
- 32 **Environmental Health (Noise/Odour):** No objection, subject to conditions. Initially requested a Noise Impact Assessment, which after submission and review, sees requested conditions regarding: noise, servicing and deliveries, number of events, a noise management plan, ventilation systems, fireworks and external lighting.
- 33 **Environmental Health (Contaminated Land):** No objection. Confirm that a search of the historic records did not raise any concerns regarding ground contamination.
- 34 **Biodiversity/Tree Officer:** No objection, following initial concerns over the lack of information related to tree impact and biodiversity. Following submission of such information the impact on trees and biodiversity is considered acceptable, subject to conditions.

REPRESENTATION

- 35 A total of 8 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Impact on residential amenity;
 - Noise;
 - Traffic and road safety;
 - Parking;
 - Lack of a business plan;
 - Impact on character of the area;

- Impact on farmland, livestock and pets;
- Impact on Ancient Woodland;
- Light pollution;
- Lack of detail of type and frequency of events;
- Considered contrary to LDP2 policies 1 (Placemaking), 8 (Rural Business and Diversification) and 56 (Noise Pollution);
- Impact on cultural heritage of stable buildings;
- Future intensification.

36 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	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Tree and Wildlife Survey submitted

APPRAISAL

- 37 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The 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 Guidance 2020.
- 38 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

- 39 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 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 either the expansion of existing rural

businesses or the creation of new ones, subject to a number of criteria. In general, sites within settlement boundaries are preferred. However, locations outwith settlements can 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, and its associated grounds and buildings are considered a site-specific resource with an opportunity to create a business. Although objections query the lack of a business plan, this is only required where the proposal relates to a new tourism development. This proposal is likely to be more generally available, such as: to the local population rather than specifically tourism related. Overall, it is for applicants to determine whether the proposals are likely to be economically viable. As such the principle of the change of use can is supported. Beyond this, the detail of the proposal must be assessed, with regard to its impact on the character and amenity of the area and compliance with policies related to safeguarding listed buildings, impact on trees, woodland and biodiversity, noise and transport impacts.

Design and Layout

- 40 The proposal includes the renovation and refurbishment of the stables for use as a function venue, and seeks to safeguard the character of the building with a minimal intervention approach. The proposed physical alterations are the subject of the related application for Listed Building Consent. These alterations include: the installation of new windows and doors, the removal of two chimneys, and the refurbishment of the roof. Rainwater goods will be replaced with new cast iron replacements, where required. A new glazed roof will also be installed over the internal courtyard, and doors are proposed within an existing opening on the south-west elevation to reduce noise levels during functions.
- 41 The proposal includes the provision of a vehicle parking area within an area of woodland located between the stables venue and Auchterarder House.

Landscape

- 42 The site is set within an existing treed/landscaped area that provides the setting for Auchterarder House and the stables building. The landscape setting of the buildings will generally be maintained, although some landscaping would be cleared, and other trees removed to allow the development to proceed. In particular the woodland area alongside the private access to the site will largely be retained. This comprises of a mix of tree species and an understorey of evergreen shrubs. New planting will be undertaken to compensate for trees which are to be felled to form the car park. Further discussion on the impact on trees, woodland and biodiversity is set out in other sections of this report however, the addition of new trees and shrubs of a variety of species is considered to be beneficial and will improve the landscape setting of the stables and Auchterarder House.

Residential Amenity

- 43 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. Policy 56 identifies that noise generation is also relevant. In this regard, there have been objections related to the potential impact on residential amenity from events. In assessing this potential the most likely impacted properties have been identified. The closest residential property to the stable building is 'Garden Cottage', approximately 70m to the north-east. The next closest are 'Collyhill Lodge' and 'Sutton House' around 160m to the north, with 'The Kennels' another 75m beyond. 'North Lodge', owned by the applicant is 310m to the south-west. The next nearest property, not owned by the applicant, is 'Braehead', 360m to the south-west.
- 44 In assessing the potential impacts, consideration must be given to the types of activities likely at the venue, these may include: weddings, birthday celebrations and small conferences. In these scenarios it is anticipated that use of the stables venue, could also be undertaken in association with Auchterarder House, with guests staying at the house and also attending functions at the stables. It is also anticipated that between 20-30 events may be held each year.
- 45 It is accepted that, without controls or mitigation, there is potential that residential amenity could be adversely affected, particularly from amplified music. Review of this potential issue has been aided by the preparation of a Noise Impact Assessment (NIA). The NIA considers potential impact on the surrounding residential property. Notably it assesses the combined impacts anticipated from both the approved use of Auchterarder House and also the proposals subject of this application.
- 46 The NIA determined baseline noise levels at the two nearest residential properties: 'Plus Trees' (Garden Cottage) being closest (c.70m) from the stables; and 'Braehead' approximately 170m to the west and closest to Auchterarder House.
- 47 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 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 Licensing Board noise policy requirements, due to the lack of mitigation at the stable Venue. However, Scenario 2 (with mitigation) was predicted to satisfy the Licensing Board's noise policy.
- 48 A third scenario was modelled for noise from fixed plant, based on a conceptual design of 4 items of external plant with a sound power level of 75dB L_{WA}. The report concluded that any proposed plant to be installed at the Stable venue is predicted to achieve the required standard – NR20 (2300 to 0700), at the closest noise sensitive dwellinghouse.

- 49 On this basis it is considered that the Stables development impacts could be mitigated via conditions controlling both plant noise (Condition 3) and the provision of an effective ventilation system (Condition 4). Design mitigation is also proposed including a glazed roof covering the courtyard, doors in the opening on the south-west elevation and new windows to have acoustic properties.
- 50 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. Potential impacts from these operations can also be controlled by condition as set out in paragraph 51 below.
- 51 Noise from patrons arriving, moving about the venue areas and leaving the venue is also recognised to have 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). The Plan 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.
- 52 The NIA was prepared on the basis of up to 30 events in a calendar year. Environmental Health has requested that the number of events be controlled to this number by condition, to ensure that the NIA approach is appropriate in practice. In the light of local objection, it is considered appropriate to limit the number of days on which events can be held to 30 (Condition 5), taking a risk averse approach. 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 would be required. This subject area was discussed in some detail when this Committee granted planning permission at its meeting in March 2021 for the use of Auchterarder House for events (20/00297/FLL). That planning permission sees a condition restricting the number of days when events could take place to 30. Given the two premises could operate either independently or together, a similar if separate condition is recommended to be attached should this application be approved. Notwithstanding the possibility of independent events taking place, it would be those cumulative event days which would be subject to the condition for both premises. Thus, an event utilising both facilities would count as one day for both, and where an individual use of either would only count against that property. Therefore, although there is potential for more than 30 events to take place, across the two properties, no more than 30 could take place at either. This recognises that the noise assessment notes that mitigations are required to adequately control activity at the Stables, whilst no mitigation is required at Auchterarder House, whilst also recognising that conjoined use of both Auchterarder House and the Stables would be more intensive than Auchterarder house in itself. All such that the stables would be limited to 30 days, in any scenario.

Visual Amenity

- 53 The impact on visual amenity is considered acceptable. The visual amenity of the stables building will be improved by this proposal, as they are currently in a run-down condition. In addition, the landscape setting of the stables will be enhanced by the proposed tree and shrub planting which includes a greater variety of species than presently exists.

Roads and Access

- 54 Access is from the B8062, 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 or direct clients to any access other than the gated driveway from the B8062.
- 55 Transport Planning has been consulted and considers that the additional traffic generated should not have a significant impact on the public road network. It is noted that a gated controlled entry system is in place on the private access track and that during events this should remain open to allow a free flow of traffic from the B8062. Overall Transport Planning raise no objection, subject to a condition regarding the specification of the access into the car park (Condition 6) where it joins the private access within the grounds of Auchterarder House

Drainage and Flooding

- 56 The site is not located within the functional floodplain, as shown on the SEPA Flood Map. Otherwise, the proposals include a private foul drainage system and soakaway, to be located to the south-east of the car park. Surface water will drain to a separate soakaway at the eastern end of the car park.

Waste Collection

- 57 It is indicated in the application that there are existing waste arrangements in place. An informative is recommended to ensure compliance with the Council's waste collection requirements (Informative 8).

Conservation Considerations

- 58 Perth and Kinross Heritage Trust were consulted and noted that the site is considered to be archaeologically sensitive, as it proposes to alter an existing historic stable complex, which pre-dates the 1st Edition Ordnance Survey of the area and is an important part of the original historic estate. It is also advised that the stables are B Listed (LB5814) and were designed by Scottish architect William Burn in 1833.
- 59 PKHT support the applicant's intention to retain and renovate the historic fabric and restore the stables for a new use. However, as the building function will change considerably PKHT request that an archaeological standing building

survey of the buildings existing condition should be made prior to conversion work (Condition 7).

- 60 From a conservation perspective, the principle of conversion provides a good alternative use for the building and the conversion works see the existing spaces reused without excessive subdivision or loss of historic features and spaces. The proposal is thus considered to retain the character and appearance of the listed building and its setting. Details of proposed replacement and new doors and windows, as well as details of the proposed replacement slates can be controlled via condition on this permission and the related Listed Building Consent (Conditions 15 and 16). Further details are also required of surface materials and lighting for the proposed car park, to ensure that appropriate arrangements are made for development in a woodland setting (Conditions 8 and 14).

Natural Heritage and Biodiversity

- 61 There have been objections expressing concern over the potential impact on woodlands and wildlife.
- 62 Policy 40: Forestry, Woodland and Trees states that the Council will apply the principles of the Scottish Government Policy on 'Control of Woodland Removal' and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.
- 63 In this case the proposals for the car parking area will impact on a woodland area, that is also designated as Ancient Woodland. It was initially indicated in the planning application that no trees were to be removed. However, it became apparent that this was not the case and that an area of woodland would require to be removed. As such further assessment of the full impacts was requested. This assessment then informed revised existing and proposed site plans, submitted in April 2021, along with a tree and woodland survey and management report.
- 64 This information was assessed by Tree and Biodiversity Officers and an assessment of the impacts on the loss of the ancient woodland undertaken. It is accepted that the parking area cannot reasonably be located in any other area within the applicant's ownership, such that it was proportionately accessible to the stables. As such, compensation and mitigation of the impact on the woodland is required. In this respect, landscaping plans show details for planting and transplanting of existing stock, as well as use of ornamental shrubs within the site. 27 new trees are proposed, although the tree species are not specified. The detail submitted also highlights the presence of various plants within the woodland including: lesser periwinkle, snowdrops, dog mercury, stinging nettle, wild garlic, creeping buttercup, and sanicle. Where these exist within affected areas they should be retained or re-positioned within the site. Taking these issues together, full details of the proposed tree species to be planted, the location of planting / re-planting areas and inclusion of additional enhancement to a wider area of the woodland is controlled by

condition (Condition 8). A further condition requiring a Construction Method Statement is also attached (Condition 9), to ensure that any excavated soils are not dispersed into the woodland and that protective fencing is in place. It is concluded that the impact of the localised felling on the woodland is acceptable and that the introduction of a range of native species, woodland enhancement, and the provision of beneficial understorey and potential habitat provides sufficient mitigation.

- 65 Policy 41: Biodiversity states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Beyond this planning permission will not be granted for development likely to have an adverse effect on protected species, unless clear evidence shows that the ecological impacts can be satisfactorily mitigated, and that planning permission will not be granted for development that would be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)).
- 66 To this end a Protected Species Survey and Assessment was submitted in October 2020, exploring the potential of the stables building as well as the woodland area for use by bats and nesting birds. The survey contains sufficient information for the planning authority to be satisfied that the impact on protected species is understood and that the development, if carried out in line with the recommendations within the survey, will not be detrimental to protected species of European significance.
- 67 Conditions with regard to bats, nesting birds and adherence to the Protected Species Survey are attached (Conditions 10, 11, 12 and 13). A further condition requiring details of external lighting is also included (Condition 14), in the interests of biodiversity and to avoid light pollution in a rural area.

Developer Contributions

Auchterarder A9 Junction

- 68 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.
- 69 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 applicable.

Economic Impact

- 70 The proposal is for a business use for a building that is currently little used and in need of maintenance and upgrading. The establishment of the events business as well as the construction works proposed would lead to some positive economic impact.

VARIATION OF APPLICATION UNDER SECTION 32A

- 71 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 the provision of addition information such as a noise impact assessment and biodiversity and landscaping information.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 72 None required.

DIRECTION BY SCOTTISH MINISTERS

- 73 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

- 74 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.
- 75 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons

- 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 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 residential amenity of the area.

- 4 Prior to the commencement of the development hereby approved, details of an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be submitted for the written agreement of the Council as Planning Authority. Prior to the development being completed or brought into use, the approved system shall be installed and operated, such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

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

- 5 The number of days on which events can be held shall be restricted to a maximum of 30 within any 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 from impacts beyond that assessed within that Assessment.

- 6 Prior to the development hereby approved being completed or brought into use, the vehicular access to the car park as shown in drawing ref. 11, 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 pedestrian and traffic safety.

- 7 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. Details of the 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 - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

- 8 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include full details of all hard and soft landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted as well as provision for re-locating plants and trees and measures to enhance a wider area of woodland. 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 development and environmental quality and to reserve the rights of the Planning Authority.

- 9 Prior to commencement of development a Construction Method Statement shall be submitted for the written agreement of the Council as Planning Authority. Such Statement should set out the sequence and scope of site operations and include details of how excavated soils are to be distributed such that they are not inappropriately dispersed into the woodland and that protective fencing is in place post felling and before any physical site development works.

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

- 10 The conclusions and recommended action points within the supporting protected species survey dated October 2020 (Drawing Ref: 09) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

- 11 Prior to the commencement of development hereby approved, details of the location and specification of compensatory bat roosts, in the form of integrated bat boxes, bat bricks and Morris slates shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat bricks, slates or boxes shall be installed in accordance with the agreed details, prior to the operation of the 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).

- 12 Prior to the commencement of development hereby approved, details of the location and specification of at least four swallow nest boxes shall be submitted

for the written agreement of the Council as Planning Authority. Thereafter, the nest boxes shall be installed in accordance with the agreed details, prior to the occupation of the development

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

- 13 An updated bat survey will be required prior to works to the roof, if roof works have not commenced within 18 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works to the roof shall not commence until after such written agreement has been issued by the Council.

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

- 14 Prior to the installation of any external lighting, details shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and the proposed hours of operation. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

Reason - In the interests of biodiversity and to avoid light pollution in a rural area.

- 15 Prior to the commencement of the development hereby approved, elevation and section details of the proposed new windows/doors at 1:20 scale shall be submitted to and agreed in writing by the Council as Planning Authority. The windows/doors as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

- 16 Prior to the commencement of the development hereby approved, a sample of the replacement roof slates, shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

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 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.
- 6 A search of historic records did not raise any concerns regarding ground contamination. However, it is the responsibility of the applicant to satisfy themselves that the ground conditions are suitable for the development.
- 7 The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 8 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 9 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.
- 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 Environmental Protection Agency.

- 11 This is approval of your application Ref no 20/00805/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 20/00806/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
- 12 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.

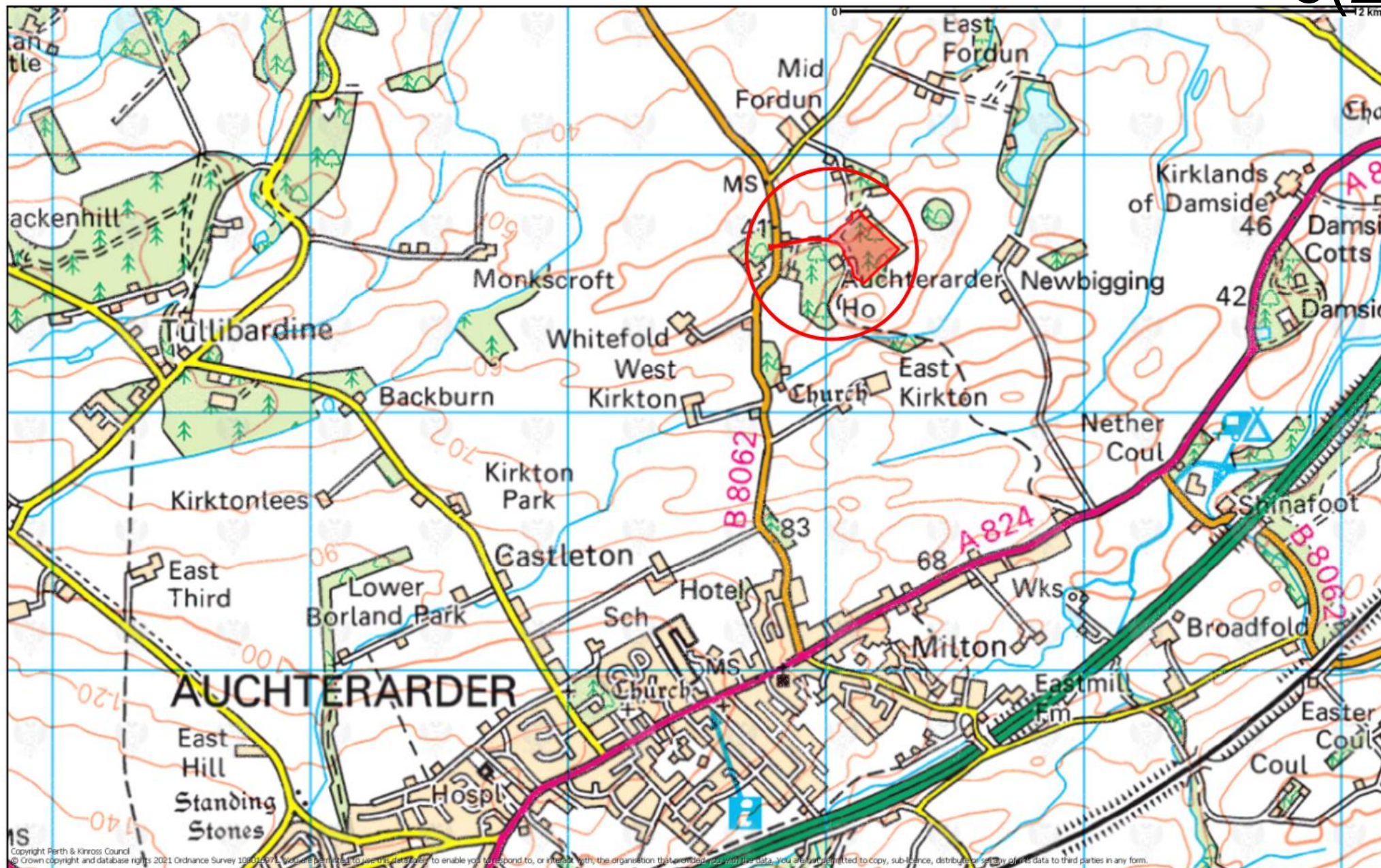
Background Papers: 6 letters of representation
Contact Officer: Persephone Beer
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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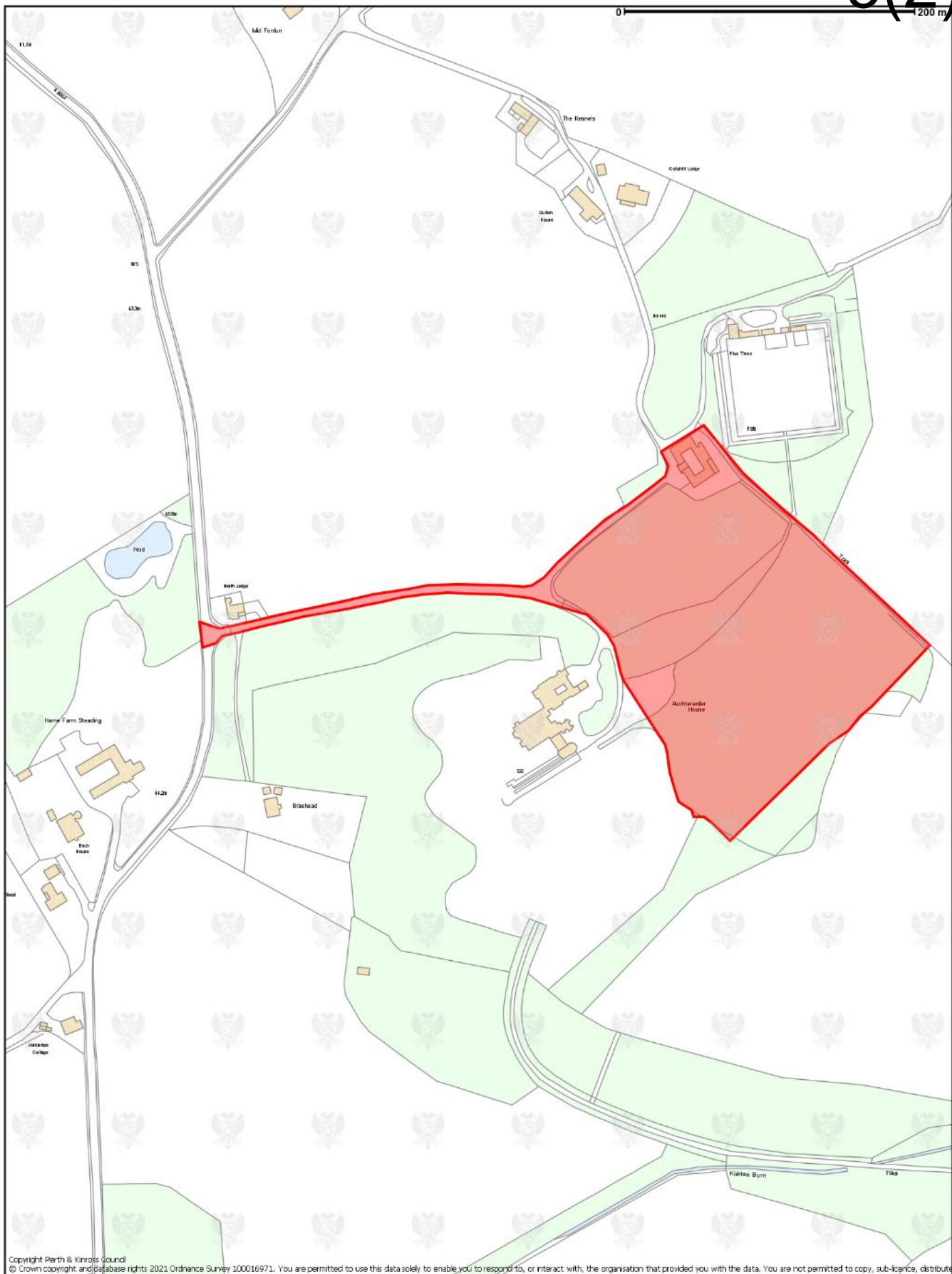
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20/00805/FLL

Change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works





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Scale 1:3500

20/00805/FLL

Change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/74)

PROPOSAL: Alterations and extension of stable buildings

LOCATION: Auchterarder House, Auchterarder, PH3 1DZ

Ref. No: [20/00806/LBC](#)

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 Listed Building Consent (LBC) is required for physical works to Category 'B' listed stable buildings associated with Auchterarder House, which itself recently received planning permission for a part change of use to an events venue (20/00297/FLL). The stable building is located some 180m to the north-east of Auchterarder House.
- 2 In addition to this application for LBC, an associated application for full planning permission (20/00805/FLL) for: the change of use, alterations and extension of the stable buildings to form a function venue (class 11) and the formation of a car park and associated works, is the subject of a report presented on the Agenda for this Committee.
- 3 The proposals will see the stables renovated and upgraded, to form a function venue. The central courtyard would be used as the main venue space with a new roof installed, with the other parts of the building being used for ancillary uses such as food preparation and cloakroom facilities.

Pre-Application Consultation

- 4 Pre-Application advice was sought in February 2020 (Ref:20/00031/PREAPP) and comment was given on the options presented: 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 Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

DEVELOPMENT PLAN

- 7 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

- 8 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.”

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

- Policy 9 – Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2

- 10 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.
- 11 The principal relevant policy is:
- 12 Policy 27A: Listed Buildings

OTHER POLICIES

- 13 Historic Environment Policy for Scotland 2019
- 14 This policy supersedes the Historic Environment Policy Statement 2016 and provides guidance to planning authorities on decision-making where it will affect the historic environment.

SITE HISTORY

- 15 **89/00237/FUL** - Planning Permission was granted on 23 May 1989 for an extension to Auchterarder House.
- 16 **89/01256/FUL** - Planning Permission was granted on 4 January 1990 for alterations to Auchterarder House.
- 17 **90/00970/FUL** - Planning Permission was refused on 16 July 1990 for extension of Auchterarder House.
- 18 **90/02004/FUL** - Planning Permission was granted on 21 January 1991 for a conservatory at Auchterarder House.
- 19 **97/01119/FUL** - Planning Permission was granted on 20 October 1997 for an extension to Auchterarder House.
- 20 **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.
- 21 **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.
- 22 **04/02121/FUL** - Planning Permission was granted on 4 February 2005 for a dwellinghouse with garages, ancillary to Auchterarder House.
- 23 [20/00297/FLL](#) - Planning Permission was granted on 9 March 2021 for a part change of use from dwellinghouse to dwellinghouse and events venue
- 24 [20/00805/FLL](#) An application for planning permission is under consideration for for change of use, alterations and extension of stable buildings to form function venue (class 11), formation of car park and associated works .

CONSULTATIONS

- 25 As part of the planning application process the following bodies were consulted:
External
- 26 **Perth And Kinross Heritage Trust:** No objection, subject to a condition related to recording the special architectural and historic interest of the stable building, prior to development works.
- 27 **Historic Environment Scotland:** No objection, subject to retention of architectural features.

Internal

- 28 None.

REPRESENTATIONS

- 29 A total of 6 letters of representation have been received. The main material considerations raised are:
- Proposals contrary to Development Plan;
 - Impact on listed building/cultural heritage; and
 - Lack of cultural heritage statement.
- 30 It should be noted that as this application relates to only Listed Building Consent, as such it considers simply the physical works to the listed building. The following matters raised within the objections are therefore not relevant considerations to this application but are covered in the report on the associated application for planning permission.
- Noise;
 - Traffic, road safety, parking;
 - Lack of detail – events, employees, viability,
 - Impact on character of the area;
 - Impact on farmland, livestock and pets;
 - Impact on Ancient Woodland and Trees; and
 - Impact on Biodiversity.
- 31 The material issues which have been raised that are relevant to this application 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	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not Required

APPRAISAL

- 32 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.
- 33 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.

- 34 The determining issues in this case are whether: the proposal complies with the Development Plan; or if there are any other material considerations which justify a departure from the Plan.

Principle

- 35 The listed building policy within LDP2 (Policy 27A) states that there is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings, to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.
- 36 It is considered that the alterations proposed comply with the Policy 27A, as they will ensure the building remains in active use and the works to be undertaken will protect the historic interest of the listed building. This is discussed in more detail below.

Design and Layout

- 37 The proposal includes renovation and refurbishment works to facilitate use as a function venue. LBC is sought for the required internal and external alterations. Externally this includes: replacement windows, doors and rooflights. The existing roofs will also be refurbished and slate replaced as required. Chimneys will be repaired and re-pointed with those on the south-east elevation being removed and areas made good. Rainwater goods are in a poor condition and will be replaced with new cast iron products, to match the existing.
- 38 The internal courtyard elevations will be altered to include new doors and windows in existing door and window openings, and new glazed doors/screens in existing arched openings. A new enclosing roof covering will be installed over the courtyard area and existing walls will be repaired and re-pointed. Doors will also be installed within the existing opening on the south-west elevation of the courtyard, to be used during functions.

Conservation Considerations

- 39 The Auchterarder House Stables are category 'B' listed, thus is considered of special architectural or historic interest. There have been objections received regarding the impact on the listed building and its cultural heritage, and the lack of a cultural heritage assessment. However a Design Statement and Schedule of Works has been submitted that describes the nature of the works and includes photographs of the existing external appearance of the building. Works proposed are intended to be the minimal interventions required to facilitate the proposed use. The internal schedule of works sets out that further detail will be required on the retention of existing internal finishes, the intention being to retain as much as practical. A condition is recommended to be

attached to any consent (Condition 2) to ensure that internal finishes are not removed before a detailed schedule of works has been approved. Conditions to agree window and door detail and roofing slate replacements are also recommended (Conditions 3 and 4).

- 40 Perth and Kinross Heritage Trust has commented and supports the proposals to retain and renovate the historic fabric, to facilitate the restoration of the stables for a new use. However, as the building will be changed considerably from its function as stables, PKHT request that a basic record of its current form is prepared prior to conversion works. As such a condition requiring a 'standing building survey' of the stable complex is recommended, to ensure such a record is produced prior to the building's modification (Condition 5).

Developer Contributions

- 41 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are thus required.

Economic Impact

- 42 The proposal will provide some economic benefit as a result of the renovation of the building and its proposed future use as an events venue.

VARIATION OF APPLICATION UNDER SECTION 32A

- 43 This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 44 None required.

DIRECTION BY SCOTTISH MINISTERS

- 45 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

- 46 The application must be determined having regard to Section 14 (2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and 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.

- 47 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 The removal of tiles/internal finishes is not hereby approved. Prior to such works commencing a detailed schedule of works to internal finishes, including photographs, shall be submitted to and agreed in writing by the Council as Planning Authority. The works as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

- 3 Prior to the commencement of the development hereby approved, elevation and sectional details of the proposed new windows/doors, at a 1:20 scale, shall be submitted to and agreed in writing by the Council as Planning Authority. The windows/doors as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

- 4 Prior to the commencement of the development hereby approved, a sample of the replacement roof slates, shall be submitted to and agreed in writing by the Council as Planning Authority. The roof slate as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting the special character of the Listed Building.

- 5 The development hereby approved 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 agreed in writing with Perth and Kinross Heritage Trust, on behalf of the Council as Planning Authority. Details of the 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 its completion.

Reason - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

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 listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).
- 2 This is approval of your application Ref no 20/00806/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 20/00805/FLL. No work should commence until planning permission is granted.
- 3 The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 This is approval of your application Ref no 20/00806/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 20/00805/FLL. No work should commence until planning permission is granted.

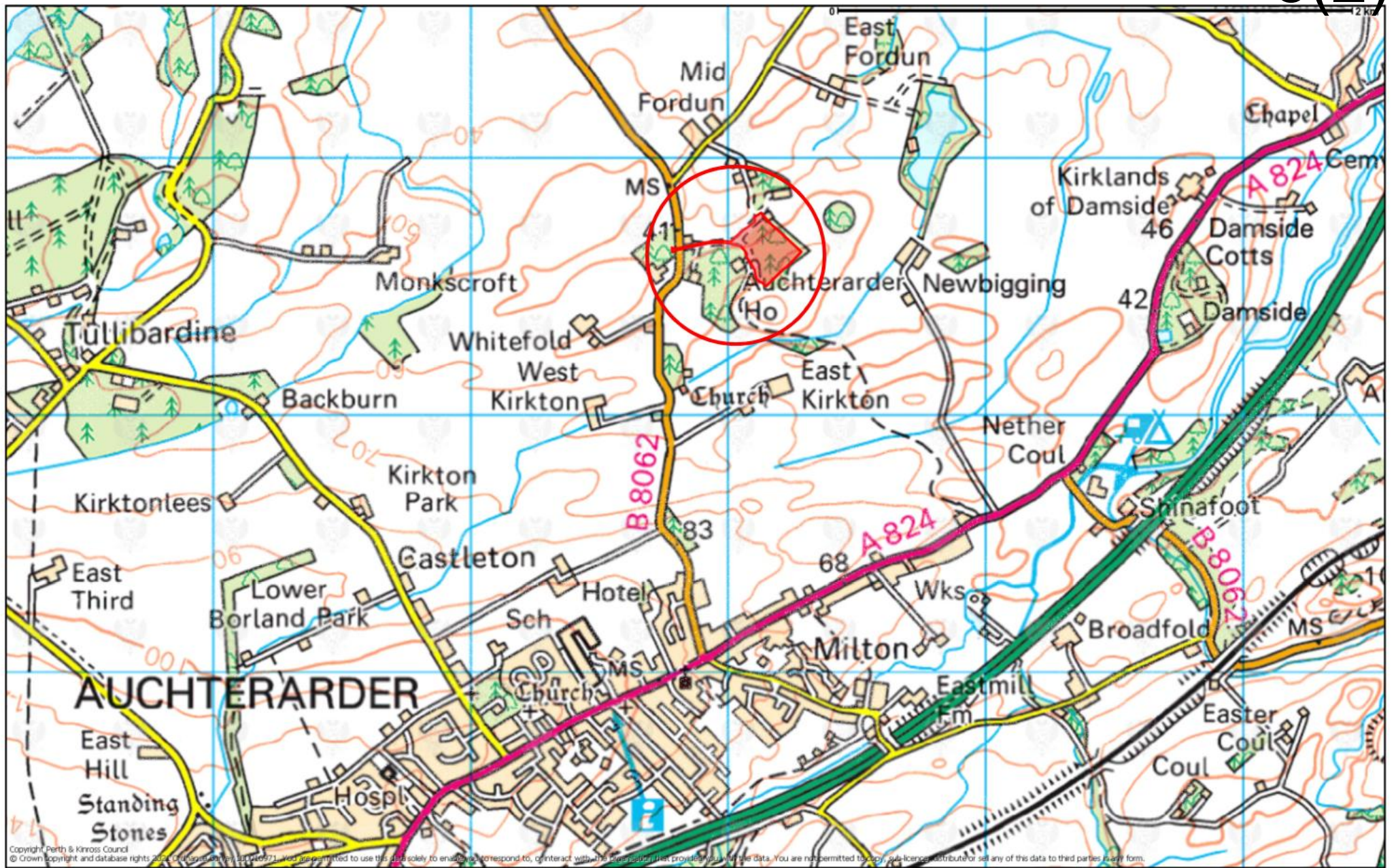
Background Papers: 6 letters of representation
Contact Officer: Persephone Beer
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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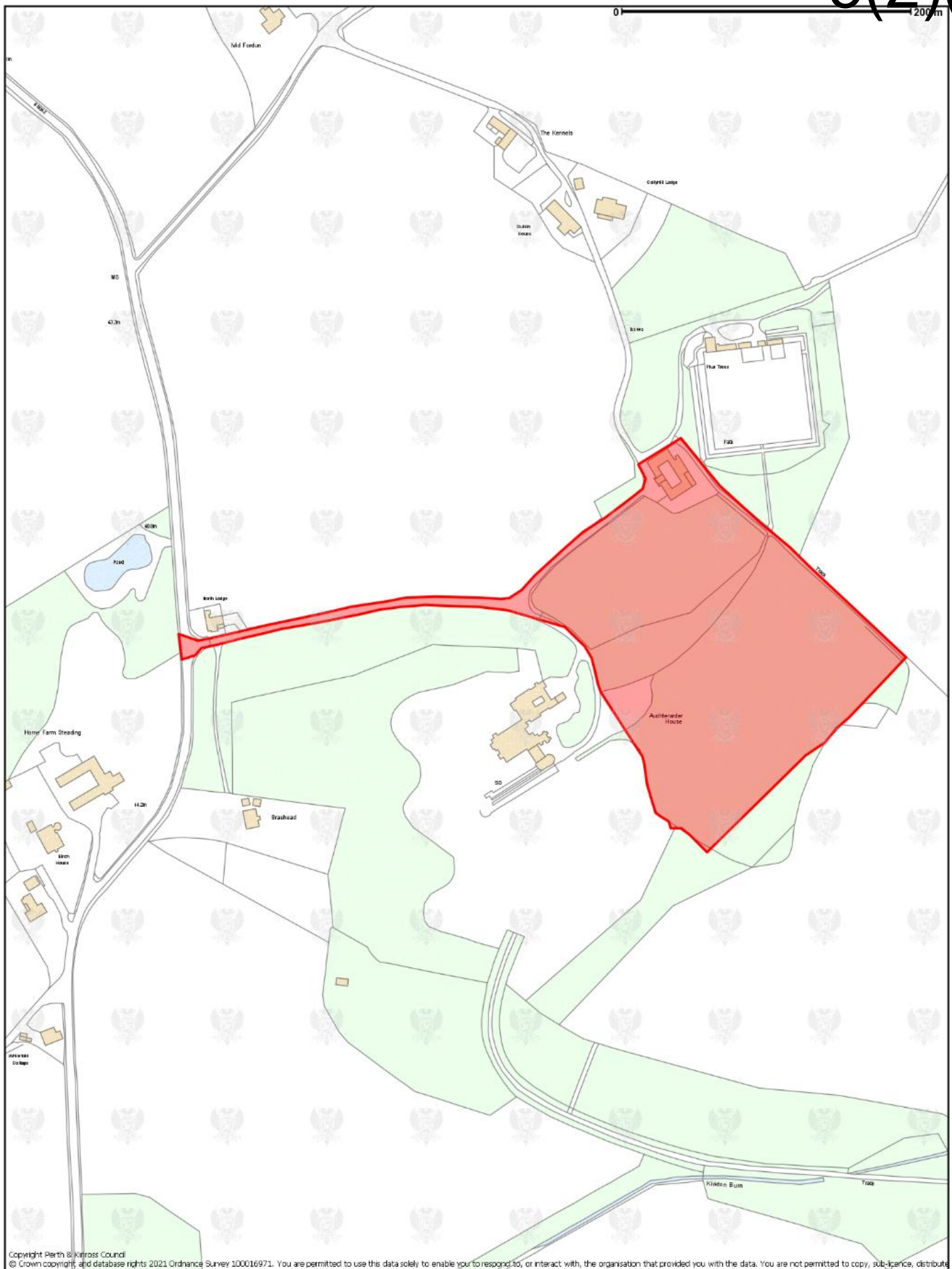
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20/00806/LBC

Alterations and extension of stable buildings





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20/00806/LBC

Alterations and extension of stable buildings



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2020
Report of Handling by Head of Planning & Development (Report No. 21/75)

PROPOSAL:	Erection of a care home, formation of vehicular access, parking areas, landscaping and associated works
LOCATION:	Land at former Hillside Hospital, Dundee Road, Perth

Ref. No: [20/01779/FLL](#)

Ward No: P12 - Perth City Centre

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site comprises the former Hillside Hospital and its grounds, which are located south of Bellwood Park, between Dundee Road and the River Tay. The entire site including the grounds covers an area of approximately 0.72 hectares, with a significant slope running from Dundee Road down to the River Tay. The 3-storey 19th Century hospital buildings previously stood on the upper area of the site, adjacent to Dundee Road but it was demolished in 2007 and the site cleared. The site is enclosed to the east along the Dundee Road and south by substantial stone boundary walls. Access into the site is presently taken from Riverview Park which junctions onto Dundee Road.
- 2 In 2007 planning permission was granted for the demolition of the hospital buildings and the erection of a 76-bed care home, 20 close care facilities and 49 residential flats (Ref: [06/01241/FUL](#)). The lower half of the proposed development comprised of a large three storey care home flanked to the north and south by two smaller, 3-storey close care units. Within the upper area, to the east of the care home, the proposals comprised of four blocks of flats, each 3-storey in height, with an additional penthouse level. Access to the site was to be taken via a new junction formed onto Dundee Road and within the site, a total of 103 parking bays were proposed to serve the entire development.
- 3 It is important to highlight that the 2007 permission is still a 'live' permission as the previous Developer made a material start to work through the demolition of the hospital buildings. As such, the development associated with the 2007 permission could be re-commenced at any point without the need for any further planning permission and is therefore a significant material consideration in the assessment of this application.

- 4 This application relates to the northern half of the site only and permission is being sought for the erection of a 77-bed care home facility. It is proposed that this element of the proposals will be Phase 1, with a second phase comprising of 50 flatted units being sought at a later date for the southern area of the grounds. The proposed care home is of a relatively contemporary design that extends down the slope of the site, with the upper section adjacent to the Dundee Road being single storey which then transitions into a 3-storey structure as it extends down towards the River Tay.
- 5 Within the lower area of the site a large, private communal garden will be formed for care home residents with a central courtyard area providing a formal outdoor seating area. A pedestrian link is also included from the garden area to provide access to the Riverside Walk core path (KINL/1).
- 6 As per the 2007 permission, the site will be accessed via a single new junction onto Dundee Road which will serve both the care home and the future residential phase. The new access will include road widening on Dundee Road in order to form a new turning lane. A total of 31 car parking spaces, including 2 disabled bays, will be provided within the northern area of the site, adjacent to the main access for the current proposal.
- 7 A masterplan has been submitted which suggests an overall development comprising of the care home element within the northern area of the site and four flatted blocks to the south. The plans also indicates that the residential phase will incorporate 77 parking spaces taking the total number of spaces to 108 parking bays upon completion of both phases.

Pre-Application Consultation

- 8 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 developer did however voluntarily undertake informal consultations with stakeholders and interested parties in early 2020.
- 9 A pre-application enquiry was also submitted to the Planning Authority for comments and advice (Ref: 20/00083/PREAPP). This scheme was very similar to the current proposals and comments were made on a broad range of matters including policy, design, layout, parking, access and drainage.

NATIONAL POLICY AND GUIDANCE

- 10 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

- 11 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

- 12 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.
- 13 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
 - Enabling Delivery of New Home: paragraphs 109 – 134
 - Valuing the Historic Environment: paragraphs 135 - 144
 - Archaeology: paragraphs 150-151
 - Valuing the Natural Environment: paragraphs 193-218
 - Managing Flood Risk and Drainage: paragraphs 254-268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 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 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 18 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

- 19 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."

- 20 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 4: Homes
- Policy 9: Managing TAYplans Assets

Perth and Kinross Local Development Plan 2

- 21 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.
- 22 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 7B: Employment and Mixed Used Areas: Mixed Use Sites
 - Policy 22: Particular Needs Housing Accommodation
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 28A: Conservation Areas: New Development
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 38A: Environment and Conservation: International Nature Conservation Sites
 - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 53E: Water Environment and Drainage: Water Supply
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 58A: Contaminated and Unstable Land: Contaminated Land
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 23 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.

Open Space Supplementary Guidance 2021

- 24 The document provides an indication of likely open space requirements for new developments.

Placemaking Guide 2020

- 25 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.

Supplementary Guidance Flood Risk and Flood Risk Assessment

- 26 This document 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

The relevant history relating to this application is outlined below:

- 27 99/00555/OUT Demolish existing building and erect 11 detached dwellinghouses and 44 flats with associated roads, parking and landscaping (in outline), Decision Issued 21 June 1999, Appeal Dismissed
- 28 01/01142/OUT Demolition of existing hospital building, erection of a hotel and nursing home with associated assisted living housing and one private house (in outline), Withdrawn 18 September 2001
- 29 [06/01241/FUL](#) Demolition of existing building and proposed mixed use development, health care and residential, Decision Issued 31 May 2007, Application Approved
- 30 [18/00011/PAN](#) Residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services Decision Issued 28 September 2018

CONSULTATIONS

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

External

Bridgend Gannochy And Kinnoull Community Council

- 32 Support the principle of the care home element of the proposals but object to the proposed development due to lack of parking provision within the site and consider that conditioning the submission of a Travel Plan will not address the issue. Also note concerns in respect to an increase in traffic levels and request a planning condition requiring that the development is not progressed until the Cross Tay Link Road (CTLR) is complete.

Perth and Kinross Heritage Trust

- 33 The site does not raise any significant issues. No further archaeological mitigation is required in this instance.

Scottish Water

- 34 Initially objected to the proposal due to concerns in respect to the position of the development relative to existing infrastructure within the site. However, following minor adjustments to the plans and clarification on the re-routing of infrastructure, Scottish Water have advised that they are satisfied with the information submitted at this stage.

Perth & Kinross Health and Social Care Partnership

- 35 No identified shortage of care home beds in Perth and Kinross and state the strategic ambition is to support people to stay longer at home which should reduce or delay the need for people to move into care homes and the demand for provision, locally. However, the provision of specialist residential and nursing provision for people with complex mental health issues would potentially address unmet local need and would be a welcome addition to the range of services our citizens can access and benefit from.

Internal

Biodiversity Officer

- 36 No objection subject to conditions.

Transport Planning

- 37 Initially raised concerns in respect to the level of parking provided on site and recommended an increase in the provision of parking. As per recommendations, the developer has increased the parking from 24 spaces to 31 spaces which is considered acceptable, provided the requirement for a Travel Plan to manage staff transport is conditioned as part of any approval.

Development Contributions Officer

- 38 No contribution required due to existing 'live' permission associated with the 2007 permission for a care home and apartments.

Environmental Health (Contaminated Land)

- 39 Site investigations were undertaken a number of years ago in connection with 06/0124/FUL and no contamination issues were identified at that time.

Environmental Health (Noise Odour)

- 40 No objection, subject to conditions to control delivery times, noise from plant or equipment, kitchen ventilation, external lighting, dust suppression during construction and emissions from the gas-fired boilers.

Conservation Team

- 41 No objection to scale or design of the care home element. Recommend conditions in respect of the repairs/alterations to the stone boundary walls and the planting of suitable replacement trees to compensate for the loss of the protected tree.

Structures and Flooding

- 42 No objection following the submission of additional drainage information and an updated Flood Risk Assessment.

Strategy and Policy

- 43 Suitable location for a care home but note lack of information in respect to renewable technology measures to meet required carbon reductions under Policy 32. Also recommended improvements to the surface water scheme to incorporate more above ground ecological features.

REPRESENTATIONS

- 44 A total of 17 letters of representation have been received over two separate periods of public consultation, including two letters from Bridgend, Gannochy and Kinnoull Community Council. Many of the comments were supportive of the principle of the care home but the following points were raised:
- Lack of parking
 - Use of Travel Plan will not address parking issues and would be difficult to monitor/enforce
 - Increase in road traffic
 - Impact on road safety
 - Development should not commence until CTRLR is complete
 - Phase 1 and Phase 2 should be assessed together at the same time in order to avoid fragmented approach to the development
 - Inappropriate scale and design
 - Impact on visual amenity of area
 - Impact on character and setting of Conservation Area
 - Lack of need for care home beds in Perth
 - Lack of public consultation
 - Overshadowing
 - Repair of private road to Hillside following development
 - Loss of views and overlooking in respect to Phase 2
 - Loss of Cedar tree which is protected by TPO status

- 45 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA)	Not Required
Appropriate Assessment	AA undertaken
Design Statement / Design and Access Statement	Statement Submitted
Reports on Impact or Potential Impact	Flood Risk Assessment; Ecological Assessment; Tree Survey; Drainage Strategy; Transport Assessment; Noise Impact Assessment; Air Quality Assessment; Town and Visual Appraisal

APPRAISAL

- 46 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 (LDP2). 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 Placemaking Guide 2020 and the Affordable Housing and Developer Contributions 2020.

Principle

- 47 As previously noted, it is important to highlight that this site has a 'live' permission from 2007 for the erection of a 76-bed care home, 20 close care facilities and 49 residential flats. As such, this is a significant material consideration as the principle of a care home on the site has already been established. Nevertheless, the current proposals still need to demonstrate compliance with the relevant policies of the adopted LDP2.
- 48 The former Hillside Hospital site forms part of a mixed-use development opportunity site (MU337), where Policy 7B of the LDP2 is applicable. Of particular relevance is the site-specific developer requirements for the site which sets out the anticipated use as residential or hotel and also requires the submission of a masterplan setting out the phasing and comprehensive development of site as a whole.
- 49 Whilst the proposed use of this site as a care home is not one of the potential listed uses for this mixed-use site, the list of acceptable uses is not exhaustive. It is noted that Policy 22 'Particular Needs Housing Accommodation' supports the

provision of care home accommodation within residential areas where residents have access to local services and facilities and are integrated within the local community. It is considered that this proposed development achieves both of those aims.

- 50 As such, the proposed development of a care home, as part of a mixed-use development alongside a future residential phase on the southern area of the former hospital site, is acceptable in principle. The key policy aims of LDP2 to realise the redevelopment of this prominent brownfield site are met.

Design & Layout

- 51 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.
- 52 The proposed care home is of a relatively contemporary design, utilising a palette of materials comprising of white render, aluminium cladding, timber effect cladding and grey facing brick. The flat roof building extends down the slope of the site, with the upper section adjacent to the Dundee Road being single storey which then transitions into a 3-storey structure as it extends down towards the River Tay. This allows the building to have very little visual presence when viewed from Dundee Road but then emerges from the site in the lower area, taking advantage of the open, southern aspect towards the River Tay.
- 53 In terms of layout, the main service area is located within the upper section of the building, closest to the road, with the accommodation split into two wings, which both feature their own dining and amenity areas and covered terrace. The benefit of this layout is that the accommodation is located further from the roadside noise and each wing and each floor can be operated independently of the other.
- 54 Externally, the care home will have a large communal outdoor area that features a landscaped courtyard area with seating and a larger area of open garden ground beyond, leading down towards the River Tay beyond. A pathway link has been incorporated into the updated plans within the north western corner of the site in order to allow pedestrian access down onto the Riverside Walk core path which provides good connections into the city centre and surrounding area.
- 55 Overall, the design of the proposed building is well considered and responds to the sloping topography of the site. The scale of the building is quite large when compared to neighbouring-built development, but the hospital buildings that previously stood on the site were not dissimilar in scale. The extant permission also permitted the erection of a relatively substantial development of a similar scale and design.
- 56 As such, the design and layout of the building is considered acceptable and in accordance with the relevant placemaking policies 1A and 1B of the LDP subject

to a condition requiring the submission of a detailed specification for external finishing materials (Condition 16).

Masterplan – Phase 2

- 57 As part of the site-specific developer requirements set out in LDP2, the applicant has provided an illustrative masterplan for the second phase of development within the southern area of the site. This phase will be entirely residential, comprising of 50 flats across four blocks serviced by the same access onto the Dundee Road. The detailed design and finish each block has not been confirmed at this stage but the plans do indicate four large flatted blocks ranging between 4 and 5 stories in height, which will be of a similar modern design
- 58 The scale of the second phase has raised several concerns, particularly in relation to the height of the two blocks positioned within the upper area of the site, adjacent to the Dundee Road.
- 59 The focus of the current proposals relates to the care home element, but the remaining residential phase is a key component of the overall development, hence the requirement for a masterplan. The indicative proposals do not appear to give the same level of consideration to the topography of the site that has been incorporated into design of the care home, particularly in relation to the two blocks adjacent to Dundee Road. Whilst it would not necessarily be reasonable to expect that the scale of development in the upper area of the site be restricted to single storey, it is considered that the height and scale of any development within the elevated area, adjacent to Dundee Road, needs to be given further consideration prior to coming forward with detailed proposals for Phase 2.
- 60 Nevertheless, this current application only relates to the proposed care home and the assessment of any future phase of development will be undertaken upon the submission of a separate detailed planning application. Furthermore, for the avoidance of any doubt, a condition has been applied to highlight that the indicative masterplan is not approved (Condition 17).

Residential Amenity

- 61 Policy 1A and 1B seek to ensure, amongst other criteria, that new development respects the residential amenity of the surrounding area. Policy 17 contains similar criteria which seeks to ensure that only compatible uses are permitted within residential areas in order to ensure existing residential amenity will be protected and, where possible, improved.
- 62 The proposed site is identified as a development opportunity within LDP2 which has lain vacant for an extended period of time. In its current state, this brownfield site does not contribute to the character of the area so the development of the site will be of benefit to the character and amenity of the wider area. It is also considered that the development of a care home alongside a future phase of residential development is compatible with the character of the surrounding residential area.

- 63 In terms of the amenity of properties within the immediate area of the site, the applicant has undertaken a shadow analysis in order to assess the potential impact of the structure on the neighbouring properties and their associated garden areas. This analysis demonstrates that, with the exception of December 22 at 12.00, any encroachment of shadows onto neighbouring gardens is minimal, with no overshadowing onto neighbouring buildings. On this basis, there is no unacceptable impact on daylight/sunlight to neighbouring properties.
- 64 There are also no issues in relation to overlooking with no windows within 9 metres of any neighbouring boundary to the north.
- 65 Overall, it is considered that the proposals are acceptable in terms of the residential amenity of residents of the surrounding area and that of the future occupiers of the care home and therefore in accordance with Policy 1A, 1B and 17 of LDP2.

Roads, Transport and Access

- 66 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.
- 67 The level of parking provision has been the most significant concern of local residents and has been discussed at length with both Transport Planning and the agents transport consultants. Based on the NRDG, the maximum parking standards for a development of this size and nature would be 59 but this is only a guide and the circumstances of each individual development must be taken into consideration when assessing the overall parking requirements. Initially the developer submitted a layout with provision for 24 spaces. Colleagues in Transport Planning considered this to be inadequate for the scale of the proposed development. Following further discussions and assessment of the data contained within the Transport Assessment (TA), it has been agreed that a minimum of 31 parking spaces should be provided on site. In response, the developer has amended the plans to incorporate an additional 7 parking spaces, taking the total to 31 parking spaces.
- 68 The proposals also include a package of measures to aid more sustainable methods of travel; including a relocated bus stop equipped with a power supply to enable the installation of real-time bus stop information to be installed at a location to be agreed with the Council (Condition 6) and cycle parking being provided on site (Condition 25). It is also noted that the site is located relatively close to the city centre with bus services on Dundee Road and good walking/cycling connections afforded by the adjacent Riverside walk core path.
- 69 In addition to the above, it is also proposed that the care home operator will produce a Staff Travel Plan which will seek to manage staff use of the car park and encourage such measures as lift sharing and more sustainable modes of transport such as bus or cycling. This will be a live document that the care home operator will manage and adapt going forward. Such plans are well recognised as good practice and part of wider national policy in reducing car-

based trips. However, this plan will need to be submitted for approval prior to the care home becoming operation (Condition 2)

- 70 It is also important to highlight that the existing 'live' permission is very similar to this current proposal in respect to both access and parking. As previously noted, the consented scheme permitted a 76-bed care home alongside 20 close care units and 49 residential flats. That scheme had a total of 103 parking spaces to serve the entire development. This current proposal seeks the erection of a 77-bed care home and a future phase of 50 residential flats. The total number of parking bays indicated for the entire scheme upon completed will be 108 spaces; seven more than the previous scheme which was arguably of a greater scale.
- 71 On that basis, the proposed development will have no greater impact than the previously consented scheme approved under the 2007 permission which could feasibly still be developed.
- 72 In any case, it is considered that the revised proposals are acceptable in terms of the access and parking and therefore in accordance with Policy 60B of LDP2.

Impact on Character of Conservation Area

- 73 Policy 28A of the LDP seeks to ensure that new development contributes positively to the character and appearance of the Conservation Area and outlines that any development outwith that will impact upon its special qualities should be appropriate and sympathetic to its appearance, character and setting. Whilst the site is not located within the Conservation Area, it is located adjacent to the Kinnoull Conservation Area which lies immediately to the east. One of the principal characteristics of this part of the Kinnoull Conservation Area is the view west towards the river, over the development site and beyond.
- 74 In this respect the Conservation Officer has reviewed the proposals and it is concluded that the design of the proposed care home is acceptable. The design of the building, with its single storey height at the eastern edge, will greatly reduce the visual presence of the building when viewed from Dundee Road and should allow views to and from the Conservation Area to be retained.
- 75 In respect to views from Shore Road and beyond, the banks of the River Tay are relatively densely wooded, and Moncreiffe Island will to a significant degree screen the care home from view. Views of the site from the walkway over the bridge are also partially obscured by the existing trees along the riverbank. The building will also be set against a rising backdrop and viewed in context with other built development. As such, it is considered that the development will not have any significant impact on the wider landscape.
- 76 The retention of the stone boundary walls is particularly important, as set out in the LDP2 site-specific requirements. As per the 2007 permission, the applicant needs to alter the alignment of the walls in order to form the access into the site. To ensure that the alterations and repairs to the walls are undertaken in an appropriate manner, the Conservation Officer has recommended a condition

requiring details of the proposed repairs/alterations prior to commencement of development (Condition 9).

- 77 The scale and height of the future phase of flats, as indicated on the masterplan, will likely have a greater impact on the setting of the Conservation Area. Nevertheless, this application is solely related to the care home element and an assessment of the potential impact of the residential phase will be undertaken upon the submission of a detail application for Phase 2.
- 78 In terms of impact on the Conservation Area, the loss of the protected Cedar tree is regrettable (discussed further in the heading on Landscape / Trees below), and its felling will have an impact on the character of the area, but it is considered that compensatory tree planting will reduce the impact.
- 79 Overall, the proposed development is considered to accord with LDP2 Policy 28A provided conditions are applied in respect of the repairs/alterations to the stone boundary wall (Condition 9) and the compensatory planting of trees to offset the loss of the mature Cedar (Condition 7).

Existing Drainage Infrastructure

- 80 Scottish Water has been consulted and initially raised concerns in respect of the stand-off distances between the proposed development and the existing drainage infrastructure that runs through the site. In response, the applicant is now proposing to divert the Scottish Water assets that are in conflict with the proposals which is sufficient information at this time for Scottish Water to remove their objection.
- 81 Scottish Water have however advised that the diversion designs will need to be submitted to Scottish Water by the developer for review and acceptance at the relevant stage in gaining Scottish Water approval for the designs. An informative note has been applied accordingly (Informative Note 7).

Flood Risk and Surface Water Drainage

- 82 SEPA's indicate flood maps do not identify any risk associated with flooding from the River Tay but there is an area identified as being at risk to surface water flooding.
- 83 A detailed surface water drainage strategy has been provided, along with a Flood Risk Assessment (FRA). The Structures and Flooding Team have reviewed the proposed drainage scheme and FRA and following further clarification over various elements of the scheme, have advised that they are satisfied with the proposals in respect to surface water drainage.
- 84 As such it is considered that the proposals comply with Policies 53B and 53C of LDP2.

Air Quality Management

- 85 The application site is located within Perth's Air Quality Management Area (AQMA) which was declared in 2009 for exceedances in Particulate Matter (PM10) and Nitrogen Dioxide (NO2).
- 86 An Air Quality Impact Assessment (AQIA) has been undertaken which concludes that the impact from the proposed development traffic is predicted to be of negligible significance for NO2 annual mean at all sensitive receptors assessed.
- 87 Environmental Health has no adverse comments to make with regards to air quality due to the impacts of traffic for the proposed development based on the methodology and conclusions of the submitted AQIA. However, to ensure that future baseline levels are not significantly increased the applicant should also implement the intended measures to reduce vehicle use for the development as outlined in the Transport Assessment submitted (Condition 2).
- 88 The AQIA submitted only assessed the effects on air quality of traffic from the proposed development and has not considered emissions from any heating systems to be installed within the care home or proposed residential properties. The impact of dust at the construction stage has also not been assessed therefore, it is recommended that conditions are applied to control dust and emissions from the heating systems (Conditions 23 & 24).

Noise

- 89 The proposed development is located to the west of the A85 (Dundee Road) with the railway line running along the western boundary of the site and as such there is the potential of noise from both road and rail traffic affecting the residential amenity of the proposed development. In order to address the potential impact of noise on the proposed site, the applicant has undertaken a Noise Impact Assessment (NIA). This NIA has recommended a number of mitigation measures in respect of the layout of the building, the incorporation of acoustic insulation, and the fitting of double glazing on all windows to habitable rooms and trickle vents which achieve the minimum sound index reductions noted in the NIA.
- 90 Environmental Health are satisfied with the conclusions of the NIA and recommend a condition to ensure that the mitigation measures outlined in the report are implemented (Condition 22). Additional conditions have also been recommended to ensure control over noise from plant/equipment, odours from external ventilation and light pollution from external lighting (Conditions 19, 20 & 21).

Archaeology

- 91 Perth and Kinross Heritage Trust (PKHT) have advised that the development site was evaluated in 2007 for any archaeological remains associated with Kinnoull Castle. No material or physical evidence was uncovered and as such, there was no further recommendation for work.

- 92 Therefore, in respect to archaeology and the planning process, as outlined by Scottish Planning Policy, the proposed development does not raise any significant issues. No further archaeological mitigation is required in this instance.

Landscaping / Trees

- 93 The site contains a number of trees, a large number of which are self-seeded and of varying quality. However, there is one particular tree (mature Cedar of Lebanon), which is located within the north eastern corner of the site and is protected by a Tree Preservation Order. This tree is specifically identified for retention within the site-specific requirements set out in the LDP2 allocation for the site and this was discussed during an onsite meeting in 2019. It was however acknowledged that pruning works had severely damaged the tree and that further assessments would be required to assess its health.
- 94 In this respect, a Tree Survey has been submitted that identifies six trees that require to be felled due to health and safety grounds. One of these trees is the protected mature Cedar of Lebanon. The Council's Biodiversity Officer has reviewed the survey and confirmed that it reflects industry best practice. It is also considered that whilst the loss of the mature Cedar is unfortunate but, as noted in the Tree Survey, the tree is of poor condition with a limited lifespan. As such, the Biodiversity Officer agrees that the retention of the tree is not feasible given its condition.
- 95 The proposed development includes a comprehensive landscaping plan that includes the planting of 47 heavy standard trees across the site and within its gardens which will help to off-set the loss of the Cedar tree and other trees across the site. The submitted detailed landscaping proposals also contain many positive elements such as native shrub mix, areas managed as wildflower grassland and a range of native tree species to be planted as well as specimen trees to maintain the surrounding park setting of the site. The planting of 14 apple trees is particularly welcomed as a key action in the Tayside Biodiversity Action Plan to benefit people and wildlife.
- 96 Overall, in discussion with the Biodiversity Officer, it is assessed that there is sufficient information to support the removal of the existing mature Cedar tree. It is also considered that the landscaping scheme for the site is of a high standard and will offset the loss of the tree. However, as per the recommendations of the Biodiversity Officer, a condition has been applied to ensure that the approved landscaping scheme is implemented and maintained (Condition 7).

Biodiversity / Ecology

- 97 A Preliminary Ecological Appraisal Report (PEAR) was undertaken in 2018 to assess the potential impacts on species, habitat, and the River Tay Special Area of Conservation (SAC). This survey was updated in 2020, prior to the submission of this application, in accordance with best practice. The submitted PEAR notes the presence of potential bat roost features in the cedar tree and recommends an aerial inspection survey of this tree prior to felling or disturbance. It also makes

recommendations in respect of checking for nesting birds between March to August, a management plan of invasive non-native species and the control of pollution given the proximity to the River Tay SAC.

- 98 The Biodiversity Officer has reviewed the PEAR and has no objections or concerns in respect to the development, subject to conditions requiring mitigation measures stated in the survey being undertaken (Condition 8), the submission of an Invasive Non-native Species Control Plan (Condition 13) and the incorporation of swift bricks/boxes and bat bricks, boxes or tubes into the development (Conditions 14 & 15).
- 99 In respect of ecological enhancements linked to the surface water drainage strategy, Policy 53C 'Surface Water Drainage' states 'SUDS will be encouraged to achieve multiple benefits, such as floodwater management, landscape, green infrastructure, biodiversity and opportunities to experience nature near where people live. Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible.'
- 100 The initial surface water strategy lacked such measures and relied heavily on permeable paving, filter trenches and cellular storage with no above ground amenity features which can provide ecological benefits. The revised drainage scheme still relies on cellular storage and permeable paving, but it is now proposed to make the garden ground work harder as multi-functional features, and to connect them to the drainage network. This is a good solution and the revised proposal meets the policy requirement for 'Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible.'
- 101 As such it is considered that the proposals comply with Policies 41 and 53C of LDP2.

River Tay Special Area of Conservation (SAC)

- 102 The River Tay Special Area of Conservation (SAC) is located approximately 26 metres to the west of the application site. 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. As such, an Appropriate Assessment has been undertaken and it is concluded that the submission of a 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 12). Subject to this condition the development is considered to have no adverse effect on the SAC.

Need for Care Home Accommodation with Perth

- 103 Several representations have questioned whether there is a need for additional care home beds within Perth. This is also noted in the comments provided by the Perth & Kinross Health and Social Care Partnership which outlines that there is

no identified shortage of care home beds in Perth and Kinross. However, they further state that the provision of specialist residential and nursing provision for people with complex mental health issues would potentially address unmet local need and would be a welcome addition to the range of services our citizens can access and benefit from.

- 104 The applicant has undertaken their own market research and it is their view that there is an identified demand for this type of high-quality care home accommodation. It is also important to note that the site already has planning permission for the erection of a care home of a similar size.
- 105 On that basis, even if there may presently not be a deficit of care home beds in Perth and Kinross, the development of the proposed care home is acceptable and in accordance with the objectives of LDP2.

Contaminated Land

- 106 As noted in the site-specific developer requirements for this site set out in LDP2, a scheme for contamination is required to assess the nature and extent and types of contamination and identify measures to deal with contamination during construction, and condition of the site on completion of decontamination measures.
- 107 The Contaminated Land Officer has advised that site investigations were undertaken a number of years ago in connection with the 2007 permission and no contamination issues were identified at that time. As such, no further site investigations are required.

Low and Zero Carbon Generating Technology (LZCGT)

- 108 Policy 32 'Embedding Low and Zero Carbon Generating Technology (LZCGT) in New Development' requires proposals for all new buildings to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.
- 109 The supporting statement suggests that the development will achieve a level of energy efficiency performance equivalent to the former Code for Sustainable Homes Level 4 and the emphasis on the building fabric will make for a highly effective 'base' to which other renewables can be added at a later stage. However, plans lack any specific detail of particular measures in respect to the number and type of a LZCGT to be employed to meet the required carbon reductions. It is likely that such details will be finalised during the submission of the Building Warrant but, in the absence of the information, it is considered appropriate to apply a suspensive condition requiring the submission of the details prior to the commencement of development (Condition 10).

Loss of View

- 110 The loss of a view is not a material planning consideration. Furthermore, the majority of concerns raised in this respect also relate to the Phase 2 residential element of the development which is only indicative at this stage and will be assessed as part of a future detailed planning application.

Waste Collection

- 111 The refuse collection for the care home will be undertaken by a private contractor. The proposed refuse store will be located to the eastern end of the building, in a position that will allow uplift of refuse from the turning head of the car parking area. A swept path analysis demonstrates that the site can safely accommodate a 9m / 3-axle refuse truck.

Developer Contributions

- 112 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.
- 113 The site is located within the Full Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance). The site has an existing 'live' permission for a 76-bed care home which is of a comparable size to the current proposals. It is therefore assessed that the changes are not considered to result in a significant traffic impact over what has already been granted permission. Therefore, no contributions are required in this instance in respect to the care home element.

Economic Impact

- 114 The proposals will see the first phase of a comprehensive redevelopment of this key brownfield site which, despite being in a prominent position close to the city centre, has lain vacant for an extended period. The economic statement concludes that the economic effects of providing the care home would result in approximately 109 jobs and a GVA of over £1.97m to the City. The approval of the development will also potentially generate expenditure and employment in the local area, with approximately 60 tradesmen employed over an 18-month period.

VARIATION OF APPLICATION UNDER SECTION 32A

- 115 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 minor changes to the layout and landscaping scheme to incorporate additional parking and realignment of drainage infrastructure. Additional information was also submitted in respect to drainage and an updated Flood Risk Assessment.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

116 None required.

DIRECTION BY SCOTTISH MINISTERS

117 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

118 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.

119 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 development hereby approved being completed or brought into use, a Staff Travel Plan shall be submitted for the approval of the Council as Planning Authority. The agreed measures outlined within the approved plan shall thereafter be put in place by the care home operator.

Reason: In the interests of promoting sustainable methods of travel and to reduce congestion.

3 The new priority junction onto Dundee Road shall be provided prior to the construction of the care home to enable access for construction vehicles.

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

- 4 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed as per the submitted site plan (Drawing No: 37) and in accordance with Perth & Kinross Council's Road Development Guide, with Type B Road construction detail.

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

- 5 Prior to the development hereby approved being completed or brought into use, the gradient of the access shall not exceed 3% for the first 5 metres measured back from the edge of the carriageway and the access shall be constructed so that no surface water is discharged to the public highway.

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

- 6 Prior to the commencement of development, the precise location and detailed specification of the proposed replacement bus stop and associated shelter shall be submitted for the approval of the Council as Planning Authority. The bus stop shelter shall be equipped with a power supply to enable the installation of real-time bus stop information. The scheme as approved shall be undertaken to the satisfaction of the Council as Planning Authority prior to the development hereby approved being completed or brought into use.

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

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

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

- 8 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development. Particular attention is drawn to Section 1.6: Recommendations in the submitted Updated Preliminary Ecological Appraisal Report, Brindley Associates, February 2020 (Drawing No: 31).

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

- 9 Prior to the commencement of development hereby approved, details of the repair/alterations to the stone boundary walls and associated features shall be submitted for the approval of the Council as Planning Authority. The details

shall include the retention and re-use of existing stonework, specification of any new stonework, coursing and mortar jointing.

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

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

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

Once approved, the development shall be completed in accordance with the approved scheme and shall not be occupied until the scheme has been installed and operating.

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

- 11 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: In order to prevent animals from being trapped within any open excavations.

- 12 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.

- 13 Prior to the commencement of development hereby approved, an Invasive Non-native Species Control Plan shall be submitted for the approval of the Council as Planning Authority. The plan shall include measures to eradicate and control Giant hogweed and Himalayan balsam. Thereafter the approved control plan shall be implemented in full to the satisfaction of the Council as Planning Authority.

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

- 14 Prior to the commencement of development hereby approved, details of the location and specification of the swift nesting bricks or boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 15 Prior to the commencement of development hereby approved, details of the location and specification of the integrated bat bricks, boxes or tubes shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the integrated bat bricks, boxes or tubes shall be installed in accordance with the agreed details prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 16 Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 17 For the avoidance of doubt, this approval relates solely to the proposed care home and the submitted masterplan is not approved by this permission.

Reason: In order to clarify the terms of the permission.

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

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

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

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

- 20 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained to the satisfaction of the Council as Planning Authority.

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

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

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

- 22 Prior to the development hereby approved being completed or brought into use, the mitigation measures in regard to insulation, window specification and trickle vents as detailed in in page 6 and Table 9 of the Noise Impact Assessment dated 5 March 2020 carried out by The Airshed Ltd shall be fully implemented (Drawing No: 28).

Reason: In order to safeguard the amenity of occupants of the care home.

- 23 Prior to the commencement of the development a Construction Dust Management Plan (CDMP) shall be submitted for the written agreement of the Council as Planning Authority. The plan shall include details of all dust producing construction activities, monitoring procedures, mitigation measures to control dust and complaints procedures. Thereafter the approved CDMP shall be implemented in full as part of the construction operations of the site.

Reason: In order to control dust during construction and safeguard the neighbouring residential amenity in the area.

- 24 All gas-fired boilers for the proposed care home shall meet a minimum standard of <40mg NO_x kW/hr to the satisfaction of the Council as Planning Authority.

Reason: To ensure that emissions from the development do not result in undue loss of amenity for surrounding properties.

- 25 Prior to the commencement of development details of the proposed cycle storage shall be submitted for the approval of the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 6 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 7 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets nor does to approve any realignment of existing infrastructure. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to or adapt the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 The mature Cedar of Lebanon (tag number 838) is protected by a Tree Preservation Order. The applicant is advised that they must seek permission from the Planning Authority prior to the felling this tree. It is an offence for any person to cut, lop, top, uproot, wilfully damage or destroy any tree covered by a Tree Preservation Order unless notification has been made to the Planning Authority and consent has been granted.
- 9 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout and landscaping scheme to incorporate additional parking and realignment of drainage infrastructure. Additional information was also submitted in respect to drainage and an updated Flood Risk Assessment.

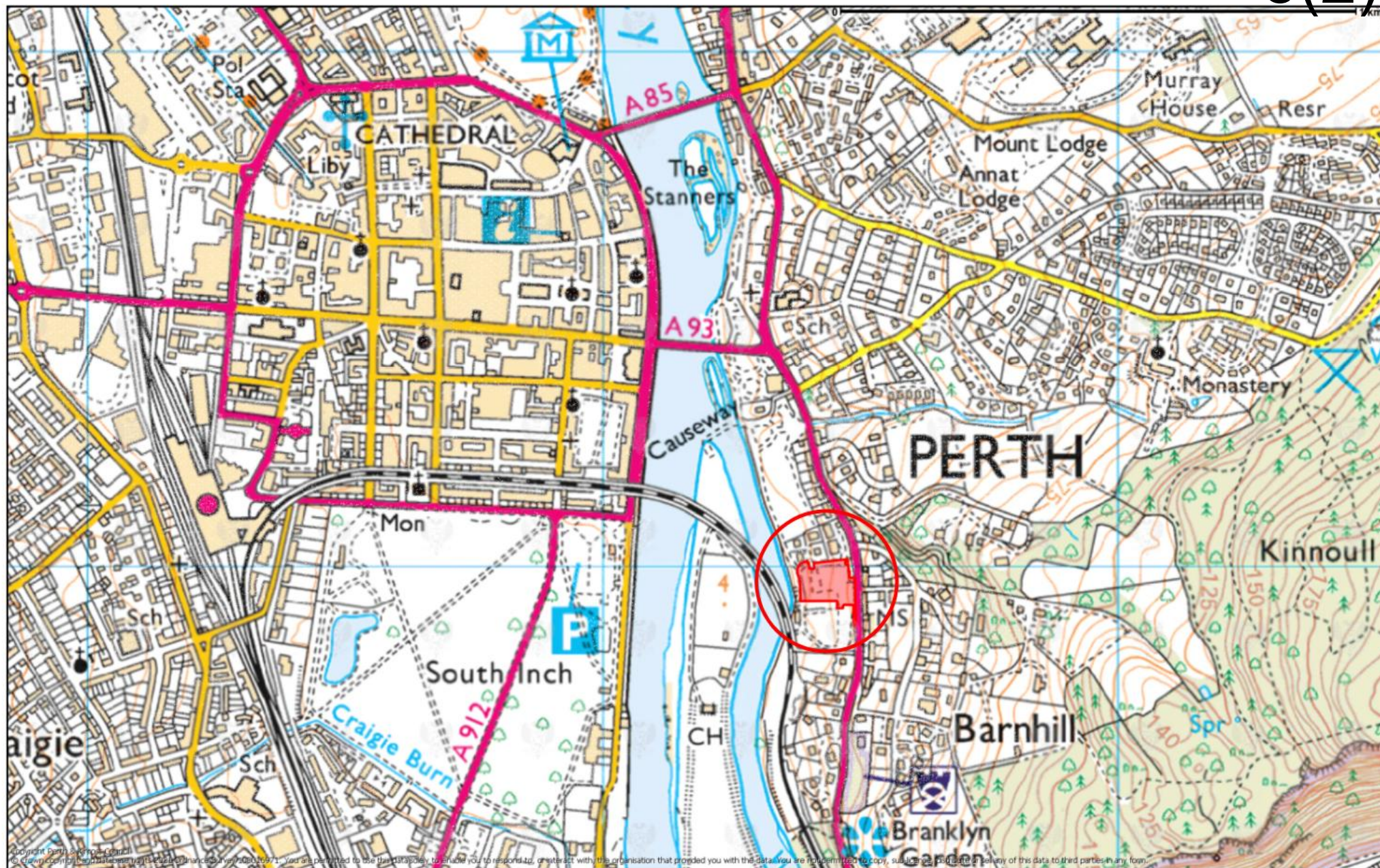
Background Papers: 17 letters of representation
Contact Officer: David Niven 01738 475360
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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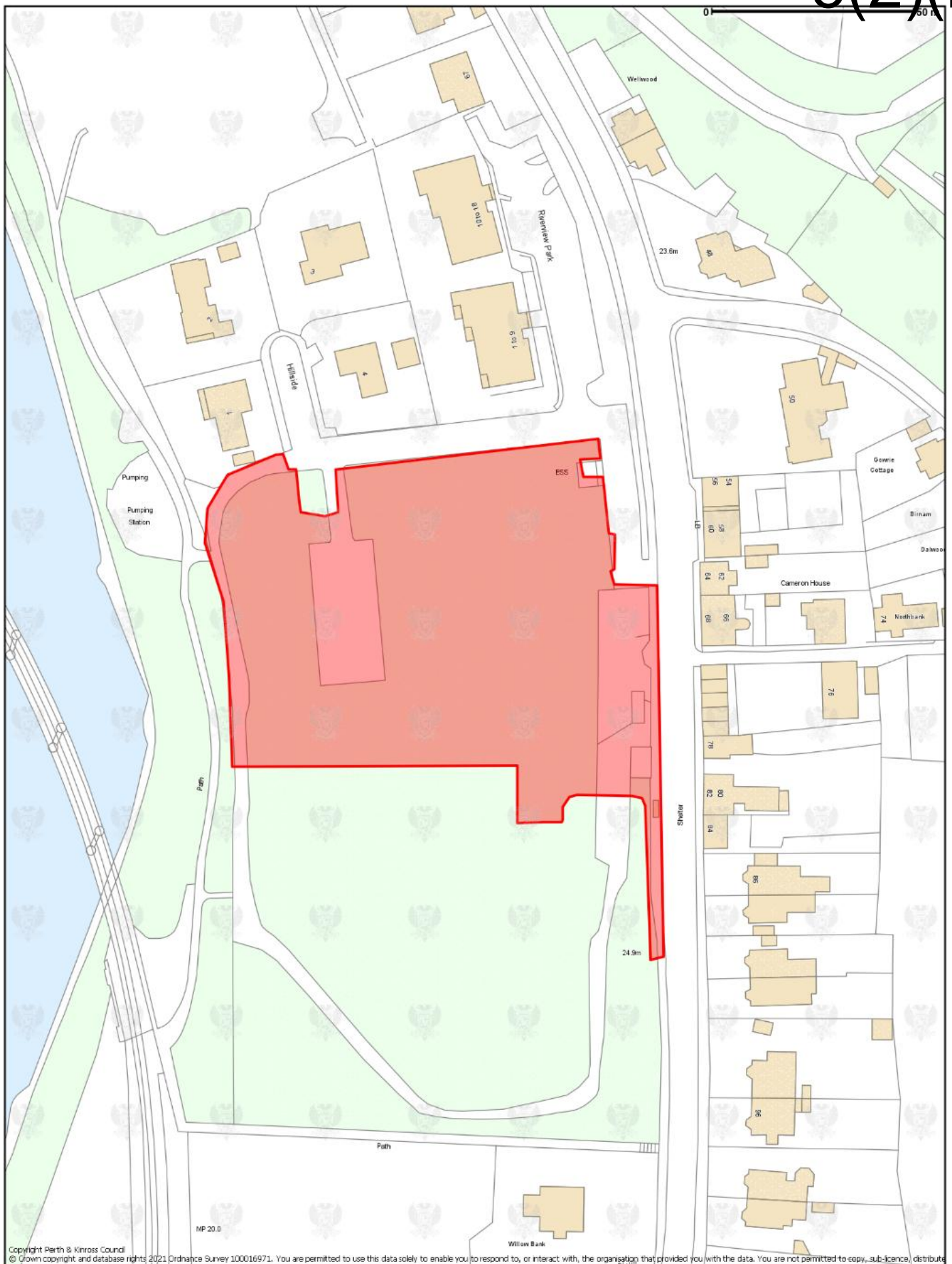
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20/01779/FLL

Erection of a care home, formation of vehicular access, parking areas, landscaping and associated works





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20/01779/FLL

Erection of a care home, formation of vehicular access, parking areas, landscaping and associated works



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/76)

PROPOSAL: Change of use, alterations and extension to agricultural building to form events venue, formation of car parking, landscaping and associated works

LOCATION: Tullochcurran Farm, Kirkmichael, Blairgowrie, PH10 7NB

Ref. No: [21/00224/FLL](#)

Ward No: P3- Blairgowrie And Glens

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 Tullochcurran Farm, Kirkmichael, by Blairgowrie. The application seeks detailed planning permission for the change of use, alterations and extension to an existing agricultural building to form an events venue, the formation of car parking, landscaping and associated works.
- 2 Tullochcurran Farm is located approximately half a mile north west of the identified settlement of Kirkmichael. The agricultural building in question is a traditional stone-built steading and is located immediately opposite Tullochcurran Farmhouse. Tullochcurran Farm is no longer in active agricultural use and thus the existing steading is redundant and is currently utilised for domestic storage only.
- 3 It is proposed to renovate the steading to provide an events venue capable of accommodating 70 covers. The supporting statement indicates that the applicant intends to offer an 'affordable, rustic and picturesque wedding venue'. The applicant currently resides in the immediately neighbouring Tullochcurran Farmhouse.
- 4 In terms of physical alterations, the footprint and character of the existing steading will be largely retained. A section of the roof which has currently collapsed will be reinstated with a standing seam metal roof, which will accommodate solar panels. New glazing and doors will be incorporated throughout and a small extension will be erected to facilitate toilet facilities. Two new dormer windows will also be formed to enhance the countryside views from the venue.

- 5 Externally, a parking area will be formed in an area which was formerly used for grazing sheep and will be finished in a permeable compacted hardcore surface. A new storage shed will also be erected adjacent to the parking area.

PRE-APPLICATION CONSULTATION

- 6 Pre-application Reference: 19/00437/PREAPP
- 7 A formal pre-application enquiry was submitted where it was identified that the principle of the proposed development is generally acceptable, subject to appropriate detailing and justification.

NATIONAL POLICY AND GUIDANCE

- 8 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

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

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 10 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.
- 11 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

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

- PAN 40 Development Management
- PAN 68 Design Statements

Creating Places 2013

- 13 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

- 14 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

- 15 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

- 16 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."

- 17 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

Perth and Kinross Local Development Plan 2 (LDP2)

- 17 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.

- 18 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 31: Other Historic Environment Assets
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

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

- 20 There is no site planning history.

CONSULTATIONS

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

Internal

- 22 **Environmental Health (Private Water):**
No objection to the proposed development, subject to conditional control in relation to private water supplies. The recommended conditional control will ensure that existing private water supplies in the area are protected.
- 23 **Environmental Health (Contaminated Land):**
No objection to the proposed development, subject to conditional control in relation to any potential ground contamination.
- 24 **Environmental Health (Noise Odour):**
No objection to the proposed development, subject to various conditions in relation to noise management including the submission of a noise management plan to ensure control of noise from music, patrons and vehicles.

- 25 **Transport Planning:**
No objection to the proposed development, subject to conditional control regarding vehicular passing places being provided on the long access track.
- 26 **Biodiversity/Tree Officer:**
No objection to the proposed development, subject to conditional control regarding biodiversity measures including the implementation of the submitted ecological survey and the provision of swallow and house martin nest boxes.
- 27 **Development Contributions Officer:**
No contributions required. The site is not located within the identified Transport Infrastructure zone.

External

- 28 **Perth And Kinross Heritage Trust:**
No objection to the proposed development, subject to conditional control regarding the requirement for a standing building survey.

REPRESENTATIONS

- 29 A total of 15 letters of representation have been received in respect of the current application (12 raised objection, 2 were in support, 1 was general comment). The main issues raised within the representations are:

Letters of objection (x12):

- Noise disturbance and loss of amenity
- Unsuitability of existing access track
- Road safety concerns
- Traffic generation
- Impacts upon private water supplies
- Concerns regarding proposed management of facilities
- Concerns regarding potential number of customers and events
- Lighting concerns
- Out of character with the area
- Waste pollution
- Safety of school children
- Anti-social behaviour

Letters of support (x2):

- Increase in facilities in the area
- Employment opportunities
- Complementary to local area
- Indirect economic impacts

General comment (x1):

- Upgrades required to existing access track.

- 30 These issues are addressed in the Appraisal section of the report, with the exception of anti-social behaviour, as this is not a planning consideration.

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	Submitted (Supporting Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 31 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 Placemaking Supplementary Guidance 2020.

Principle

- 32 Policy 8 'Rural Business and Diversification' gives favourable consideration to the expansion of existing businesses and the creation of new business in rural areas. This policy is directly applicable to this application as the site is located outside the settlement of Kirkmichael and the proposal being brought forward is a new business use.
- 33 Policy 8 sets a preference that new or expanded businesses will generally be within or adjacent to existing settlements. Out-with settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided. Existing buildings should also be re-used where possible. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.
- 34 In this instance, the applicant has demonstrated through the supporting statement, that the proposed business model is for rustic and picturesque rural wedding events. A traditional steading in a countryside location would therefore be required for this type of business venture. It is therefore considered that a

site-specific resource is being utilised as the steading under question when converted, will align with the proposal business model.

- 35 Additionally, as the proposal seeks to convert an existing building to a high-quality design in order to facilitate the new business venture, this complies with the remit of Policy 8. The proposal would be compatible with the surrounding land uses, would not result in the suburbanisation of the area, and would contribute to the local economy. It is therefore considered that the principle of the development is acceptable.

Design and Layout

- 36 The proposal is considered to be designed to a high quality which respects the rural environment in which it is located. The proposed conversion of the steading is sympathetic to its traditional character and will not detract from its visual quality. The design will also not significantly increase the footprint of the existing building and will use quality materials which are appropriate for this rural environment. The proposal is therefore considered to comply with the Placemaking Policies 1A and 1B.
- 37 With regards to layout, the site has been designed to ensure that all development is well contained within the existing curtilage of the farm to ensure that there is no adverse impact upon the landscape character of the site. The proposed storage shed will also be satisfactorily accommodated and will not appear out of place.

Conservation Considerations

- 38 The steading is not listed or located within a Conservation Area, however due to its historical significance, Policy 31 'Other Historic Assets' is applicable. This policy seeks the retention of traditional buildings where possible and encourages alternative uses to be found for buildings if they become redundant. Perth & Kinross Heritage Trust (PKHT) welcome the re-use of the building to ensure it does not deteriorate further and remains in a practical use. PKHT did however request a standing building survey to ensure that the building is appropriately recorded (Condition 3). This will ensure compliance with Policy 31.

Landscaping

- 39 Some landscaping has been introduced to the scheme, as encouraged at pre-application stage, to soften the impact of the development. The submitted site plan indicates that the trees to be planted are of a native species. This is welcomed and will also ensure that the visual amenity of the site is enhanced although it is accepted that there is significant woodland to both the north and south west of the site.

Ground Contamination

- 40 Due to the former agricultural uses of the site, Environmental Health recommended conditional control to ensure that any ground contamination is dealt with appropriately in compliance with Policy 58A 'Contaminated and Unstable Land' (Condition 2).

Private Water Supplies

- 41 Concerns were raised within some of the letters of representation regarding the impact of the proposed development upon the private water supplies in the area. Environmental Health have no objection to the proposed development, subject to conditional control to ensure that existing private water supplies are protected. This will also help to ensure that the concerns raised within some of the letters of representation received are addressed and the proposal complies with Policy 53E 'Water Environment and Drainage' (Condition 4).

Residential Amenity

- 42 The site is remote from any residential property with the exception of the applicant's house and as such it is considered that it is appropriate for an events venue. It is noted that a number of the letters of representation highlighted noise and light pollution as concerns. Whilst Environmental Health have no objection to the proposed development, they have recommended conditional control to ensure that a Noise Management Plan is submitted to the Council for approval prior to the commencement of the development (Condition 6). This will ensure that appropriate measures are in place to mitigate noise pollution and will also ensure that the concerns raised within the letters of representation received are addressed. The recommended conditions will also protect the amenity of the nearby holiday lodges located further north up the track.
- 43 Further to the Noise Management Plan condition, Environmental Health also requested a number of other conditions in relation to plant equipment noise, outdoor music, and external lighting. Conditions 9 – 11 have also been recommended to ensure further protection to residential amenity. With the conditional control the proposal is considered to comply with Policy 55, Nuisance from Artificial Light and Light Pollution and Policy 56, Noise Pollution.

Roads and Access

- 44 The main concerns raised within the letters of representation were in relation to road safety and the unsuitability of the existing access track to serve the proposed development. A Transport Statement was submitted with the application. The Transport Statement indicates that the provided parking area, capable of accommodating 20 parking spaces, will be sufficient for the expected level of traffic generation from the proposed use. It is also proposed to offer a minibus service for guests to get to the venue from Kirkmichael. This would reduce the number of vehicles which would be required to use the access track. The Council's Transport Planning Team have reviewed the

Transport Statement and consider that the proposed development raises no adverse concerns in relation to roads and access and thus have raised no objection to the proposed development, subject to a condition ensuring the requirement for passing places being provided prior to the commencement of works on the steading building (Condition 5). These passing places will ensure that appropriate upgrades are made to the existing access track to service the development safely. The proposal is therefore considered to comply with Policy 60B 'Transport Standards and Accessibility Requirements'. An informative is also recommended to ensure that the core path is not obstructed at any time (Informative 16).

Drainage and Flooding

- 45 The site is not at any known flood risk and the proposals are not considered to increase the risk of flooding. Drainage to the site will be provided by a new septic tank and soakaway which would be normal practice for such a rural location. It is therefore considered that there are no adverse concerns in relation to drainage and flooding.

Waste Collection

- 46 The submitted plans show that a bin store is to be created to the rear of the steading. The bin store is of a sufficient size for the scale of the development. It will be the responsibility of the applicant to ensure that appropriate waste collection is undertaken from the site. Informative 9 has been recommended to ensure that the applicant is aware of the Council's requirement for Waste Provision.

Natural Heritage and Biodiversity

- 47 The Council's Biodiversity/ Tree Officer was consulted as part of this application and reviewed the supporting documentation to ensure compliance with Policy 41 'Biodiversity'. The Biodiversity/ Tree Officer has no objection to the proposed development, subject to conditional control regarding compliance with the supporting ecology information and the installation of nest boxes (Conditions 7 and 8). These conditions have been recommended to ensure best practice is undertaken.

Developer Contributions

- 48 No Developer contributions are required as the site lies outwith the Transport Infrastructure contribution zoning.

Economic Impact

- 49 It is considered that the proposal will result in a positive economic impact upon the Kirkmichael area and will potentially result in employment opportunities. This was echoed within the letters of support received. There will also be some economic gain from the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 50 There was no variation to the plans during the consideration of the proposal.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 52 None required.

DIRECTION BY SCOTTISH MINISTERS

- 53 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

- 54 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 of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 55 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 on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed

- III. measures to deal with contamination during construction works
- IV. condition of the site on completion of decontamination measures.

- 3 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.

- 4 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 - To ensure an appropriate archaeological standing building survey is carried out and the resulting survey is recorded properly.

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

Reason - To ensure existing water and drainage infrastructures are not compromised.

- 5 Prior to the commencement of the development, a detailed design showing the locations of passing places shall be submitted to and approved in writing by the Council as Planning Authority. The passing places shall be designed such that the width of the track is increased to 5.5metres to allow space for vehicles to pass. The scheme as subsequently agreed in writing, shall be implemented prior to any works commencing on the building itself, and thereafter the passing places shall be retained in a reasonable condition for the life of the

development hereby approved, all to the satisfaction of the Council as Planning Authority.

Reason - In the interests of pedestrian and traffic safety.

- 6 Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written approval of the Council as Planning Authority. The plan shall include all sources of noise associated with the premises, including music, patron noise, vehicle noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the Planning Authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development hereby approved, all to the satisfaction of the Council as Planning Authority.

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

- 7 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 18) shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 5: Bat Protection Plan in the approved Full Bat Survey Report, Jenny Wallace Ecology, 22 October 2020.

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).

- 8 Prior to the bringing into use of the development hereby approved, three swallow and three house martin nest boxes shall be provided on the building to the satisfaction of the Council as Planning Authority.

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

- 9 No music, amplified or otherwise, shall be permitted in any outdoor area including marquees at any time.

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

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

Reason - In the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

- 11 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.

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 applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from

express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

- 7 Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.
- 8 The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 9 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.
- 10 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.
- 11 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.
- 12 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.
- 13 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.

- 14 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.
- 15 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.
- 16 The granting of planning permission does not stop the continued right of public access along the existing core path MTBL/10. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.

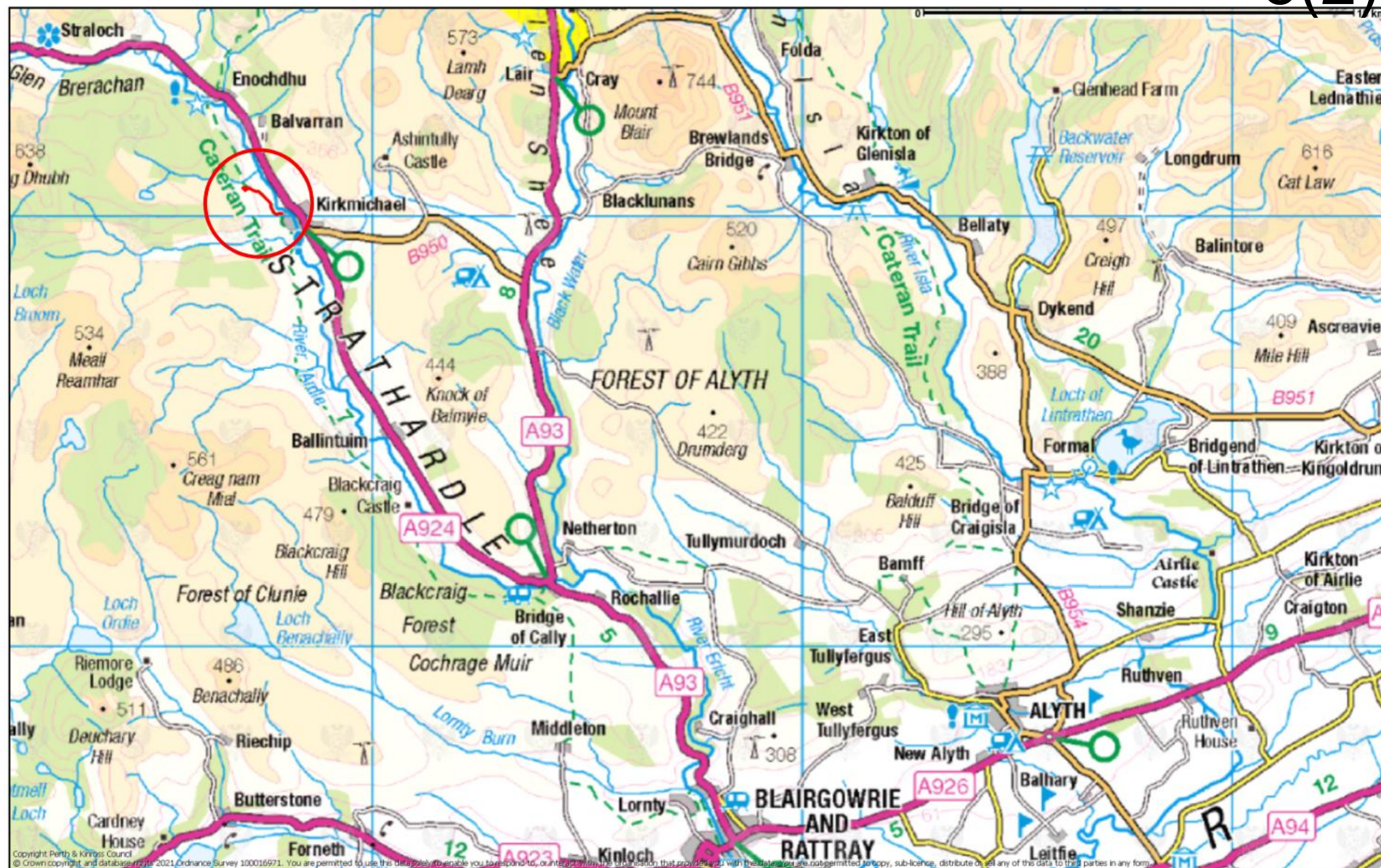
Background Papers: 15 letters of representation
Contact Officer: Sean Panton
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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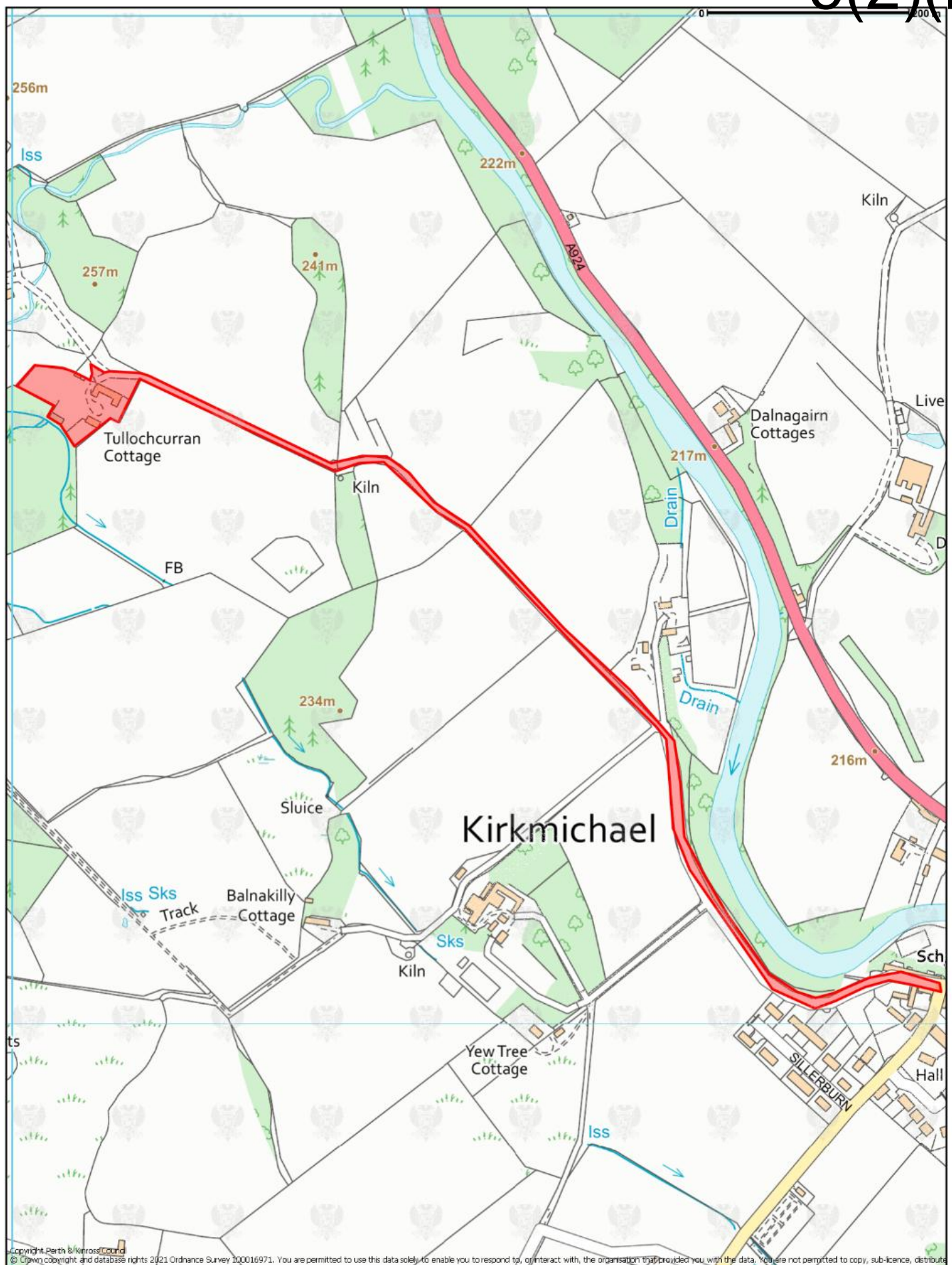
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21/00224/FLL

Change of use, alterations and extension to agricultural building to form events venue, formation of car parking, landscaping and associated works





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21/00224/FLL

Change of use, alterations and extension to agricultural building to form events venue, formation of car parking, landscaping and associated works



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/77)

PROPOSAL: Change of use from agricultural land to form garden ground and alterations and extension to dwellinghouse and outbuilding

LOCATION: West Feal Barn, Auchmuirbridge, Leslie, Glenrothes, KY6 3JL

Ref. No: [21/00357/FLL](#)

Ward No: P8- Kinross-shire

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the change of use of agricultural land to form extended garden ground, an extension of an existing outbuilding to then be used as ancillary accommodation and also an extension to the dwelling.
- 2 The site is within a rural area and is part of a small building group comprising dwellings, associated equestrian facilities and agricultural buildings.
- 3 The proposed development encompasses three elements:
 - Change of use to extend the garden ground to the south, into a small, narrow and oddly shaped area of paddock which lies between the house and the outbuilding.
 - The outbuilding is to be extended to form ancillary accommodation comprising of a storage area, gym, home office, seating areas and kitchen.
 - The dwelling will be extended to provide a sunroom.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any

planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 6 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.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Placemaking : paragraphs 36 – 57

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements

DEVELOPMENT PLAN

- 9 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

- 10 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.”*
- 11 There are no policies of the TAYplan 2016 which are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

- 12 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.
- 13 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 39: Landscape
 - Policy 50: Prime Agricultural Land
 - Policy 53B: Water Environment and Drainage: Foul Drainage
 - Policy 53C: Water Environment and Drainage: Surface Water Drainage
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance 2020

- 14 This document supports policy 1 (Placemaking) and is used to assist in the placemaking process.

SITE HISTORY

- 15 [18/01210/FLL](#) Planning Permission was Approved on 21 August 2018 for the change of use of a small area of some agricultural land (155m²) to form additional garden ground and the erection of a garage and fence

CONSULTATIONS

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

External

- 17 **Scottish Water:** No objection but note the proximity to a drinking water catchment where a Scottish Water abstraction is located. This information can be added as an informative.
- 18 **Portmoak Community Council:** Object, due to large vehicles using the road to access the property and request turning facilities.

Internal

- 19 **Environmental Health (Contaminated Land):** No objection, but condition requested to cover potential contamination.

- 20 **Environmental Health (Noise Odour):** No objection. Stove proposed in the outbuilding extension, informative required.

REPRESENTATIONS

- 21 A total of 14 representations from 10 households have been received, including comments from Portmoak Community Council. The main issues raised within the representations are:
- Proposals are out of character with the area.
 - Inappropriate design.
 - Potential use as business premises.
 - Road safety concerns.
 - Increase in traffic.
 - Impact on right of way (core path)
 - Construction traffic.
- 22 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	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Not Required

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 and supplementary guidance.

Principle

- 24 The application site is located within a rural area, where Policy 1: Placemaking, and the supplementary Placemaking Guidance is directly applicable. These seek to ensure that the design, density and siting should respect the character and amenity of the place.

- 25 Alterations and extensions to existing dwellinghouses are considered acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external appearance of the proposed development within the context of the application site and whether it would have an adverse impact upon visual or residential amenity.

Design and Layout

- 26 As outlined in paragraph 3, the proposal has three elements, and each shall be assessed in terms of design and layout.
- 27 The change of use of the agricultural land to garden ground is contained to the south of the dwelling, between it and an outbuilding currently used as stables and storage by the applicant. The land is oddly shaped, and its inclusion will create a more regular shaped plot. The extension increases the amenity space by 340sq metres. The extended ground would still see an overall garden area proportionate to the size of the existing dwellinghouse and an arrangement which relates well and is contained within the overall building grouping at West Feal.
- 28 The extension to the outbuilding replicates the design and finish (timber cladding and a grey metal roof) of the existing building, extending on the south and east elevation. The outbuilding is to be increased from 78sq metres to 196sq metres. Although the extension doubles the size of the outbuilding, it is not out of scale with surrounding agricultural buildings and is of an appropriate design, mass and finish.
- 29 The extension to the dwellinghouse adds a sunroom to the southeast corner and is modest in scale increasing the dwelling area by 25sq metres. It has fully glazed walls with a flat roof, which ties into the walls of the dwellinghouse.
- 30 It is considered that the scale, design and finishes of both alterations to the existing buildings are acceptable and comply with Policy 1: Placemaking. and the supplementary Placemaking Guidance 2020.

Residential Amenity

- 31 There are neighbouring dwellinghouses immediately to the north and east of the existing dwelling. However, the proposed sunroom extends from the south-west and infills a recessed area, as such windows would face south and west, away from these neighbouring dwellings and into the proposed extended garden ground.
- 32 The outbuilding extension is 10 metres from the nearest neighbouring property boundary, some 34m from the house itself. Again, proposed windows are facing west and south, out onto the agricultural land/paddock within the applicant's ownership.
- 33 The proposed extensions are therefore not considered to have a detrimental impact on residential amenity, in terms of overlooking or loss of daylight or

overshadowing. The proposal therefore complies with Policy 1: Placemaking, and the supplementary Placemaking Guidance 2020.

Use of Outbuilding

- 34 A number of representations raise concerns that the extension to the outbuilding is to be used as an office for staff and to be visited by employees or clients of the applicant's business. However, the applicant has confirmed that they only require the space to enable homeworking, a common arrangement at many domestic properties. A condition can control the nature of such use, to that considered ancillary to the domestic use of the wider property rather than a distinct and separate planning unit or use.
- 35 The applicant's business is 'Ironmix Concrete', which provides a concrete delivery service with the day-to-day physical operation run from an operating centre at Cupar Trading Estate. The applicant has confirmed in supporting documentation that their Transport Licence permits them to undertake the physical activities associated to the concrete production and delivery only from that location and this is where the licenced vehicles are kept.
- 36 Whilst the plans give an indication of how the proposed outbuilding may be used (showing a small gym and desks, etc.) the Planning Authority would have no control over the internal layout, just the nature of the use. However, as mentioned above, a condition limiting the use of the outbuilding to that which is ancillary to the enjoyment of the dwelling (Condition 2) is recommended. This would allow a home office and gym but would restrict the building from being used more expansively.

Visual Amenity

- 37 The extension to the outbuilding is generous, however the design reflects the existing form of the stable, replicating the height and roof arrangement. It is also located to the southwest of the grouping, some distance from neighbouring properties and sees open fields further to the southwest. It is not therefore considered that the proposal would have a detrimental impact on the visual amenity of the area or the landscape character and therefore complies with Policy 1: Placemaking; and Policy 39 Landscape.

Roads and Access

- 38 There are no changes proposed to the private access with adequate parking and turning available within the site for vehicles likely to visit the property, including for delivery of parcels, etc. As the outbuilding is to be conditioned as ancillary residential accommodation, it is not considered necessary to provide turning for large vehicles or HGVs at what will remain a domestic property.
- 39 The impact of construction traffic on the road network and the use of the core path has been raised as an issue, but, as with any development, this is a temporary consequence for the duration of the build not an impact of the future use of the proposals. Given the modest scale of works it is not considered

proportionate to require either a Traffic Management Plan or to require any temporary arrangements to be made to access routes.

Drainage and Flooding

- 40 The site is not within a flood risk area and there are no changes to the existing drainage arrangements, which the development will connect to.

Developer Contributions

- 41 The Developer Contributions Supplementary Guidance is not applicable to this scale and type of application and therefore no contributions are required.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 42 None required

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, 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 matters raised in representations and none have been found that would justify overriding the adopted 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 development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

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

- 2 The extended outbuilding shall only be used as ancillary accommodation associated to the domestic enjoyment of the main dwellinghouse and shall not be let, sold or occupied separately from the main dwellinghouse. Activity associated to any business shall be limited to 'homeworking', with no material use of the facilities by parties not residing at the property.

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

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 The site is located within a drinking water catchment. Anyone working on site should be made aware of this during site inductions. Scottish Water request that 3 weeks in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so that they can make their operational teams aware there will be activity taking place in the catchment.
- 6 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: 14 letters of representation

Contact Officer: Joanne Ferguson

Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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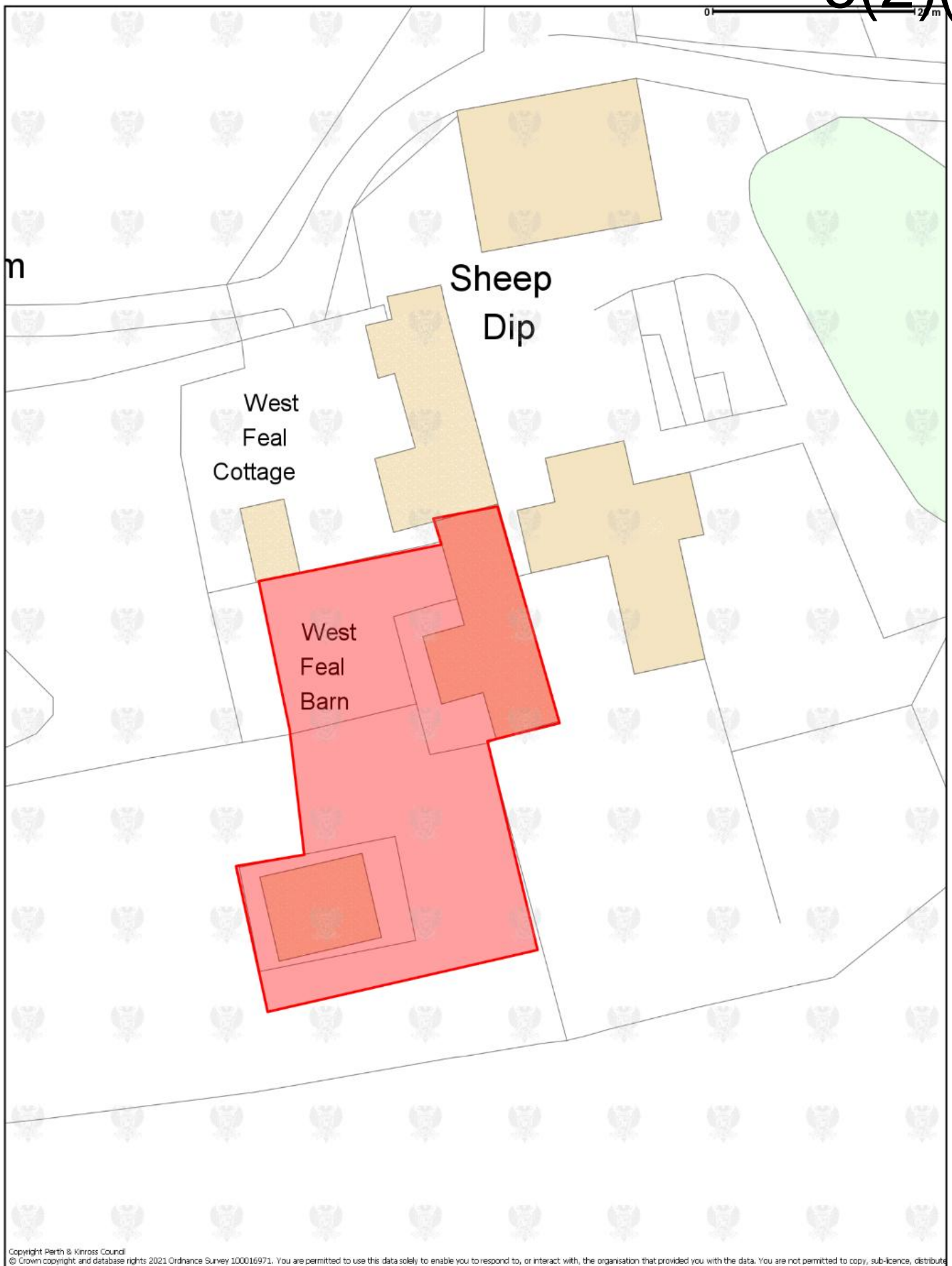
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21/00357/FLL

Change of use from agricultural land to form garden ground and alterations and extension to dwellinghouse and outbuilding





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21/00357/FLL

Change of use from agricultural land to form garden ground and alterations and extension to dwellinghouse and outbuilding



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/78)

Alterations and extension to factory, demolition of dwellinghouse and formation of car park, alterations to main entrance, formalisation of existing car park, creation of engineering yard, gist yard, temporary area and concrete yard at 2 Sisters Food Group, George Street, Coupar Angus.

Ref. No: [21/00003/PAN](#)

Ward No: P2 – Strathmore

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for alterations and extension to factory, demolition of dwellinghouse and formation of car park, alterations to main entrance, formalisation of existing car park, creation of engineering yard, gist yard, temporary area and concrete yard 2 Sisters Food Group, George Street, Coupar Angus.

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 30 March 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 2 Sisters Food Group, George Street, Coupar Angus. 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 comprising the extension and alteration to the existing factory, demolition of a dwellinghouse, formation of a car park and formation of other hardstanding areas. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.
- 3 A separate PoAN for an associated possible development by the 2 Sisters Food Group for a mixed-use development on land to the west of this site was also submitted. This is being reported separately (Ref: 21/00004/PAN).

ENVIRONMENTAL IMPACT ASSESSMENT

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

PRE-APPLICATION PROCESS

- 5 The PoAN confirmed that an online public interactive consultation event will be held on 3 June 2021 between 1500hrs – 1900hrs. In addition, a website dedicated to this proposal has been created: <https://ambercouparangus.com>. The Ward Councillors, MSPs, MP and Secretary of the Coupar Angus Town Team have been notified. The Coupar Angus Community Council was disbanded in November 2020. Furthermore, a leaflet drop is to be undertaken informing properties within a 400 metres radius of the site of the public interactive consultation. A public notice will also to be placed in The Courier newspaper one week before the public interactive consultation. 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

- 6 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

- 7 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 (SPP) (Revised December 2020)

- 8 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
- 9 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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 10 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”

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

- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets: First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 9 – Managing TAYplan’s Assests
- Policy 10 – Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2019

- 12 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.

- 13 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.”

- 14 Under the LDP2, the following polices are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7: Employment and Mixed Used Areas
- Policy 8: Rural Business and Diversification
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities

- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- 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 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements

OTHER POLICIES

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

- Developer Contributions Supplementary Guidance April 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance 2020
- Placemaking Supplementary Guidance 2020

PLANNING SITE HISTORY

- 16 **00/00454/FUL** Full Planning Permission was Approved On 25 May 2000 for Extension to existing food processing facility
- 17 **02/00031/FUL** Full Planning Permission was Approved On 15 July 2002 for Alterations to existing chicken factory and provision of new chicken processing factory and offices on adjoining site
- 18 **03/01083/FUL** Full Planning Permission was Approved On 25 August 2003 for Formation of temporary lorry park
- 19 **07/00402/FUL** Full Planning Permission was Approved On 14 March 2007 for Proposed alterations and extension
- 20 **07/00633/FUL** Full Planning Permission was Approved On 30 April 2007 for Erection of a plant shed

- 21 [07/02611/FUL](#) Full Planning Permission was Approved On 7 January 2008 for Proposed extension to factory
- 22 [12/01724/FLL](#) Full Planning Permission was Approved On 26 November 2012 for Extension to existing lairage building
- 23 [15/01986/SCRN](#) On 7 December 2015 for Installation of Bio-Refinery – EIA Not Required
- 24 [17/00147/FLL](#) Full Planning Permission was Approved On 3 March 2017 for Alterations and extension to building
- 25 [18/00931/FLL](#) Full Planning Permission was Approved On 17 August 2018 for Extension to factory and formation of two additional loading dock bays with associated works
- 26 **19/02044/SCRN** On 9 January 2020 for Extension to factory – No EIA Required
- 27 [19/02122/FLL](#) Full Planning Permission was Approved On 18 February 2020 for Alterations and extension to factory
- 28 [21/00004/PAN](#) On 16 April 2021 for Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping and associated works – PAN Agreed

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Historic Environment Scotland
- Health and Safety Executive
- National Grid
- Scottish Gas Network (SGN)
- Perth and Kinross Heritage Trust
- Dundee Airport Ltd

Internal

- Environmental Health
- Strategic Policy and Housing
- Developer Negotiations Officer
- Community Greenspace

- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services
- Biodiversity/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

30 The key considerations against which the eventual application will be assessed include:

- a. Visual Impact
- b. Scale, Design, Layout and Uses
- c. Relationship to Nearby Land Uses
- d. Natural Heritage and Ecology
- e. Landscape and Visual Impact
- f. Water Resources including flood risk and drainage
- g. Air Quality
- h. Noise
- i. Light Pollution
- j. Transport Implications
- k. Economy
- l. Archaeology and Cultural Heritage
- m. Impact on gas pipe network

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

31 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 Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey
- Archaeological Assessment
- Noise/Odour and Light Impact Assessments
- Phasing and Delivery Plan

CONCLUSION AND RECOMMENDATION

32 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.

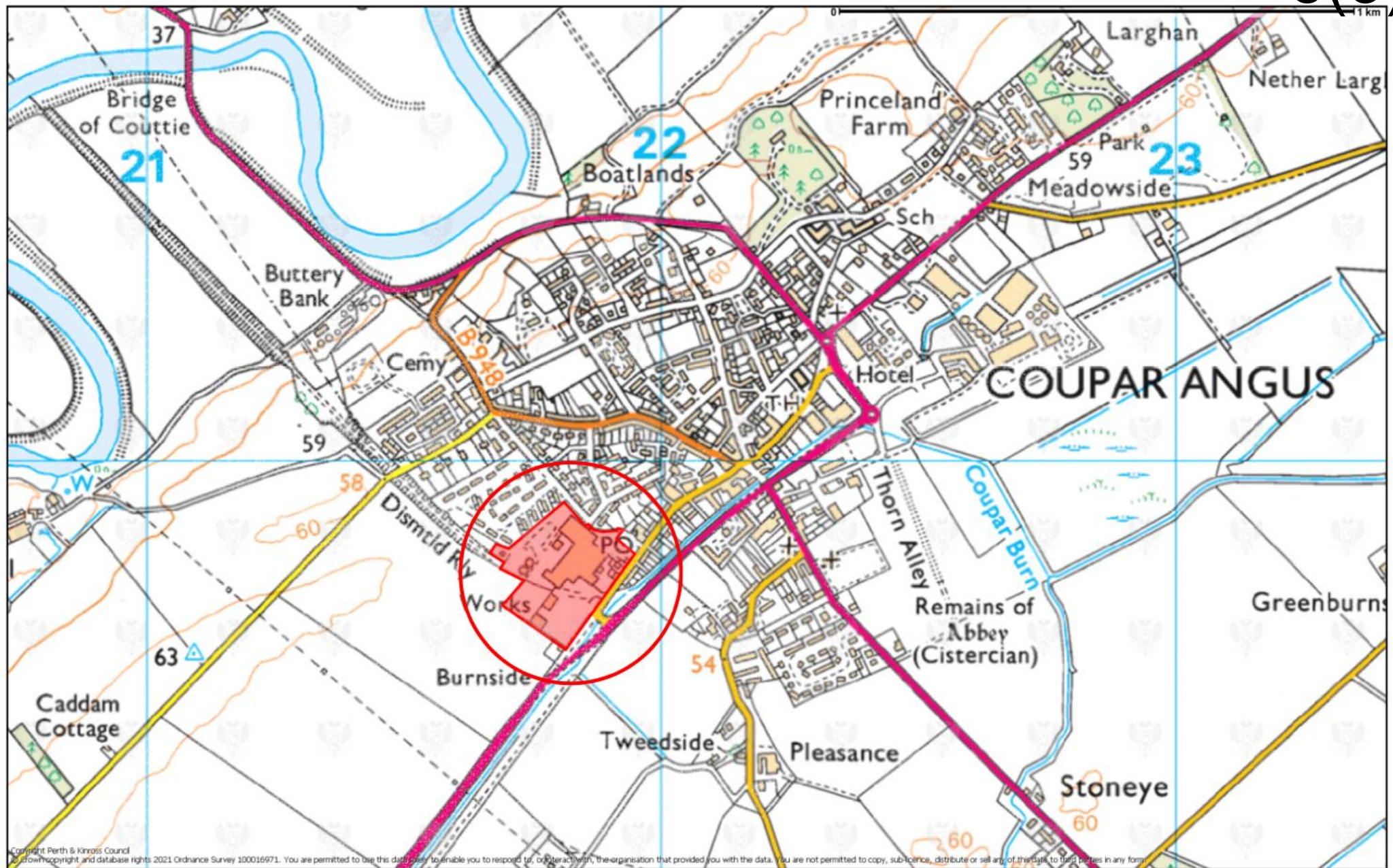
Background Papers: None
Contact Officer: John Williamson
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:10000



21/00003/PAN

Alterations and extension to factory, demolition of dwellinghouse and formation of car park





PERTH & KINROSS
COUNCIL

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/79)

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

Ref. No: [21/00004/PAN](#)

Ward No: P2 – Strathmore

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

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 26 March 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 2 Sisters Food Group George Street Coupar Angus. 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 comprising a mixed-use development comprises the erection of a new poultry processing facility, demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping, and associated works. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.
- 3 A separate PoAN for an associated possible development by the 2 Sisters Food Group for their existing complex on land to the east of this site was also submitted. This is being reported separately (Ref: 21/00003/PAN).

ENVIRONMENTAL IMPACT ASSESSMENT

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

PRE-APPLICATION PROCESS

- 5 The PoAN confirmed that an online public interactive consultation event will be held on 3 June 2021 between 1500hrs – 1900hrs. In addition, a website dedicated to this proposal has been created: <https://ambercouparangus.com>. The Ward Councillors, MSPs, MP and Secretary of the Coupar Angus Town Team have been notified. The Coupar Angus Community Council was disbanded in November 2020. Furthermore, a leaflet drop is to be undertaken informing properties within a 400 metres radius of the site of the public interactive consultation. A public notice will also to be placed in The Courier newspaper one week before the public interactive consultation. 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

- 6 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

- 7 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 (SPP) (Revised December 2020)

- 8 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
 - Enabling Delivery of New Homes: paragraphs 109 – 134
 - 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

- 9 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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 10 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”

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

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYPlans Assets
- Policy 5 – Homes
- Policy 6 – Developer Contributions
- Policy 7 – Energy, Waste and Resources
- Policy 8 – Green Networks
- Policy 9 – Managing TAYplan’s Assests
- Policy 10 – Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2019

- 12 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.
- 13 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.”
- 14 Under the LDP2, the following polices are of particular importance in the assessment of this application:
- Policy 1: Placemaking

- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7: Employment and Mixed Used Areas
- Policy 8: Rural Business and Diversification
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- 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 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements

OTHER POLICIES

- 15 The following supplementary guidance and documents are of particular importance in the assessment of this application: -
- Developer Contributions Supplementary Guidance April 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance 2020
 - Placemaking Supplementary Guidance 2020

RELEVANT PLANNING HISTORY

- 16 The following planning history is considered relevant.
- 17 **00/00454/FUL** Extension to existing food processing facility. Approved May 2000.
- 18 **02/00031/FUL** Alterations to existing chicken factory and provision of new chicken processing factory and offices. Approved July 2002.

- 19 **03/01083/FUL** Formation of temporary lorry park. Approved August 2003.
- 20 **07/00402/FUL** Proposed alterations and extension. Approved March 2007.
- 21 **07/00633/FUL** Erection of a plant shed. Approved April 2007.
- 22 [07/02611/FUL](#) Extension to factory. Approved January 2008.
- 23 [12/01724/FLL](#) Extension to existing lairage building. Approved November 2012.
- 24 [15/01986/SCRN](#) EIA Screening for installation of Bio-Refinery facility. Decision issued December 2015. Not EIA.
- 25 [17/00147/FLL](#) Alterations and extension to building. Approved March 2017.
- 26 [18/00931/FLL](#) Extension to factory and formation of two additional loading dock bays with associated works. Approved August 2018.
- 27 **19/02044/SCRN** EIA Screening for extension to factory. Decision issued January 2020. Not EIA.
- 28 [19/02122/FLL](#) Alterations and extension to factory. Approved February 2020.
- 29 [21/00003/PAN](#) Proposal of Application Notice (PoAN) for alterations and extension to factory, demolition of dwellinghouse and formation of car park. PoAN agreed. Being presented at 1 June 2021 Planning and Development Management Committee.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland
- Perth and Kinross Heritage Trust
- Health and Safety Executive
- National Grid
- Scottish Gas Network (SGN)
- Dundee Airport Ltd.

Internal

- Environmental Health
- Strategy, Policy and Housing
- Developer Negotiations Officer
- Community Greenspace

- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services
- Biodiversity/Tree Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 31 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design, Layout and Uses
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape and Visual Impact
 - f. Water Resources including flood risk and drainage
 - g. Air Quality
 - h. Noise
 - i. Light Pollution
 - j. Transport Implications
 - k. Economy
 - l. Archaeology and Cultural Heritage
 - m. Impact on gas pipe network

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 32 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
 - Economic Assessment
 - Transport Assessment
 - Flood Risk and Drainage Assessment
 - Landscape and Visual Impact Assessment
 - Air Quality, Noise and Light Impact Assessment
 - Habitat Survey including Tree Survey
 - Archaeological Assessment
 - Risk Assessment (Gas pipeline)
 - Sustainability Assessment

CONCLUSION AND RECOMMENDATION

- 33 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.

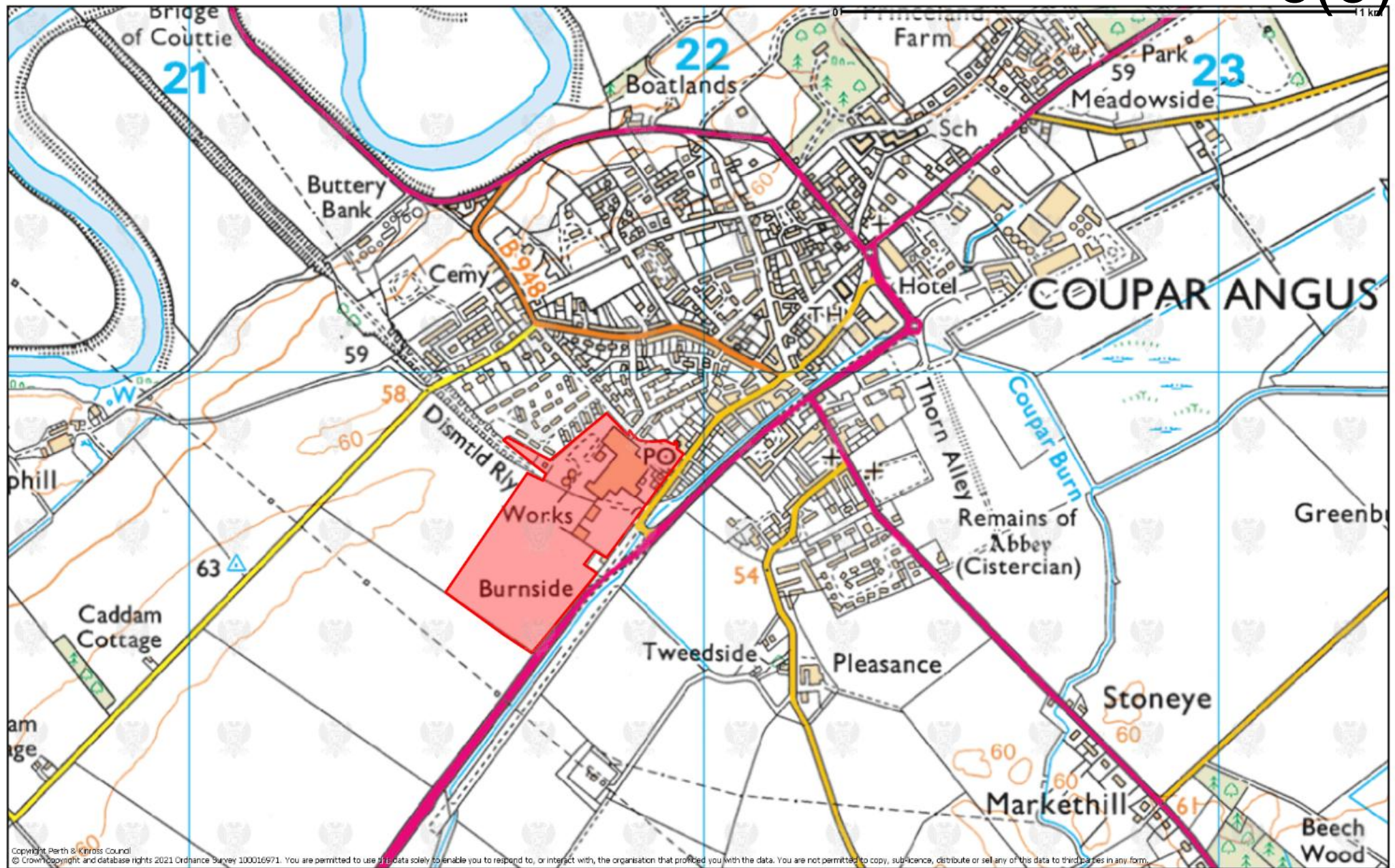
Background Papers: None
Contact Officer: Steve Callan
Date: 20 May 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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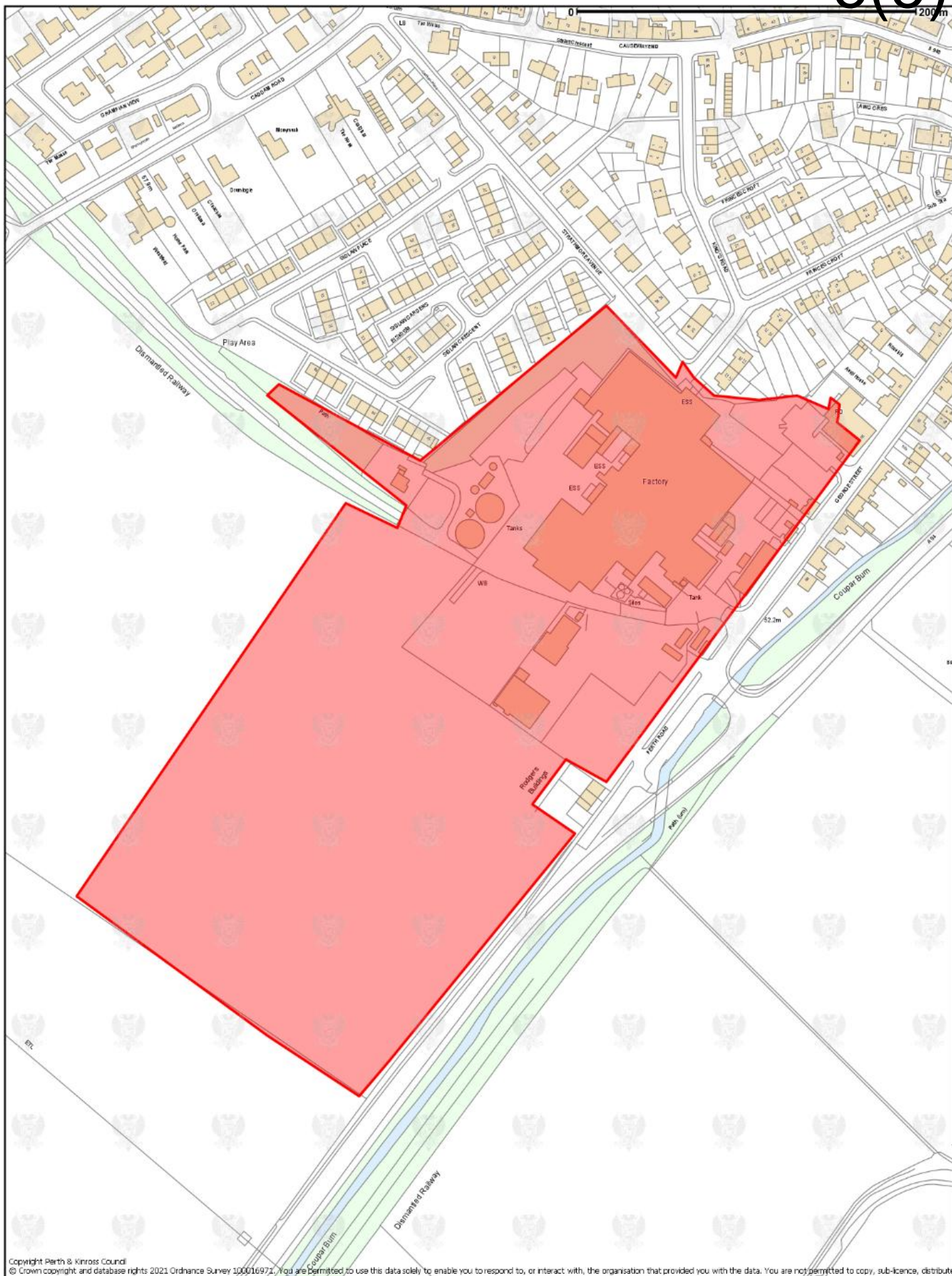
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21/00004/PAN

Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping and associated works at 2 Sisters Food Group, George Street, Coupar Angus, Blairgowrie, PH3 9LU





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Scale 1:3000

21/00004/PAN

Mixed use development comprising of the erection of a poultry processing facility and demolition of existing poultry processing facility for residential, commercial, industrial uses including parking areas, vehicular access, landscaping and associated works at 2 Sisters Food Group, George Street, Coupar Angus, Blairgowrie, PH3 9LU



Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Pre-Application Report by Head of Planning and Development (Report No. 21/80)

Formation of holiday accommodation, staff accommodation and facility units,
 landscaping and associated works at Ballathie House Hotel

Ref. No: [21/00006/PAN](#)

Ward No: P5 – Strathtay

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development at Ballathie House Hotel, Kinclaven.

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 8 April 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 Ballathie House Hotel, Kinclaven. The proposals include the formation of additional holiday accommodation, erection of staff accommodation and facility units, 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 plan boundary extends to over several hectares, encompassing the main identifiable parameters of Ballathie House grounds, including the boundary extents with the River Tay. The proposals are identified by the applicant to allow for expansion of the existing tourist facilities, improve the quality of the existing facility and extend the operational season for the Hotel. The exact scale and design of the development will be arrived at during further pre-application discussion and final application submission.

ENVIRONMENTAL IMPACT ASSESSMENT

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. A screening request for up to 75 holiday accommodation units has previously been submitted (20/01128/SCRN), concluding the proposals were not EIA development. The development layout has however materially changed from that original screening with a new screening request recently submitted and is pending consideration.

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that a public interactive event will be held on Tuesday 1 June 2021 (14.00-18.00) with background information and updates provided on a dedicated website platform <https://ballathielodges.co.uk/>. The Ward Councillors, Stanley & District Community Council and Stanley Development Trust have all been notified. The Council's response to the PoAN requested that the MSPs and MP were also notified along with seeking clarification on neighbour notification and newspaper advert. 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 (SPP) (Revised December 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: 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

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 1: Locational Priorities
- Policy 2: Shaping better quality places
- Policy 3: A first choice for investment
- Policy 6: Developer Contributions
- 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 LDP2, the following policies are of particular importance in the assessment of this application:-

Policy 1: Placemaking
 Policy 2: Design Statements
 Policy 8: Rural Business and Diversification
 Policy 9: Caravan Sites, Chalets and Timeshare Developments
 Policy 14: Open Space Retention and Provision
 Policy 15: Public Access
 Policy 26: Scheduled Monuments and Archaeology
 Policy 27: Listed Buildings
 Policy 29: Gardens and Designated Landscapes
 Policy 31: Other Historic Environment Assets
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 33: Renewable and Low Carbon Energy
 Policy 38: Environment and Conservation
 Policy 39: Landscape
 Policy 40: Forestry, Woodland and Trees
 Policy 41: Biodiversity
 Policy 42: Green Infrastructure
 Policy 47: River Tay Catchment Area
 Policy 50: Prime Agricultural Land
 Policy 51: Soils
 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 particular importance in the assessment of this application:-
- Developer Contributions Supplementary Guidance April 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance 2020
 - Placemaking Supplementary Guidance 2020

PLANNING SITE HISTORY

- 15 **89/01271/FUL** Alterations and Additions. Approved August 1989.
- 16 **90/01558/FUL** Change of Use from agricultural land to golf course. Approved October 1990.
- 17 **99/01081/FUL** Erection of Hotel lodge house with bedrooms and associated facilities. Approved October 1999.
- 18 **03/00979/FUL** Alterations and refurbishment of Sportsmans Lodge. Approved July 2003.
- 19 **06/01709/FUL** Replacement of existing dwelling. Approved September 2006.
- 20 **07/01158/FUL** Erection of a dwellinghouse in garden grounds. Approved July 2007.
- 21 [07/01809/FUL](#) Erection of a dwellinghouse. Approved September 2007.
- 22 [12/02063/FLL](#) Erection of a dwellinghouse. Approved January 2013.
- 23 [12/02064/FLL](#) Erection of a dwellinghouse. Approved January 2013.
- 24 [14/00251/FLL](#) Modification of planning permission 12/02063/FLL (change of house type). Approved March 2014.

- 25 [15/01961/FLL](#) Renewal of permission 12/02064/FLL (erection of a dwellinghouse). Approved December 2015.
- 26 [18/02229/FLL](#) Renewal of planning permission 15/01961/FLL (erection of a dwellinghouse). Approved February 2019.
- 27 **20/01128/SCRN** EIA Screening for erection of holiday accommodation within hotel grounds. Decision issued November 2020. Not EIA development.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- Transport Scotland (TS)
- Historic Environment Scotland (HES)
- Forestry Commission Scotland (FCS)
- Perth and Kinross Heritage Trust (PKHT)
- Stanley and District Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace (Access)
- Transport Planning
- Structures and Flooding
- Waste Services
- Biodiversity/Tree Officer
- Conservation Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 29 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Neighbouring Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water Resources and Soils
 - g. Transport Implications
 - h. Tourism and Economy

- i. Impact on Agriculture
- j. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

30 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 and Viability Assessment
- Transport Assessment
- Flood Risk and Drainage Assessment
- Landscape and Visual Impact Assessment
- Tree and Woodland Survey
- Habitat Survey (Phase 1, including protected species)
- Archaeological and Cultural Heritage Impact Assessment (in particular assessing impact and setting on grade B Ballathie House)
- Sustainability Assessment
- Commercial waste management Plan
- Phasing and Delivery Plan's
- Draft Construction and Traffic Management Plan's

CONCLUSION AND RECOMMENDATION

31 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.

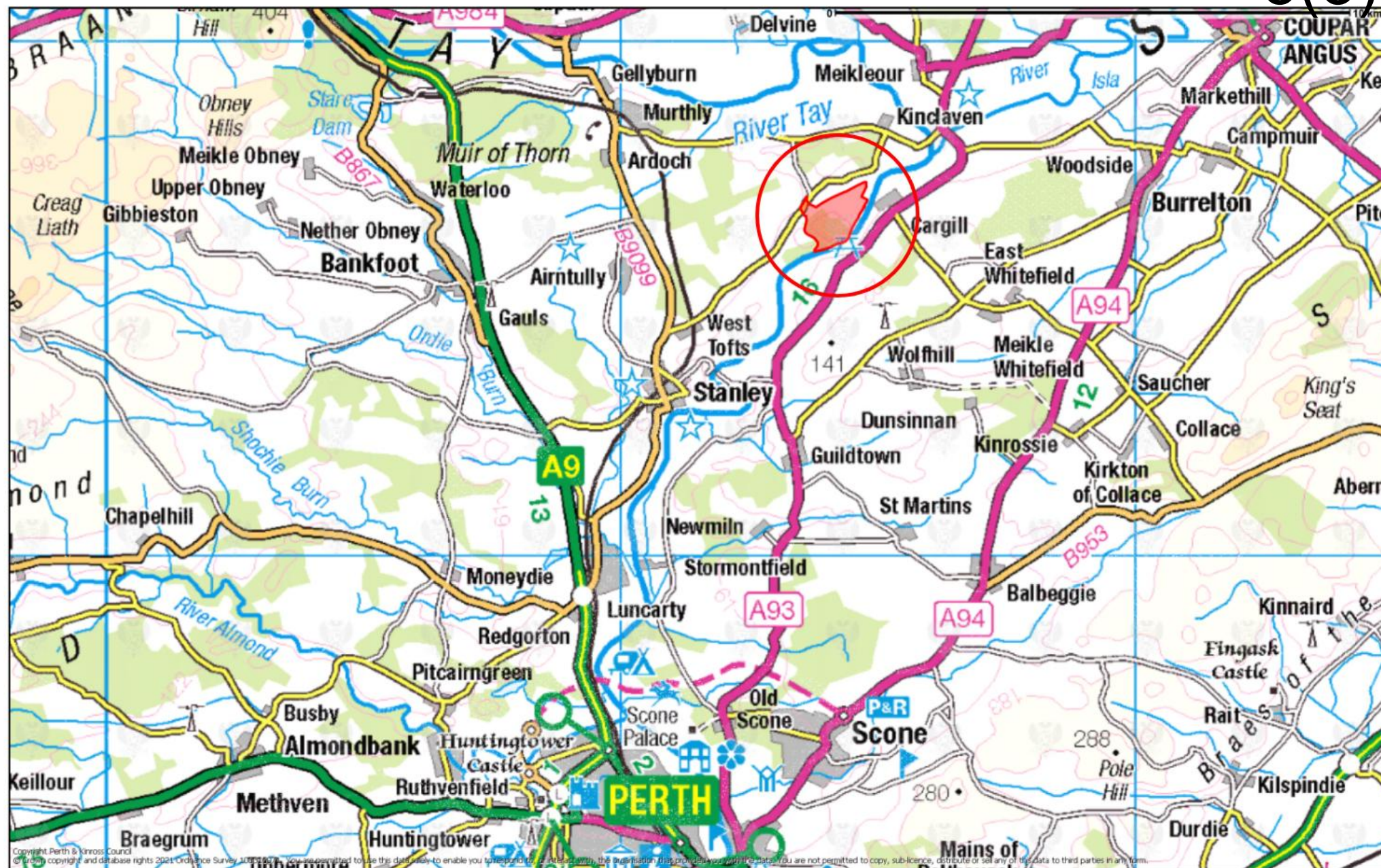
Background Papers: None
Contact Officer: Callum Petrie
Date: 19 May 2021

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HEAD OF PLANNING & DEVELOPMENT

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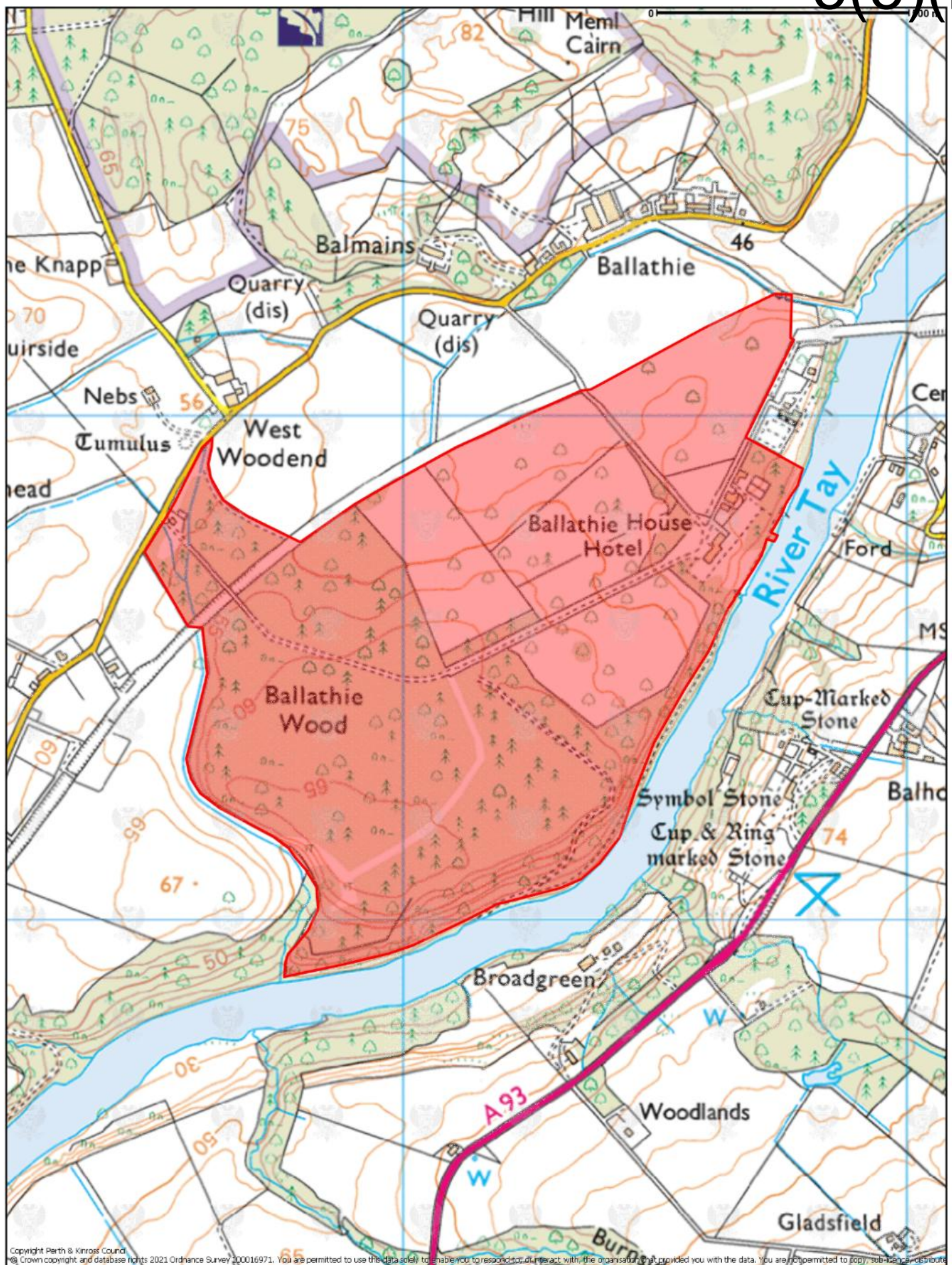
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21/00006/PAN

Formation of a holiday accommodation site, erection of staff accommodation and facility units, landscaping and associated works





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21/00006/PAN

Formation of a holiday accommodation site,
 erection of staff accommodation and facility
 units, landscaping and associated works



