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Council Building
2 High Street
Perth
PH1 5PH

04/04/2022

A meeting of the **Planning and Development Management Committee** will be held virtually on **Wednesday, 13 April 2022 at 10:00**.

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

THOMAS GLEN
Chief Executive

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

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

Members:

Councillor 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

Wednesday, 13 April 2022

AGENDA

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 16 MARCH 2022 FOR APPROVAL 7 - 22**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 21/02270/FLM - S42 APPLICATION TO MODIFY CONDITION 4 23 - 42**
(HOURS OF OPERATION FOR CONSTRUCTION) OF
PERMISSION 18/01890/FLM, LAND AT WESTER
TOMAKNOCK, CRIEFF
Report of Handling by Head of Planning & Development (copy herewith 22/73)
- 5(1)(ii) 22/00046/AMM - S42 APPLICATION TO AMEND CONDITION 43 - 62**
16 (SERVICE DELIVERY TIMES) OF PERMISSION
19/00163/AMM, LAND 90 METRES SOUTH WEST OF
CEMETERY HOUSE LODGE, PERTH ROAD, BLAIRGOWRIE
Report of Handling by Head of Planning & Development (copy herewith 22/74)
- 5(1)(iii) 22/00187/IPM - S42 APPLICATION TO MODIFY CONDITION 3 63 - 82**
(BUILDING HEIGHT) OF PLANNING PERMISSION IN

**PRINCIPLE 20/01103/IPM, THE JAMES HUTTON INSTITUTE,
ERROL ROAD, INVERGOWRIE**

Report of Handling by Head of Planning & Development (copy
herewith 22/75)

5(2) LOCAL APPLICATIONS

- | | | |
|------------------|---|------------------|
| 5(2)(i) | 21/00407/FLL - ERECTION OF 5 DWELLINGHOUSES,
GARAGES AND ASSOCIATED WORKS, LAND NORTH OF
WOODBINE COTTAGE, DUNCRIEVIE, GLENFARG
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| 5(2)(ii) | 21/01946/FLL - ERECTION OF A DWELLINGHOUSE AND
GARAGE, LAND SOUTH EAST OF GRAYBANK HOUSE,
GRAYBANK ROAD, PERTH
Report of Handling by Head of Planning & Development (copy
herewith 22/77) | 101 - 116 |
| 5(2)(iii) | 21/02087/FLL - CHANGE OF USE FROM OPEN SPACE TO
FORM EXTENSION TO GARDEN GROUND, FORMATION OF
A PATH AND ERECTION OF FENCE, ARD MOR, 39
HIGHFIELD ROAD, SCONE
Report of Handling by Head of Planning & Development (copy
herewith 22/78) | 117 - 132 |
| 5(2)(iv) | 21/02159/FLL - ERECTION OF A DWELLINGHOUSE AND
GARAGE (REVISED DESIGN), LAND SOUTH OF INNFIELD,
ABERNYTE
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6 PROPOSAL OF APPLICATION NOTICES (PAN)

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| 6(i) | 22/00006/PAN - INSTALLATION OF A 49.9MW GROUND-
MOUNTED SOLAR ARRAY AND ASSOCIATED WORKS, 130
METREWS SOUTHEAST OF COUPAR ANGUS
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| 6(ii) | 22/00007/PAN - REPLACEMENT POULTRY FARM
COMPRISING 4 REARING SHEDS AND ASSOCIATED
WORKS 200 METRES NORTH WEST OF INNERPEFFRAY,
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Pre-Application Report by Head of Planning & Development
(copy herewith 22/81) | 157 - 166 |

6(iii)	22/00008/PAN - FORMATION OF LEISURE DEVELOPMENT COMPRISING ERECTION OF HOLIDAY ACCOMMODATION UNITS, COMMUNITY HUB WITH RECEPTION/LEISURE/RETAIL AREAS WITH OTHER ASSOCIATED USES, FORMATION OF VEHICULAR ACCESS, MOTORHOME PITCHES, SUDS PONDS, TREATMENT PLANT, PARKING, LANDSCAPING AND ASSOCIATED WORKS AT WHINSTONE QUARRY, DEVONSHAW, POWMILL Pre-Application Report by Head of Planning & Development (copy herewith 22/82)	167 - 176
6(iv)	22/00009/PAN - RESIDENTIAL DEVELOPMENT, ACCESS, LANDSCAPING, SUDS AND ASSOCIATED WORKS (ALLOCATED SITE MU27), LAND 170 METRES SOUTH WEST OF 8 TAYVIEW, LUNCARTY Pre-Application Report by Head of Planning & Development (copy herewith 22/83)	177 - 186
6(v)	22/00010/PAN - INSTALLATION OF A 14.5 CWH HYDRO SCHEME AND ASSOCIATED WORKS EAST OF CORRIEVARKIE LODGE, RANNOCH Pre-Application Report by Head of Planning & Development (copy herewith 22/84)	187 - 196

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 16 February 2022 at 10.00am.

Present: Councillors R McCall, B Brawn, M Barnacle, R Brock, T Gray, D Illingworth, I James, T McEwan, C Reid, L Simpson, M Williamson and W Wilson (from Item 5(1)(i) onwards).

In Attendance: D Littlejohn, K Smith, A Condliffe, S Panton, L MacLean and L Reid (all Communities); B Reid (Education and Children's Services); G Fogg, A Taylor, A Brown and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillor R Watters.

Councillor R McCall, Convener, Presiding.

VALEDICTORY

Prior to the commencement of business, the Convener paid tribute to Anne Condliffe, Applications Team Leader, Development Management and Building Standards, who was attending her final meeting of the Committee before retiring from the Council. On behalf of the Committee, the Convener thanked Anne for her years of service at the Council and wished her the very best for the future.

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 of 19 January 2022 was approved as a correct record.

4. DEPUTATIONS

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

Planning Application No.
21/00700/FLL

Item No.
5(2)(i)

IT WAS NOTED THAT COUNCILLOR WILSON WAS EXPERIENCING ISSUES WITH HIS BROADBAND CONNECTION. A 5 MINUTE RECESS WAS CALLED TO ALLOW HIM TIME TO JOIN THE MEETING VIA TELEPHONE.

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **21/01646/FLM - Erection of a replacement school including formation of playing fields, parking, landscaping and associated works, Perth High School, Oakbank – Report No. 22/49 – Perth and Kinross Council**

Mr K Cooper, agent, and Mr B Reid, on behalf of Perth and Kinross Council, answered members questions.

Resolved:

Grant, subject to the following direction, conditions, terms 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 neighbouring residential amenity in 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. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.
Reason - In order to safeguard the residential amenity of the area.

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

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

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

6. Prior to the development hereby, approved being completed or brought into use, the existing cantilever bus stop shelter and flag (located on Viewlands Road West) shall be relocated to a suitable location as required and to the satisfaction of the Planning Authority and in consultation with the Public Transport Unit.

Reason - In the interests of road safety

7. Prior to the development hereby, approved being completed or brought into use until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety

8. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures),

Construction Traffic Management Scheme (TMS) which shall include the following:

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

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

Reason - In the interests of pedestrian and traffic safety.

9. Prior to the commencement of development details of a secure waterproof cycle parking facility with a recommended 120 spaces, the final number of spaces shall be submitted and agreed in writing with the Council as Planning Authority. The facility as agreed shall be

provided prior to the occupation or use of the approved development.

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

10. 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 provision of effective drainage for the site.

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

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

12. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 17 December 2019 and updated 26 January 2022 (plan ref 49 and 71) 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 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 any works on site a phased plan showing tree protection measures for 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 submitted and agreed in writing. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The protection measures, once in place, shall be inspected and agreed by the Enforcement Tree Officer prior to any work for each phase being undertaken and 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.

14. 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.

15. 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 be-come 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.

16. 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:

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

Once approved, the development shall be completed in accordance with the approved scheme.

Reason – To ensure the proposal complies with Policy 32.

17. The Energy Statement outlines that the proposal is aiming to meet Passivhaus standard which falls within one of the listed exemptions in relation to Policy 34 Sustainable Heating and Cooling. An energy statement shall be submitted by the applicant/agent prior to occupation of the development to confirm that this high level of sustainable building design is being delivered.

Reason – To ensure the proposal complies with Policy 34.

18. 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.

19. 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 (as identified by Scottish Government).

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

Justification

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

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:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
3. 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.
4. 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.
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. No work shall be commenced until an application for building warrant has been submitted and approved.
7. The findings and recommendations contained with the Bat Survey remain valid for until May 2022. An updated Bat Survey will be required to be undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
8. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. 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 drainage and bin storage.

(2) Local Application

- (i) 21/02058/FLL - Change of use from agricultural land to equestrian business and dog exercise area comprising of outdoor riding arena, tracked livery, shelters, tack rooms, office/toilet block, access track, car parking, fencing/floodlighting, siting of a mobile home (temporary residential accommodation) and associated works, land north west of No2 Blairfordel Farm Cottage, Benarty Road, Kelty – Report No. 22/50 – Ms T Leask**

Mr G Anderson and Mrs C Paterson, objectors to the application, followed by Mr D Scott, planning consultant, accompanied by Ms F Strachan-Friar, agent, and Ms T Leask, applicant, addressed the Committee via audio conference and answered members questions.

Resolved:

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

Conditions

1. The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
2. Prior to the occupation of the development, or it being brought into operational use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for written approval. This document shall confirm the methods and findings of any intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason - In the interests of safety and to ensure that all required remedial works and/or mitigation to address any coal mining legacy are undertaken.
3. Development shall not begin until a scheme to deal with contamination and general condition of the site post minerals abstraction at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - 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

Before any use is made of the application area the measures to ensure the sites suitability for the proposed use for which planning was granted shall be fully implemented as approved by the Planning Authority.

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

4. The Noise & Waste Management Plan (NWMP) (plan ref 25 hereby approved) shall be strictly adhered to during the operation of the site. The NWMP shall be a fluid document which shall be updated regularly to reflect any changes to the operation of the site and to address any substantiated complaints by residents. The details contained within the approved NWMP shall be implemented in full as part of the operation of the site to the satisfaction of the Council as Planning Authority.

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

5. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 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; to ensure a satisfactory standard of local environmental quality.

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

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

7. 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 residential amenity; to ensure a satisfactory standard of local environmental quality.

8. The mobile home accommodation is approved for a temporary period only until 31st March 2025. Upon expiry of this temporary period the mobile home shall be removed from the site and the site returned to its original condition all to the satisfaction of the Council as Planning Authority.

Reason - In view of the temporary nature of the accommodation and to enable the Planning Authority to review the circumstances pertaining to the proposal within a reasonable period of time.

9. 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.

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

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

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

11. Prior to the development hereby approved being completed or brought into use, the proposed localised road widening identified on plan ref 03 hereby approved shall be undertaken to satisfaction of the Council as Planning Authority. For the avoidance of doubt the surface of localised road widening shall be bituminous bound to match that of the existing road surface.

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

12. Prior to the commencement of any works on site, all trees on site (other than those either identified for removal on the plans or to be removed to form the access and road widening on Benarty Road) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

13. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees

and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
Reason - To ensure the provision of effective drainage for the site.

14. 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.

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. 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. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such

activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

6. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>
7. 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.
8. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that 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.

9. 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.
10. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
 - 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.
11. 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.
For the avoidance of doubt, the waste storage provision should be enclosed and provide the following bins:
 - 1 x 1100L general waste containers
 - 1 x 1100L Dry mixed recycling containers.If the applicant has different types of waste or expects different quantities than mentioned above information on services available can be obtained from www.pkc.gov.uk/commercial.

6. PROPOSAL OF APPLICATION NOTICES (PAN)

- (i) **21/00020/PAN - Formation of a battery storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works, Shindour, Feddal Hill Wood, Braco – Report 22/51**

Councillor T Gray requested that the timing of the delivery of large containers or phases of development that would involve continuous traffic, be considered and whether this could be coordinated with school holidays.

Councillor W Wilson requested the scale, design and layout; the relationship it has to nearby land uses; natural heritage and ecology; impact on the woodland; and a construction traffic management plan, be considered.

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

(ii) 22/00002/PAN - Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works, land north of Abernethy Cemetery, Newburgh Road, Abernethy – Report 22/52

Councillor D Illingworth requested that the impact on local businesses; the screening of the site and a plan for reinstatement of land after this site has reached the end of its lifetime, be considered.

Councillor W Wilson requested that the relationship it has to nearby land uses; natural heritage and ecology; water resources and soils; transport implications; flood risk and drainage assessment, landscape and visual impact assessment; noise and light assessment; and a construction traffic management plan, be considered

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

(iii) 22/00004/PAN - Formation of battery energy storage compound comprising battery storage units, ancillary buildings, storage containers, landscaping, erection of fencing and associated works, land north east of Jamesfield Organic Centre, Newburgh – Report 22/53

Councillor M Barnacle requested that the relationship it has to nearby land uses; noise and transport implications for its proximity to the Jamesfield Organic Centre, be considered.

Councillor D Illingworth requested that the impact on local businesses; the screening of the site and a plan for reinstatement of land after this site has reached the end of its lifetime, be considered.

Councillor W Wilson requested that transport assessment; flood risk and drainage assessment; landscape and visual impact assessment; noise and light assessment; and a construction traffic management plan, be considered

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

Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/73)

PROPOSAL: S42 Application to modify condition 4 (hours of operation for construction) of permission 18/01890/FLM

LOCATION: Land at Wester Tomaknock, Crieff

Ref. No: [21/02270/FLM](#)
 Ward No: P6- Strathearn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The planning application site extends to an area of 8.72 hectares (ha) of agricultural land on the eastern edge of Crieff. The site is undulating, sloping from north to the lower levels in the south. There is a clear central elevated knoll where the original farmhouse and farm buildings existed until recently, with the inert building materials still in situ. A small rural building (known as Tomaknock) sits immediately to the east of the site, with the residential area of Richie Place to the west. To the north the land rises steeply, forming 'Callum's Hill'. Two minor watercourses cut across the site as two minor valleys, from north west and north east down to the southern boundary, culverting under the C410 Dollerie road.
2. The site benefits from planning permission for 102 dwelling units, consistent with the original Local Development Plan (LDP) allocation (H57) for residential uses for 100-120 dwellings across an overall site area of 10.2ha. As set out, the site does not occupy the entire 10.2ha allocation with 1.5ha omitted from the original detailed planning submission 16/02217/FLM due to different land ownership.
3. Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 as Amended) applies to applications for planning permission to develop land which departs from conditions attached to an existing permission. The effect of granting permission for a section 42 application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
4. The primary purpose of this Section 42 (S42) application seeks a revision to the requirements of Condition 4 of the extant planning permission

18/01890/FLM (which was itself was an amendment to an earlier permission 16/02217/FLM). The proposed revision seeks to remove “Bank Holidays” from the restriction to construction work.

5. The original wording of Condition 4 states:

“Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays”.

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

6. Assessment of the proposed changes for this condition is set out below.

Pre-Application Consultation

7. The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 16/02217/FLM and there is no further PAC needed procedurally in relation to this Section 42 application.

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

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)

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:

- PAN1/2011 Planning and Noise
- PAN 40 Development Management

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.

DEVELOPMENT PLAN

14. 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

15. 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:
16. *“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

18. This policy seeks to focus the majority of development in the region's principal settlements. Crieff is identified as a Tier 2 Settlement with the potential to make a major contribution to the regional economy but will accommodate a smaller share of additional development.

Policy 4: Homes

19. This policy seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each housing market area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Perth and Kinross Local Development Plan 2

20. 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.
21. The principal relevant policy is, in summary;

Policy 56: Noise Pollution

22. There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

LDP2 Housing Land Allocation H57

23. The application site falls partly within the identified residential site allocation for 114-121 residential units on a site extending to 10.2ha with associated site specific developer requirements.

SITE HISTORY

24. [09/00677/OUT](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Application Withdrawn.
25. [09/01850/FLL](#) Conversion of steading to form 2 dwellinghouses and erection of 2 dwellinghouses. Approved under delegated powers 13 January 2012.
26. [14/01975/PN](#) Demolition of a dwellinghouse. Approved under delegated powers on 4 December 2014.
27. [16/00003/PAN](#) Residential development at LDP site H57. Content of PAN approved on 18 March 2016.
28. [16/02217/FLM](#) Erection of 102 dwellinghouses, landscaping and associated works. Approved by Planning and Development Management Committee August 17 (Decision Issued on 17 August 2018).
29. [17/00956/SCRN](#) Erection of 102 dwellinghouses, landscaping and associated works. Negative screening opinion adopted October 2017.

30. [18/01890/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 24 (road layout and timescale for submission of an application) of planning permission 16/02217/FLM. Approved by Planning and Development Management Committee 18 December 2018.
31. [19/01087/SCRN](#) Infill of existing quarry. Response provided on 15 July 2019.
32. [19/01207/FLL](#) Infill and restoration of disused quarry. Application Withdrawn.
33. [20/00067/FLL](#) Erection of 12 dwellinghouses (change of house type for plots 1-6 and 13-18) Approved under delegated powers on 1 February 2022.
34. [20/01566/FLL](#) Erection of a dwellinghouse (change of house type - plot 54) Approved under delegated powers on 1 February 2022
35. [20/01595/SCRN](#) To use spoil from the adjacent development to infill and re-shape the existing historical quarry. Response provided on 11 November 2020
36. [20/01883/FLL](#) Infill and restoration of disused quarry. Approved under delegated powers on 25 January 2021

CONSULTATIONS

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

Internal

Environmental Health (Noise Odour)

38. No objection to the removal of "Bank Holidays" from the condition.

Transport Planning

39. No response received.

REPRESENTATIONS

40. No representations have been received.

ADDITIONAL STATEMENTS

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

APPRAISAL

42. Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.
43. Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
 - (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
 - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
44. The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

Principle

45. The principle of the development subject of the application has been previously established through the approval of the extant planning permission (18/01890/FLM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. It is noted that since the original planning permission approval there has been a change to the Development Plan through TAYplan 2016 and LDP2 in 2019. The changes within the Development Plan are, however, not significant in relation to the proposed changes in this S42 application. The amendment of Condition 4 to allow construction work on bank holidays is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are anticipated.
46. The applicant proposes a modification to Condition 4 to allow for construction work on bank holidays as local holidays and national bank holidays do not always correlate resulting in trades taking, in some cases, unpaid leave. To further justify this modification, the applicant has stated that the site is not fully encapsulated within a residential area and it will allow continuity of work on

the site, and for the trades people involved, as well as continued site progress.

47. The condition was applied to the previous permission 18/01890/FLM, however, was not applied in full on the original permission 16/02217/FLM which omitted "bank holidays".
48. The original wording of Condition 4 of planning permission 16/02217/FLM states:
49. *The hours of operation at the construction stages shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday, unless otherwise agreed in writing with the Planning Authority.*
50. *Reason: In the interests of public health and to prevent noise pollution.*

Residential Amenity

51. The applicant, GS Brown, is now seeking to be able to carry out construction operations between 0700hrs -1700hrs on bank holidays.
52. Policy 56 of LDP2 relates to noise generation and seeks to ensure that activities which generate noise do not impact detrimentally on nearby residential amenity. There are residential properties to the east, south and west of the application site, however in this case, no objections have been received to the proposal to increase the construction hours.
53. Environmental Health has also been consulted on the varied construction hours and whilst they initially objected to construction work on public holidays, have since removed their objection. The objection was based on this being a standard condition used to ensure that the residential amenity of existing residential properties is not adversely affected by noise and to ensure that existing dwellinghouses adjacent to construction sites have some respite from construction noise on bank holidays.
54. As noted above, the original planning permission 16/02217/FLM did not prevent construction work on bank holidays, however, through the Section 42 application 18/01890/FLM to amend Condition 24, inadvertently Condition 4 was varied to include no construction work on bank holidays.
55. In light of this and due to the restricted number of recognised bank holidays in Scotland it is not considered that the proposal to modify Condition 4 would have a significant detrimental impact on residential amenity.
56. Furthermore, the construction period will be temporary only and it is considered to be reasonable to allow construction to take place on bank holidays to allow the site to be completed as quickly as possible to limit the overall length of time when construction is taking place. On that basis the proposal to vary the condition is considered to be acceptable and to accord with the LDP2.

Roads and Access

57. The proposed modification of Condition 4 does not have any direct or significant impact on the road network.

Developer Contributions

58. There is no change to developer contributions through the amending of Condition 4 of planning permission 18/01890/FLM. The terms of the S75 legal agreement and associated contributions will not change.

Economic Impact

59. The economic impact from this proposal is anticipated to be limited. Allowing construction on bank holidays will allow the site to be completed more quickly, limiting the overall length of time when construction is taking place.

LEGAL AGREEMENTS

60. The current Section 75 legal agreement accounts for future planning applications including any Section 42 application. On that basis, no additional legal agreement is required in this instance as relevant matters continue to be appropriately covered by the original agreement associated with planning permission 16/02217/FLM.

DIRECTION BY SCOTTISH MINISTERS

61. 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

62. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the change of condition regarding construction work on bank holidays. Having taken account of the Local Development Plan and material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and, therefore, as a new standalone permission would be granted here, all other conditions from the existing permission are recommended to be re-attached.
63. 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 occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority unless otherwise agreed in writing.

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

3. Prior to any phase of the development hereby approved being brought into use, a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council, in consultation with Transport Scotland. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

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

4. Construction work shall be limited to Monday to Friday 07:00hrs to 19:00hrs and Saturday 08:00hrs to 13:00hrs with no noisy works out with these times or at any time on Sundays.

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

5. Prior to the occupation of any residential plot, details of the material specification, dimensions and finished level spot heights of public footpaths and cycle-ways shall be submitted to the Planning Authority for further written approval. This shall include details of dropped kerbs on footpaths at all junctions. The agreed details shall thereafter be undertaken to the satisfaction of the Council as Planning Authority, as part of an agreed delivery plan, prior to the completion of the development.

Reason: In the interest of pedestrian and cycle safety.

6. Prior to the commencement of development, revised landscape drawings shall be submitted and reviewed for further written approval by the Council as Planning Authority in consultation with Community Greenspace; including enhanced planting at agreed locations and revised play area specifications. The subsequently approved play area(s) shall be designed, laid out and equipped in accordance with Perth & Kinross Council's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

7. The detailed landscaping and planting scheme as approved shall be undertaken and delivered commensurate with the residential development and fully completed prior to the completion of the development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

9. Prior to the commencement of development, a detailed open space and private open space plan and open space landscaping delivery plan, which clearly sets out areas proposed for both public adoption and phased delivery, shall be submitted to the Council as Planning Authority for further written in consultation with the Council's Community Greenspace Team. The agreed public landscaping elements shall thereafter be undertaken and delivered in line with the approved delivery plan and thereafter maintained to the satisfaction of Council as Planning Authority.

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

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

once in place, shall remain in place for the duration of construction unless otherwise agreed in writing by 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.

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

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

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

12. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity.

13. There shall be no land raising or the erection of solid boundaries within the 0.5% annual probability (AP) floodplain as shown on drawing number 13019/21/001A forming part of planning permission 16/02217/FLM.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage System (SUDS) does not increase flood risk elsewhere.

14. Prior to the commencement of development, precise details of the proposed surface water and foul drainage scheme shall be submitted to the Council as Planning Authority for the approval in writing. The required drainage details must include a full drainage impact assessment which must take into account the potential surface water run-off from all hard surfaces (including paving/road surfaces), and the ground levels associated with the proposal. The assessment must be carried out in accordance with the Council's Flood Risk and Flood Risk Assessment Developer Guidance. The approved details shall thereafter be implemented in full, commensurate with the development build out and thereafter retained in perpetuity.

Reason: In order to ensure that surface water arising from the development is adequately dealt with and that any sustainable urban drainage system (SUDS) does not increase flood risk elsewhere.

15. Prior to the commencement of development, sustainable urban drainage system (SUDS) details shall be submitted to the Council as Planning Authority for approval in writing, in consultation with SEPA. 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, commensurate with the associated stage of the development and prior to the completion of the development.

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

16. 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: In the interests of best practice surface water management: to avoid undue risks to public safety and flood risk during the construction phases.

17. The conclusions and recommended action points within the supporting biodiversity surveys submitted and hereby approved (plan ref 16/02217/80 and 16/02217/88) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

18. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests

immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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

19. 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.

20. Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

21. Prior to the commencement of development hereby approved, 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 enhancing environmental quality and of biodiversity.

22. Prior to the commencement of development, revised boundary landscape drawings shall be submitted for further written approval by the Council as Planning Authority, including full boundary treatment details (with elevations).

Reason: In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

23. 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. This shall include a further detailed review of the elevation treatments on plots 65-76. 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 and in pursuance of satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2019.

24. The approved layout and site plans, which includes a site access detail up to the eastern boundary of the site shall be constructed up to the edge of the eastern boundary in full, in conjunction with and no later than 3 years of the formation of the eastern public access, (bounding plots 49 and 50) or the occupation of any of the plots 42, 43 or 44, whichever is earlier.

Reason: To ensure that suitable access can be effectively provided into the adjoining part of the H57 allocation of the Perth and Kinross Local Development Plan 2019.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:

Displayed in a prominent place at or in the vicinity of the site of the development.

- Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
6. The applicant is advised that the detailed design of all sustainable urban drainage systems (SUDS) shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update. Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:
- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. i.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
- A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
7. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016 forming part of 16/02217/FLM planning permission documents). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.
12. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/02217/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC Public Access or at the Registers of Scotland (www.ros.gov.uk).

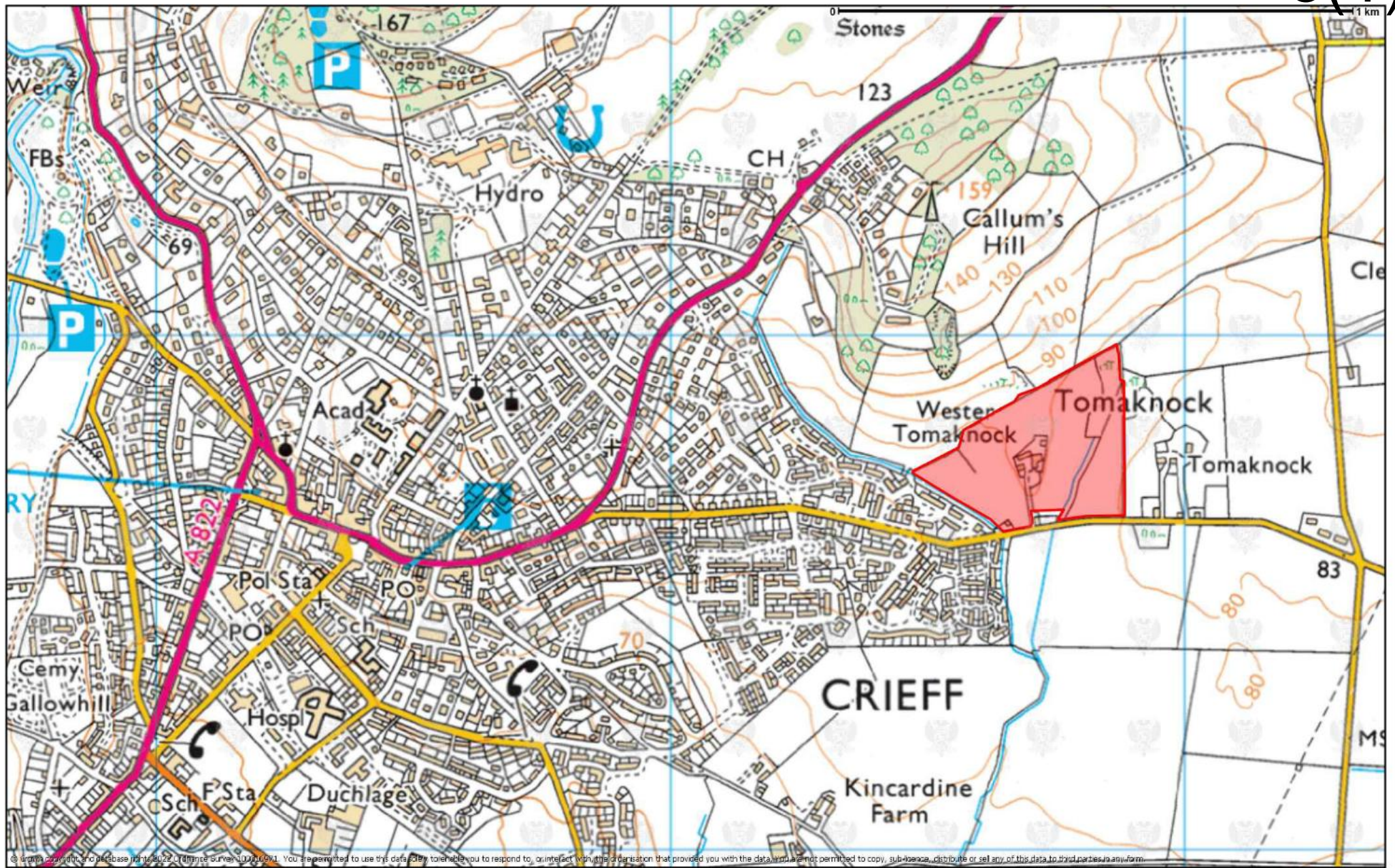
Background Papers: None.
Contact Officer: Gillian Peebles
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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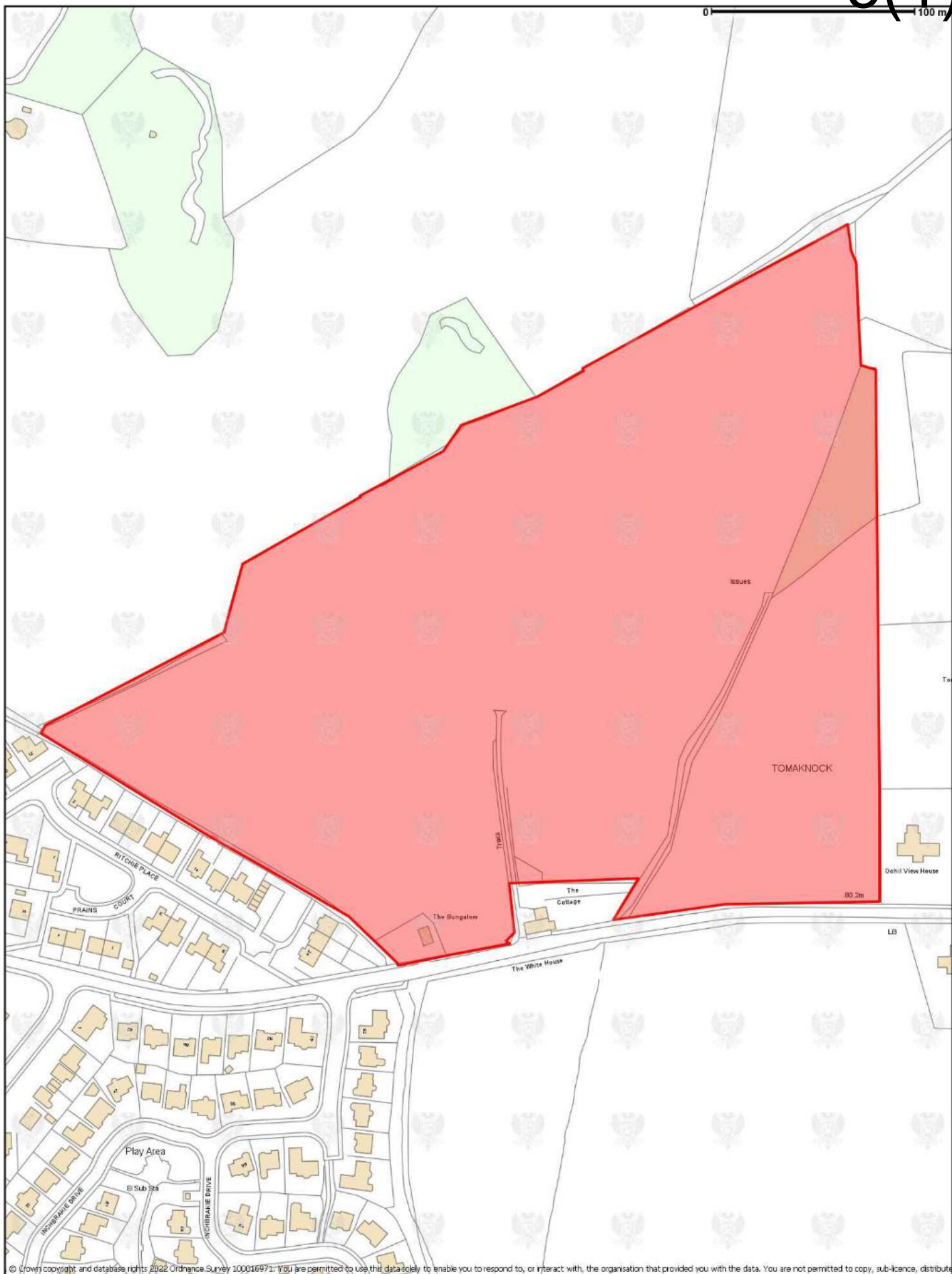
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21/02270/FLM

S42 Application to modify condition 4 (hours of operation for construction) of permission 18/01890/FLM on land at Wester Tomaknock, Crieff





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21/02270/FLM

S42 Application to modify condition 4 (hours of operation for construction) of permission 18/01890/FLM on land at Wester Tomaknock, Crieff



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/74)

PROPOSAL:	S42 application to amend condition 16 (service delivery times) of permission 19/00163/AMM
LOCATION:	Land 90 Metres South West of Cemetery House Lodge Perth Road Blairgowrie

Ref. No: [22/00046/AMM](#)

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 located to the south-western edge of Blairgowrie immediately adjacent to the A93 Perth Road. It extends to approximately 3.5 hectares and is mainly rough grassland with a small area of woodland in the southern end. Currently access is directly off the A94 and the B847 Essendy Road. To the east, across the A93, and south are residential areas. To the west is an area of Ancient Woodland with a Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens 250 metres beyond and north is further rough grassland.
2. The site benefits from planning permission for a mixed use development comprising a residential development, employment land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works consistent with the original Local Development Plan (LDP) allocation (MU5). This mixed-use allocation has been continued in the Local Development Plan 2 (LDP2) (2019), again as MU5. Planning Permission in Principle (PPP) for a mixed-use development (employment, retail, residential, community and education) for the entire MU5 allocation was approved in December 2018 (REF: 17/00939/IPM).
3. The first Approval of the Matters Specified by Condition (AMSC) application within that 2018 PPP application was for the erection of 2 retail units (Class 1) (one of the retail units is to be operated by Lidl and the other Home Bargains), a neighbourhood centre comprising 3 retail units (Class 1), formation of parking areas, landscaping, SUDS pond and associated works, all proposed within Phase 1A (Ref: 19/00163/AMM).

4. Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 as Amended) applies to applications for Planning Permission to develop land which departs from conditions attached to an existing permission. The effect of granting permission for a section 42 application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
5. Application reference 20/01696/FLL is a separate approval for the 2nd large retail unit which is to be operated by Home Bargains. A number of changes were proposed from the previous consented scheme Ref:19/00163/AMM in relation to that unit, which required the submission of a new application.
6. The primary purpose of this Section 42 (S42) application seeks a revision to the requirements of Condition 16 of the extant planning permission 19/00163/AMM. The proposed revision seeks an extension to the Sunday delivery hours where at present Condition 16 limits delivery hours to 07:00 – 21:00 Monday to Saturday and 09:00 – 17:00 on Sundays. The applicant wishes an extension to the Sunday delivery hours to 07:00 – 21:00 for Lidl only.
7. The original wording of Condition 16 currently states:

“All servicing and deliveries to any retail unit hereby approved must be within the core hours of 07:00 and 21:00 Monday to Saturday and within the hours of 09:00 and 17:00 hours on Sundays. Where any retail unit is to receive deliveries between the extended hours of 21:00 and 23:00 Monday to Saturday only, a Delivery/Servicing Noise Management Plan, outlining mitigation measures to reduce noise, shall be submitted to and approved in writing by the Council as Planning Authority prior to activity taking place during these hours. The servicing and delivery arrangements must be in accordance with the core hours or, where approved, in accordance with any scheme and mitigation approved under the extended hours.”

Reason: To safeguard the amenity of neighbouring residential properties.

8. Assessment for the proposed changes for this condition is set out below.

Pre-Application Consultation

9. The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 17/00939/IPM and there is no further PAC needed procedurally in relation to this Section 42 application.

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

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.

The Scottish Planning Policy 2014 (SSP)

11. 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.
12. 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

13. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN1/2011 Planning and Noise
 - PAN 40 Development Management

Creating Places 2013

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

DEVELOPMENT PLAN

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:
17. *“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.”*
18. The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

Perth and Kinross Local Development Plan 2

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

Policy 56: Noise Pollution

21. There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.

LDP2 Allocation MU5:Western Blairgowrie

22. Identified mixed use site extending to 24.55ha for 179-280 residential units, employment use (4ha) and education (4ha) with associated site specific developer requirements

SITE HISTORY

23. [14/00008/PAN](#) Mixed use development for employment use, residential use, retail use and education – Content of PAN agreed 11 November 2014
24. [14/01768/SCRN](#) Proposed mixed use development – response provided on 13 January 2015.
25. [17/00939/IPM](#) Mixed use development comprising residential development, employment land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works – Approved by Planning and Development Management Committee 21 December 2018.

- 26 [19/00163/AMM](#) Erection of 2 retail units (Class 1), a neighbourhood centre comprising 3 retail units (Class 1), formation of parking areas, landscaping, SUDS pond and associated works (approval of matters specified by conditions 17/00939/IPM) (Phase 1A - MU5) – Approved by Planning and Development Management Committee 16 January 2020.
- 27 [19/00496/ADV](#) Advertisement Consent for Display of signs – Approved 22 May 2019.
- 28 [19/01629/ADV](#) Advertisement Consent for Display of signs - Refused 18 November 2019.
- 29 [20/01214/FLM](#) Full Planning Permission Major application for S42 application to modify condition 27 (retail sales floorspace) of permission 17/00939/IPM - Withdrawn 27 April 2021.
- 30 [20/01696/FLL](#) Full Planning Permission for Erection of retail unit (Class 1) with associated access, parking, servicing and external works - Approved 20 January 2021.
- 31 [21/00560/ADV](#) Advertisement Consent for Display of totem sign - Approved 18 May 2021.
- 32 [21/00629/ADV](#) Advertisement Consent for Display of signs - Approved On 26 May 2021.

CONSULTATIONS

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

Internal

- 34 **Environmental Health (Noise Odour):** No objections to modify condition 16, subject to additional conditions (21, 22 and 23 and a minor modification to condition 15.

REPRESENTATIONS

- 35 A total of 2 letters of representation have been received in respect of the current application. The main issues raised within the representations are:
- Noise pollution
- 36 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

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

APPRAISAL

- 38 Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.
- 39 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
 - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 40 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

Principle

- 41 The principle of the development subject of the application has been previously established through the approval of the extant planning permission (19/00163/AMM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. The amendment of Condition 16 to extend delivery hours on Sundays is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are calculated.
- 42 The applicant proposes to modify Condition 16 to allow for extended hours for service deliveries on Sundays for the Lidl foodstore only. In support of this proposed modification, the applicant has specified in the supporting statement that there has been a strong growth in retail sales across its stores in Scotland and in order to ensure that goods are able to be delivered timeously to stores throughout Scotland, and also to allow for the efficient return to the Regional Distribution Centre (RDC) in North Lanarkshire of all packaging materials for recycling, the company increasing needs greater flexibility for the operation of any timing of service deliveries to its stores.
- 43 It is also noted within the supporting statement that during the period of the Covid-19 pandemic, as directed by the Scottish Government Chief Planner, temporary changes were made during the emergency period. One of these

temporary changes was for planning authorities to informally relax planning controls, particularly by using their discretion not to take enforcement action against planning breaches that are acceptable in the “current” circumstances. One of the examples provided, although the list was not exhaustive, was for a relaxed approach on food retail opening times and deliveries outwith their conditioned hours. The current S42 planning application seeks a permanent amendment to permitted delivery times for the Lidl foodstore.

- 44 The applicant has submitted a Noise Impact Assessment (NIA) of the potential impacts that would arise with the proposed alterations to the service delivery times which has concluded that there should not be any significant adverse impact on the surrounding residential properties.

Residential Amenity

- 45 The applicant Lidl Great Britain Ltd is now seeking consent to extend the delivery hours to allow for deliveries on Sundays between the hours of 07.00 and 21.00 whereas it is currently restricted to between the hours of 09.00 and 17.00 on Sundays.
- 46 Policy 56 of the Perth and Kinross Local Development Plan 2019 relates to noise generation and seeks to ensure that activities which generate noise do not impact detrimental on nearby residential amenity. The nearest residential properties are 26 and 28 Ardblair Terrace, located to the south west of the store, 5 and 6 Ardblair Cottages to the south east of the store and 16-19 Rowan Avenue, located to the east of the store. It is noted that 2 letters of objections have been received, however, neither of these representations are from properties which are considered to be the closest noise sensitive receptors to the site.
- 47 Environmental Health colleagues have been consulted on the proposed extension of delivery hours and whilst they initially objection, have since removed their objection. After further correspondence with the applicant and noise consultant EEC Ltd, clarifications have been submitted in relation to the predicted measurements in the NIA dated 5 January 2022. It has been confirmed that a 3dB penalty has been applied to the rating level and not potentially 6dB as discussed in Section 7.08. It should be noted that section 7.08 of the report included a typographical error with an errant reference to “tonality”. The NIA has now been amended (document number 4).
- 48 The predicted levels in Tables 7.1 and 7.2 correspond to first floor levels at neighbouring properties and not ground floor garden areas. Updated Technical Response, reference number EC18885-2 (document number 5) states that these levels are 34dB(A) at Rowan Terrace, 36dB(A) at Perth Road and 28dB(A) at Ardblair Terrace. When adding on a +3dB penalty and comparing against the background LA90, 1 hour the predicted levels at all properties are within L A90,1 hour background noise level plus 5dB. These levels are also well below the WHO guidance for community noise recommended levels of Leq50-55dB(A) for external amenity areas.
- 49 Sunday deliveries between the hours of 09.00 and 17.00 have already been established through Condition 16 of 19/00163/AMM. In light of this, the

amended NIA and in compliance with the specific delivery methodology as described in EC18885-2 (document 5), it is not considered that the proposal to modify Condition 16 would have a significant detrimental impact on neighbouring residential amenity.

- 50 On that basis the proposal to vary Condition 16 and with the inclusion of conditions 21, 22 and 23 as recommended by EH to control noise, it is considered to be acceptable and to accord with the relevant criteria contained within Policy 56 of the LDP2.

Roads and Access

- 51 The proposed modification of Condition 16 does not have any direct or significant impact on the road network.

Developer Contributions

- 52 No change to developer contributions through amending Condition 16 of planning permission 22/00046/AMM. The terms of S75 and associated contributions will not change.

Economic Impact

- 53 The economic impact from this proposal is anticipated to be limited albeit it may have a positive impact for the applicant.

LEGAL AGREEMENTS

- 54 No additional legal agreement is required in this instance as relevant matters continue to be appropriately covered by the original agreement associated with planning permission 17/00939/IPM. On that basis it does not require to be updated in respect of the proposal.

DIRECTION BY SCOTTISH MINISTERS

- 55 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

- 56 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The proposed development in this instance relates solely to the change of condition regarding extension of delivery hours on a Sunday. Having taken account of the Local Development Plan and material considerations, the development proposed does not conflict with the Development Plan. It should be noted that all other matters are unaffected from the existing permission and, therefore, as a new standalone permission would be granted here, all other conditions from the existing permission are recommended to be re-attached.

- 57 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, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

3. Prior to the commencement of development, a scheme to provide a right turn lane from the A93 (southbound) in to the development and a signalised pedestrian crossing on the A93 shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall confirm the location, specification, detailed design and delivery timescales of both the turn and pedestrian crossing. The approved scheme shall thereafter be implemented in full, prior to the occupation of the first retail unit.

Reason: In the interests of road and pedestrian safety.

4. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority 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) arrangements for liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) 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;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- g) 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;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: In the interests of road safety.

5. Prior to the commencement of development, a scheme for the technical details, delivery phasing and signage needed for the diversion of Core Path BLAI/29 and for the future maintenance of the path within the site shall be submitted to, and approved in writing by, the Council as Planning Authority. This scheme shall also ensure that all existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason: In the interest of sustainable transportation being maintained.

6. 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 for each building:
 - (a) the technology types;
 - (b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - (c) their siting and location; and
 - (d) ongoing operation and maintenance.

7. Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall 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.

8. Prior to the commencement of development hereby approved, the final construction details for the disposal of surface water via a Sustainable Urban Drainage System (SUDs), and the subsequent maintenance of the scheme, shall be submitted to, and approved in writing by, the Council as Planning Authority. The design for the SUDs basin shall incorporate an emergency

spillway for exceedance flood events to be directed towards a watercourse. Further, this design shall ensure that, where any outfall will affect the adjacent swamp/pond area, only clean water enters this wetland area. The scheme shall thereafter be implemented in full, prior to the occupation of the first retail unit and thereafter maintained in accordance with the approved scheme.

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

9. Prior to the commencement of development, updated landscape proposals shall be submitted to, and approved in writing by, the Council as Planning Authority. The updated proposals shall include a planting scheme which incorporates increased native species, detail the delivery implementation and arrangements for maintenance. The landscaping scheme, as approved, shall thereafter be implemented in full, in accordance with the approved scheme. Further, any planting which, within a period of 5 years from the completion of the approved phase of 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 in the next available planting season. The approved scheme as approved, shall be maintained thereafter to the satisfaction of the Council as Planning Authority.

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

10. Development hereby approved shall not commence until 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 Council as Planning Authority as Planning Authority, in consultation with Scottish Natural Heritage (SNH) and Scottish Environment Protection Agency (SEPA). 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 agreed CEMP.

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

11. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
 - 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

12. Before any residential or commercial unit is occupied the measures to mitigate all identified risks after intrusive investigation shall be fully implemented as approved by the Planning Authority.

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

13. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: The site lies adjacent to areas of archaeological significance.

14. Prior to the occupation of any retail unit hereby approved, a scheme for all external lighting shall be submitted to, and approved in writing by, the Council as Planning Authority. This scheme shall ensure appropriate alignment and provide sufficient screening so as to ensure that there is no direct illumination of neighbouring land including the A93 (Perth Road) and Ardblair Terrace and that light spillage beyond the boundaries of the site is minimised. The lighting scheme shall thereafter be implemented in full, prior to the occupation of each retail unit.

Reason: In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished.

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

Reason: In the interest of protecting residential amenity from noise generated by plant or equipment.

16. Within any neighbouring residential property, noise levels shall be limited to an internal night time target noise level of 42 dB LAFmax, with window slightly open.

Reason: In the interest of protecting residential amenity from noise.

17. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its

own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with noise conditions, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason: In the interest of protecting residential amenity.

18. With the exception of Lidl, all servicing and deliveries to any retail unit hereby approved must be within the core hours of 07:00 and 21:00 Monday to Saturday and within the hours of 09:00 and 17:00 hours on Sundays. Where any retail unit is to receive deliveries between the extended hours of 21:00 and 23:00 Monday to Saturday only, a Delivery/Servicing Noise Management Plan, outlining mitigation measures to reduce noise, shall be submitted to and approved in writing by the Council as Planning Authority prior to activity taking place during these hours. The servicing and delivery arrangements must be in accordance with the core hours or, where approved, in accordance with any scheme and mitigation approved under the extended hours.

Reason: To safeguard the amenity of neighbouring residential properties.

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

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

20. All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837:2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

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

21. 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.

22. All road gullies within 500m of a waterbody or Sustainable Urban Drainage System (SUDs) pond shall have wildlife kerbs installed adjacent to the gully.

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

23. Noise from deliveries to Lidl shall not exceed 50dB(A) Leq, 1 hour including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, or L A90, 1 hour background noise level plus 5dB when measured within external amenity areas at any residential property.

Reason: To safeguard the amenity of neighbouring residential properties.

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

Reason: To safeguard the amenity of neighbouring residential properties.

25. Servicing of and deliveries to the premises (Lidl) shall be carried out between 0700 and 2100 Monday to Sunday.

Reason: To safeguard the amenity of neighbouring residential properties.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under

section 123(1) of that Act, which may result in enforcement action being taken.

3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.

Associated with this, it is recommended that the following information and design should be embedded within the final drainage details:

- In the event that the soakaway overtops due to a capacity issue or siltation over time, the surrounding ground should be contoured such to allow a volume of water to be retained before it can overland flow elsewhere. I.e. the land would be graded down to the soakaway (very gently). This would make it easier to identify a problem with the soakaway in the future because it would pond around it. This would provide additional protection to surrounding land/property.
 - A clear indication of the design standard of all the SUDS features on the design and As-Built drawings.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
 8. 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.

9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
11. The applicant is recommended to follow and incorporate all associated comments included within PKC Waste Services response (dated 04/07/2016). Further details and clarification of the requirements can be sought in discussion with the Council Waste Services Team.

Background Papers: 2 letters of representation
Contact Officer: Gillian Peebles
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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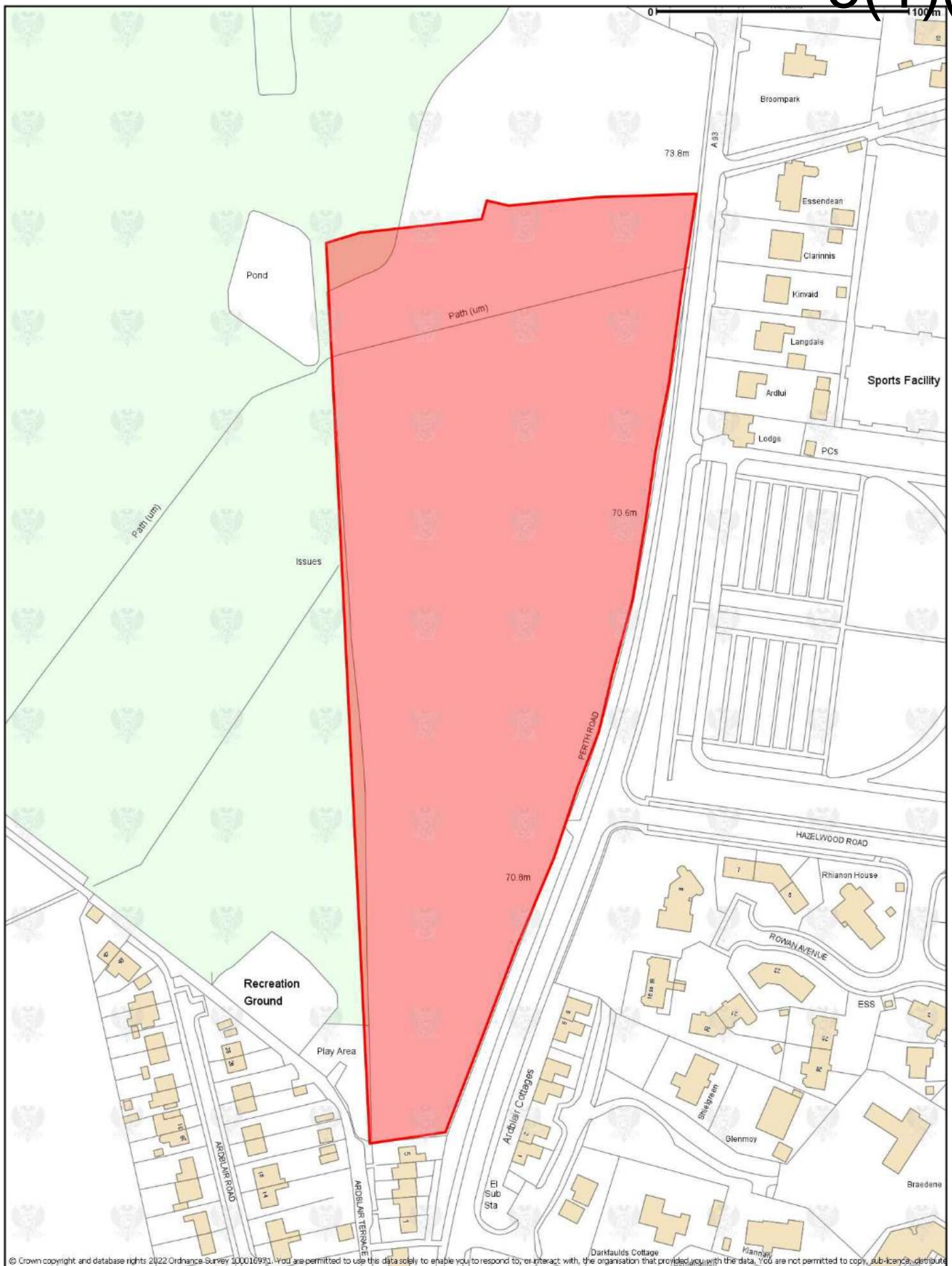
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22/00046/AMM

S42 application to amend condition 16 (service delivery times) of permission 19/00163/AMM on land SW of Cemetery House Lodge, Perth Road, Blairgowrie





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Scale 1:2000

22/00046/AMM

S42 application to amend condition 16 (service delivery times) of permission 19/00163/AMM on land SW of Cemetery House Lodge, Perth Road, Blairgowrie



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

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

Ref. No: [22/00187/IPM](#)

Ward No: P1- Carse Of Gowrie

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

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

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

Pre-Application Consultation

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

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

The Scottish Planning Policy 2014 (SSP)

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

Planning Advice Notes

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

Creating Places 2013

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

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2016-2036

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

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

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

22. Policy 1: Locational Priorities

Perth and Kinross Local Development Plan 2

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

24. The principal relevant policies are, in summary;

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

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

Site-Specific Developer Requirements

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

SITE HISTORY

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

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

CONSULTATIONS

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

External

57. Dundee Airport Ltd – no objections.

REPRESENTATIONS

5. No representations received within statutory timescale.

ADDITIONAL STATEMENTS

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

APPRAISAL

61. Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.
62. Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
 - (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
 - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
63. The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

Principle

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

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

Design and Layout

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

Residential Amenity

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

Visual Amenity

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

Health and Safety

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

Developer Contributions

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

Economic Impact

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

LEGAL AGREEMENTS

75. None required.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

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

A RECOMMENDATION

Conditions and Reasons for Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason - To safeguard Scottish Water infrastructure.

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

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

Reason - To safeguard archaeology in the area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason - In the interests of road safety

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

Reason - In the interests of road safety

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

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

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

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

NatureScot at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult NatureScot for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.

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

9. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2014 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
10. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory drainage Authority.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
12. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Specified by Condition.
13. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

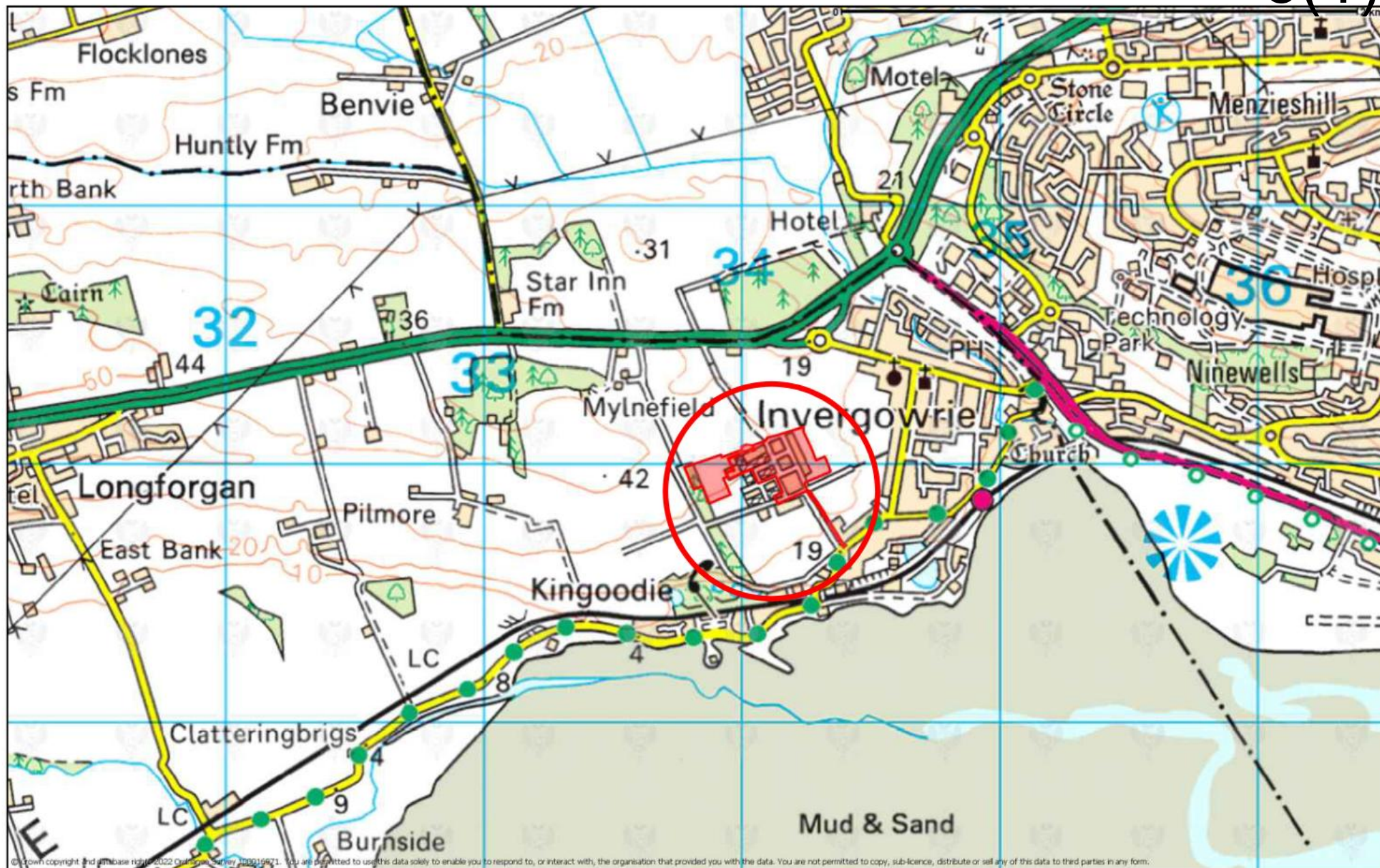
Background Papers: None
Contact Officer: Gillian Peebles
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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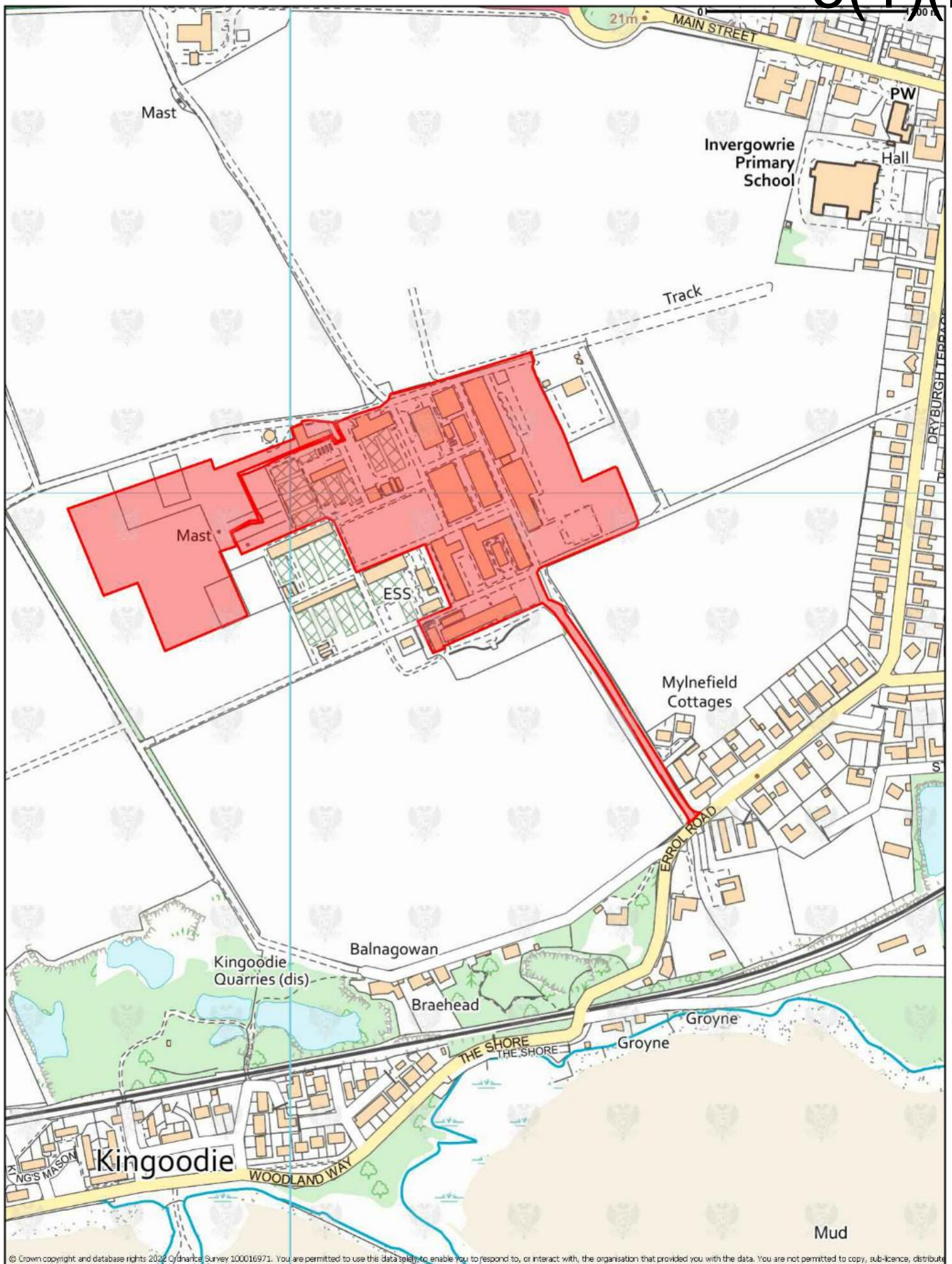
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22/00187/IPM

S42 application to modify condition 3 (building height) of planning permission 20/01103/IPM at the James Hutton Institute, Errol Road, Invergowrie





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22/00187/IPM

S42 application to modify condition 3 (building height) of planning permission 20/01103/IPM at the James Hutton Institute, Errol Road, Invergowrie



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/76)

PROPOSAL:	Erection of 5 dwellinghouses, garages and associated works
LOCATION:	Land North of Woodbine Cottage Duncrevie Glenfarg

Ref. No: [21/00407/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. Planning permission is sought for the erection of five dwellinghouses, garages and associated works on land to the North of Woodbine Cottage Duncrevie, Glenfarg. The site is an irregular shape and sits between residential properties, 'Northview' is to the east, whilst 'Woodbine Cottage' and 'Weefield' are to the southwest. Access from the unclassified 'Calford Brae' to the south; whilst an unnamed water course is located on the northwest boundary. To the north and north-east is agricultural land.
2. The site is currently vacant and rough ground but previously contained a cluster of farm buildings associated with Duncrevie Farm. These were demolished as part of the implementation of planning permission 05/02080/FUL, which saw five detached houses approved laid out in a cul-de-sac.
3. The implementation of the 2005 permission means that there is a fallback position, this is a strong material consideration in the determination of this application – particularly given the site is now located outwith a settlement boundary, as identified in the Perth and Kinross Local Development Plan 2019. This application effectively seeks to alter the proposed layout and house types associated with the 2005 permission.

Pre-Application Consultation

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 (SPP)

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

Planning Advice Notes

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

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.”

Perth and Kinross Local Development Plan 2

13. 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.
14. The principal relevant policies are, in summary;
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 5: Infrastructure Contributions
 - Policy 6: Settlement Boundaries
 - Policy 19: Housing in the Countryside
 - Policy 20: Affordable Housing
 - Policy 39: Landscape
 - Policy 52: New Development and Flooding
 - 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

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

15. This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance 2020

16. 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.

Housing in the Countryside Supplementary Guidance 2020

17. The objective of the policy and guidance is to strike a balance between the need to protect the landscape whilst still encouraging appropriate rural housing developments. This means guiding new houses to places which support existing communities and services and minimise the need to travel, encouraging the reuse of traditional rural buildings, and ensuring that the siting and design of all new houses will not adversely impact on the landscape or on the character of the countryside.

SITE HISTORY

18. [05/02080/FUL](#) Full Planning Permission was approved on 21 September 2007 for erection of 5 dwellinghouses and garages and demolition of existing farm buildings. The farm buildings were demolished, and drainage infrastructure installed under building warrant reference 08/01730/ALT. As such a 'material operation' under section 27 (4) of the Act was undertaken and the permission implemented within the required timeframes and remains extant.
19. [20/00308/FLL](#) A detailed planning application for the erection of 6 dwellinghouses, garages and associated works was withdrawn on 9 December 2020. This followed PKC advice to the applicant that the increase in the number of residential units could not be supported, due to the change in the sites status from 2007 to LDP2, and that a Flood Risk Assessment was also required.

CONSULTATIONS

20. The following bodies were consulted:

External

21. **Scottish Water:** No objection. Advise of sufficient water capacity to service the development; but that there is no public Scottish Water Waste Water Infrastructure within the vicinity of the site, the private treatment option has already been investigated and installed.
22. **INEOS FPS Ltd:** No objection. Advise that the safety and engineering integrity of the INEOS FPS Forties Pipeline will not be affected.
23. **Scottish Environment Protection Agency:** No objection received. Response on the 2005 application noted that the previous private drainage solution had been accepted by the SEPA EPI Team.

24. **Health and Safety Executive:** No objection. Do not advise against the granting of planning permission on safety grounds.

Internal

25. **Transport Planning:** No objection, subject to recommended conditions.
26. **Structures And Flooding:** No objection, subject to recommendations of the Flood Risk Assessment (FRA) being undertaken.
27. **Environmental Health (Contaminated Land):** No objection subject to conditions.
28. **Development Contributions Officer:** No objection. Contributions were previously secured under the extant planning permission 05/02080/FUL. No additional units are proposed via this application therefore no further contributions are required.
29. **Community Waste Advisor - Environment Service:** No objection. Advice provided on bin provision and collection.

REPRESENTATIONS

30. 13 objections have been received including one from the Glenfarg Community Council. The main issues raised are:
- Traffic generation/Road Safety Concerns/traffic volumes/traffic congestion/Road improvements on Calfford Brae are required.
 - Noise and Disturbance
 - Overlooking, loss of privacy
 - Contrary to Development Plan
31. These issues are addressed in the Appraisal section of the report.
32. Concerns have also been raised relating to impacts on the drinking water supply and other utilities/infrastructure. In relation to water, the applicant has confirmed their intention to connect to the public water supply. Any impact or upgrade to drinking water supply would thus be a matter between the developer and Scottish Water. Similarly, the upgrade or provision of other utilities would be between the developer and relevant utility provider.

ADDITIONAL STATEMENTS

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

APPRAISAL

34. 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 Housing in the Countryside, Placemaking and Flooding Supplementary Guidance (SPG).

Principle

35. The site lies within the 'landward' area in the adopted Perth and Kinross Local Development Plan 2 (2019) thus the proposal falls to be principally considered against Policy 19 'Housing in the Countryside' and its associated 2020 SPG on 'Housing in the Countryside', which is the most recent expression of Council policy towards new housing in the open countryside.
36. The Policy and SPG recognises that opportunities exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus, the development of single houses or groups of houses which fall within the following six identified categories will be supported:
- (1) Building Group;
 - (2) Infill sites;
 - (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance;
 - (4) Renovation or replacement of houses;
 - (5) Conversion or replacement of redundant non-domestic buildings; and
 - (6) Development on rural brownfield land.
37. This site particularly falls into Category 6, being previously developed or rural brownfield land. The associated SPG seeks significant environment improvements to support development.
38. In this regard the proposal would not result in significant environmental improvement. However, as explained in the site history the farm buildings at the site have been demolished and drainage infrastructure installed in relation to the 2007 planning permission and as such that development of 5 dwellings could still be undertaken. When taking account of this fallback position, the redevelopment of this previously developed site with an extant planning permission also for five dwellings, sees the principle of this extent and nature of development remain acceptable.
39. It should be noted that an application in 2020 (Ref: 20/00308/FLL) sought to increase in the number of residential units at the site from five to six.

However, with the site now being located outwith the settlement boundary the increase in unit numbers is not supported by the LDP2's Housing in the Countryside Policy. Furthermore, the increase in units to six exceeded that supported by the fallback position (the extant permission for five units).

Design, Layout and Landscape

40. The house types now proposed have been amended and repositioned from those approved in the 2005 permission. However, their scale and massing are similar, with windows set within dormers on the roof plain or incorporated into the wall head. However, the design and materials palette is now more contemporary. Particularly there are larger areas of glazing and a buff render which will be more recessive in the landscape than the previously approved cream colouring.
41. The 2005 assessment confirmed that the formation of five houses on this site arranged around a cul-de sac arrangement was acceptable subject to high quality structural landscaping being secured by condition, particularly given the elevated position above Glenfarg.
42. With conditional control reapplied to secure this structural landscaping the revised proposals are considered acceptable and compliant with the placemaking policies 1A and 1B as well as landscape Policy 39 (Condition 2).

Residential Amenity

43. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. In this respect an acceptable level of amenity for the proposed dwellings is required and in this case cognisance of the surrounding land uses, residential and agricultural, must also be taken into account.
44. With regards to neighbouring residential amenity the proposal is not considered to result in any adverse amenity issues from overlooking or overshadowing. An acceptable level of residential amenity can also be achieved between the proposed properties if suitable boundary delineation is deployed.
45. Representations consider that the use of the new vehicular access will result in noise and disturbance. However, it is not considered that this will be to the extent that an unacceptable or significant loss of amenity would occur to warrant refusal of the application. Particularly given the fall back position of another planning permission allowing the development of 5 houses. It is also worth noting that the former agricultural use of the site could at times have caused greater noise and disturbance.

Contaminated Land

46. Due to the former agricultural use, there could potentially be a range of contaminants present. This is particularly true of areas which may have been used as farmyards and could have contained a variety of buildings. Aside

from the likely presence of made up ground, chemicals could have been used within the site historically and potentially leaked or been spilled.

47. The risks associated with this former use are difficult to quantify, without sampling and chemical analysis of soils. This will clarify the situation and whether any measures are needed to mitigate against any risks identified.
48. Environmental Health therefore require a condition be applied to any planning permission, to ensure the aims of Policy 58A: Contaminated Land are met (Condition 3).

Roads and Access

49. The majority of representations raise concerns over road safety and in particular the increase of traffic utilising Calfford Brae. Transport Planning were consulted and do not object to the application or use of the surrounding road network. Conditional control is recommended to ensure the approved access arrangements are delivered (Condition 4). It is also again noted that there remains planning permission in place for the development of 5 houses.
50. It is also appropriate to ensure the approved parking and vehicular turning within the site is delivered (Conditions 5 and 6), to ensure compliance with policy 60B: Transport Standards and Accessibility Requirements.

Drainage and Flooding

51. The SEPA flood maps do not indicate any flood risk. However this may be because the mapping does not pick up risk on small catchment watercourses (<3km²), which may reflect the nature of the water course to the northwest.
52. Consultation with the Flooding Team confirmed that there may be a risk from that adjacent watercourse and a Flood Risk Assessment (FRA) was requested to enable assessment against Policy 52: Flooding.
53. The submitted FRA highlights that only a small part of the site is within the 1 in 200 year flood extent and recommends setting a 0.6 metre freeboard above this level +35%, along with other drainage mitigation measures.
54. The Flooding Team have reviewed the FRA and are content with the findings, recommending conditional control to ensure the mitigation measures are delivered, (Conditions 7 and 8).

Developer Contributions

55. The Developer Contributions Guidance is applicable to this application and contributions were previously secured under the extant planning permission 05/02080/FUL. No additional units are proposed via this application therefore no further contributions are required.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

57. 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 variation relating to the submission of the Flood Risk Assessment.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

58. None Required.

DIRECTION BY SCOTTISH MINISTERS

59. 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

60. 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 overarching aims of the adopted Local Development Plan 2 (2019) which seeks to reutilise brownfield land. The fallback position, an implemented consent for five dwellings, is a significant material consideration which justifies approval.
61. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include

details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. Particularly elements of structural planting to the north and northwest boundaries should be incorporated. 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.

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

I. the nature, extent and type(s) of contamination on the site

II. measures to treat/remove contamination to ensure the site is fit for the use proposed

III. measures to deal with contamination during construction works

IV. condition of the site on completion of decontamination measures.

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

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

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

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

5. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

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

6. Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

7. The conclusions and recommended action points within the supporting flood risk assessment submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
5. No work shall be commenced until an application for building warrant has been submitted and approved.
6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
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. 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 include the submission of a Flood Risk Assessment.

Background Papers: 13 letters of representation

Contact Officer: John Russell

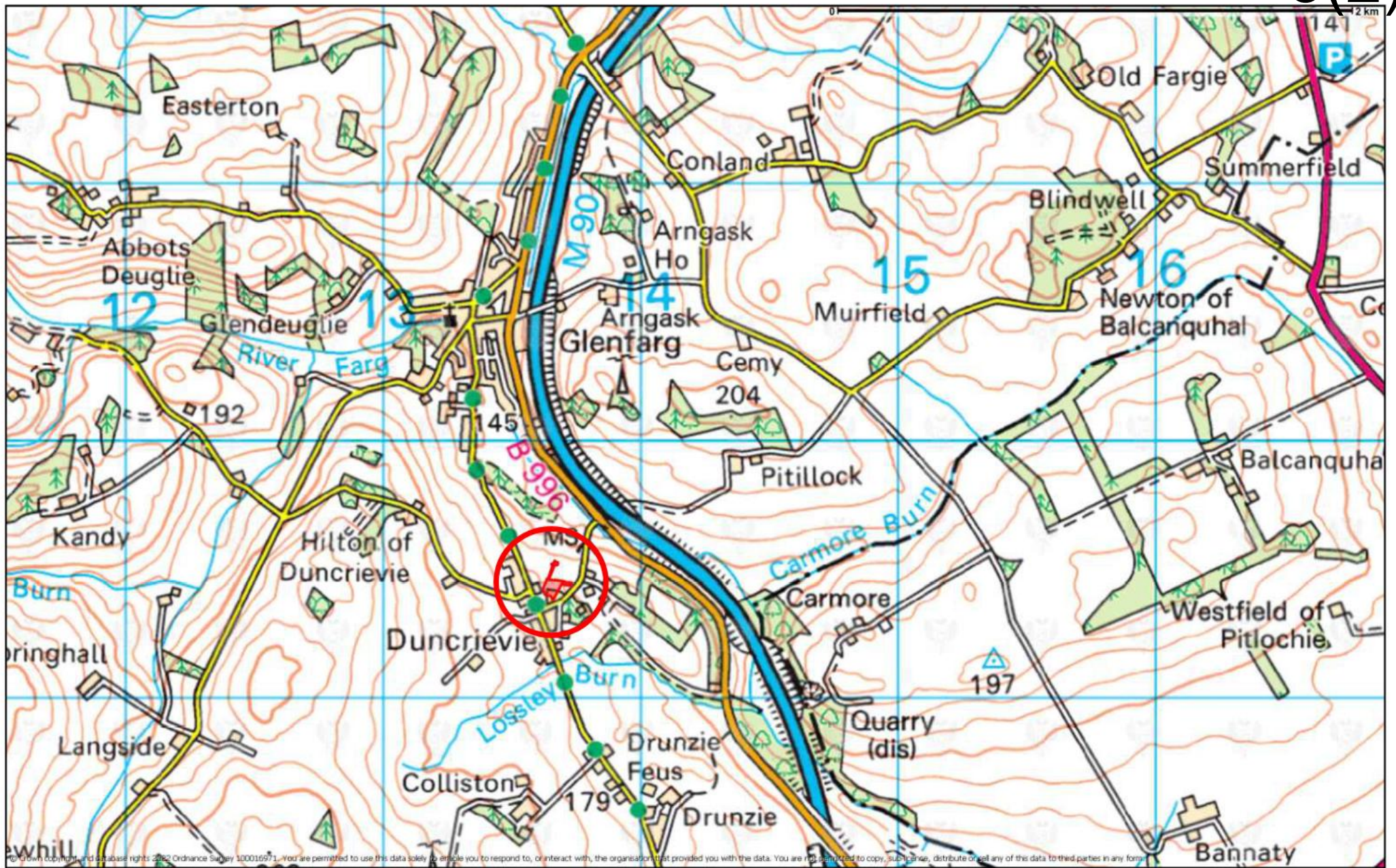
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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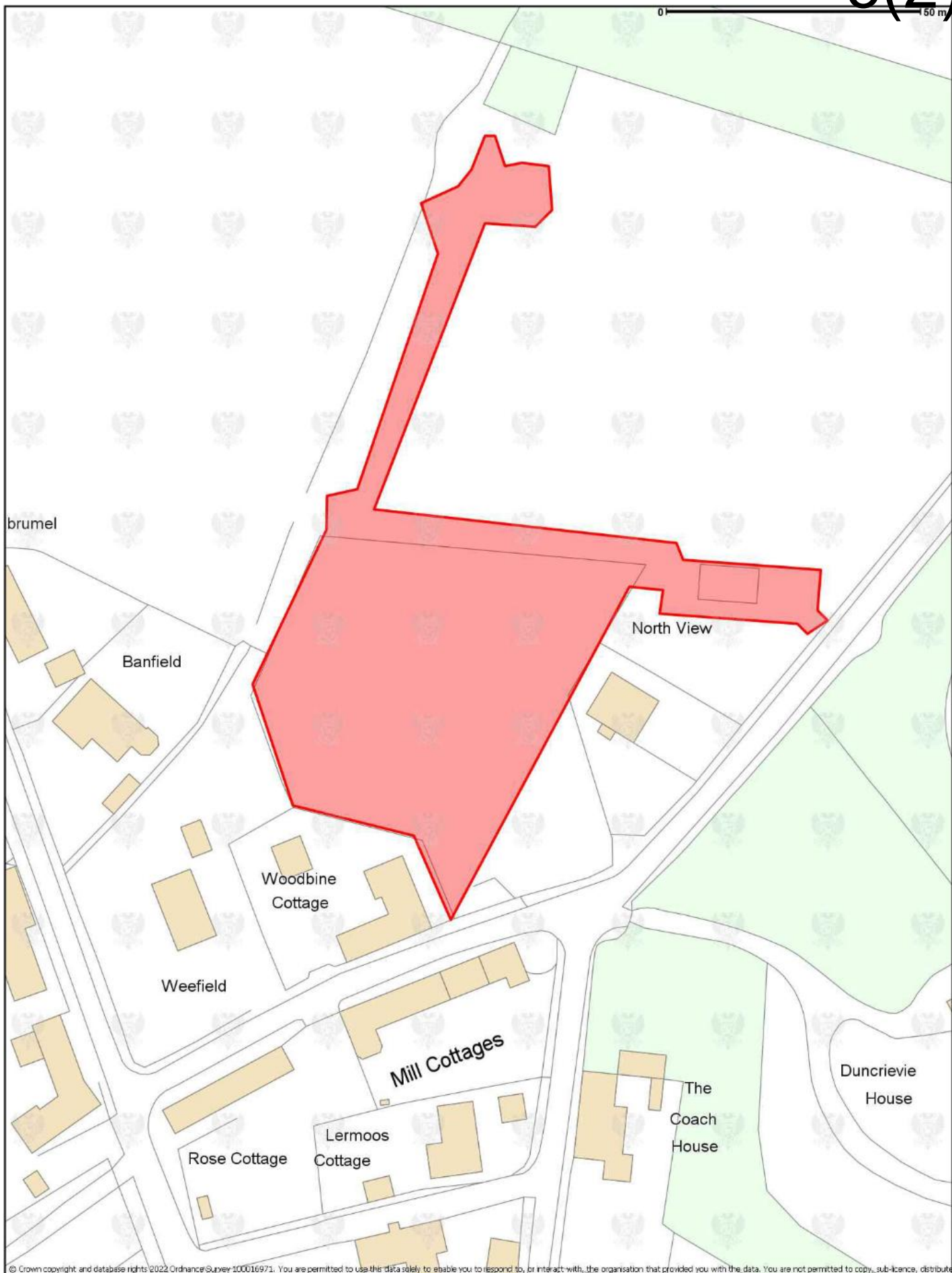
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21/00407/FLL

Erection of 5 dwellinghouses, garages and associated works
land north of Woodbine Cottage, Duncreevie, Glenfarg





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Scale 1:1000

21/00407/FLL

Erection of 5 dwellinghouses, garages and associated works land north of Woodbine Cottage, Duncrerie, Glenfarg



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/77)

PROPOSAL: Erection of a dwellinghouse and garage

LOCATION: Land South East of Graybank House, Graybank Road, Perth

Ref. No: [21/01946/FLL](#)

Ward No: P10- Perth City South

Summary

This report recommends approval of the application, subject to the receipt of the required developer contributions, 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 lies to the south of the property Graybank House, currently forming part of the garden ground. The area is characterised by low density residential development which surrounds the site, with an access track running along the west boundary.
2. The proposal is to subdivide the garden ground of Graybank House and erect a dwellinghouse within the resultant plot. The design of the dwelling will work with the site levels and see three levels of accommodation. The upper floor will be within the roof and served by rooflights, there is also a smaller footprint lower ground floor. A 'granny annex' will also be incorporated, whilst to the east would be a detached double garage. The site will utilise the south of two existing vehicular accesses to Graybank House.

NATIONAL POLICY AND GUIDANCE

3. 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

4. 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)

5. 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.
6. 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

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

Creating Places 2013

8. 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

9. 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

10. 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

11. 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.”

12. There are no sections of the TAYplan 2016 which are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

13. 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.

14. The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- 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 53E: Water Environment and Drainage: Water Supply
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

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

Placemaking Supplementary Guidance March 2020

16. 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

17. [20/01846/FLL](#) An application for full planning permission, proposing the erection of a dwellinghouse and garage, was withdrawn on 8 March 2021. This application seeks to address previous concerns with the scale of development and proximity to boundaries.

CONSULTATIONS

18. The following bodies have been consulted:

External

19. **Scottish Water** - No objection. Note that capacity is available for foul and water, subject to an application to secure connections.

Internal

20. **Structures And Flooding** – No objection. Discussions have indicated that some surface water issues have occurred locally. The proposed connection of surface water to the public system shall require to be secured by condition.
21. **Environmental Health (Noise Odour)** - No objection. Condition recommended related to noise from the air source heat pump.
22. **Transport Planning** - No objection. Condition recommended for construction traffic management.
23. **Development Contributions Officer** – Advise a contribution is triggered for transport infrastructure (£3,657).

REPRESENTATIONS

24. 8 representations have been received; the main issues are summarised below:
 - Contrary to LDP
 - Excessive height
 - Inappropriate land use
 - Loss of open space
 - Out of character with the area
 - Inappropriate design
 - Overlooking
 - Over development

- Noise pollution (heat pump)
 - Access drive not appropriate for construction and access
 - Maintenance of private access and damage
 - Road safety
 - Concern that hedge will not be retained
 - Inclusion of a further dwelling - (annex to be conditioned)
 - Surface water drainage problems
 - Damage to neighbouring drainage pipes/connections/utilities
 - Flood risk
 - No ecological surveys
 - Serving of land ownership certificates
 - Loss of a view
25. These issues are discussed below, with the exception of: land ownership certificates. This issue was addressed when this issue was confirmed and certificates were subsequently served; and loss of a view, which is not a material planning consideration.
26. In addition, as the access road is not adopted and as such damage and maintenance of the access and drainage pipes/connections/utilities are a separate legal matter out with the remit or control of the planning authority.

ADDITIONAL STATEMENTS

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

APPRAISAL

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

28. The site is located within the settlement boundary of Perth within an area zoned for residential uses under Policy 17 Residential Areas. This policy

seeks to ensure that existing residential amenity is protected and supports infill residential development at an appropriate density.

29. The existing dwelling is a substantial two storey detached traditional property within a generous plot. The subdivision of the plot will retain an acceptable amount of amenity space for the existing dwelling whilst providing a new plot which is reflective of the large size of those in the locality.
30. It is therefore considered that the site could accommodate a dwelling whilst complying with Policy 17.

Design and Layout

31. The dwelling proposed has three levels of accommodation with the upper floor contained within the roof and a small lower ground floor utilising the site levels, which fall across the site from west to east. The dwelling is positioned along the south boundary with a detached double garage to the west.
32. The dwelling sees traditional proportions, in terms of the steep roof pitch and materials like slate but is of a contemporary design including large amounts of glazing and a mix of finishes (slate/render/timber cladding). The majority of dwellings in the area are traditional in design and finishes, but this does not prohibit modern interventions where the site can accommodate it. The simple linear form of the dwelling and use of materials such as slate on the roof enables the dwelling to complement the surrounding development. The majority of the boundaries will be retained, and a new timber fence is proposed to the north to divide the plots and existing paving/paths will be removed.
33. The site is 1,100sqm in area and the footprint of the dwelling/garage 270sqm, the proposal therefore develops approx. 25% of the plot. The plot also provides in excess of 200sqm of usable amenity space with the remaining areas formed by a large parking/turning area and various paths/hardstanding's around the dwelling. The proposal is therefore not considered to be an overdevelopment of the plot.
34. The dwelling is generous with the internal layout reflecting this in large bedrooms, living spaces, circulation areas and inclusion of a one bed annex accessed from the main house. This annex due to its relationship and proximity to the dwelling is unlikely to be occupied as a separate dwelling but a condition will be added to ensure it is retained within the same planning unit (Condition 4).
35. The design, siting and materials are considered to be acceptable and comply with Policy 1 Placemaking and the Placemaking Supplementary Guidance.

Residential Amenity

36. The dwelling is positioned to the south of the site with 9m provided to the north boundary to mitigate the impact of windows in that elevation. To the east, working with the lower site levels, the dwelling incorporates 3 floors of accommodation with glazing, terraces and balconies facing the east

boundary. The balconies are enclosed within an overhang and the terrace has a projecting wall which limits views north and south. The distance from the balconies to the boundary is 10.5m and the intervening distance between the elevation and the rear of the dwellings on Gray Street (which sit at a lower level) is 28m, due to the long depth of the adjoining gardens. The distances from both these boundaries and the further set back of the dwellings is adequate to mitigate any impacts with regards to overlooking.

37. The dwelling located closest in a southerly direction sits 18m from the site boundary. The proposed dwelling has been designed so that the facing windows are either at high level serving the kitchen and living room, or relating to the utility room and bathroom. The upper floor has roof lights only, as such potential for overlooking is mitigated. It is therefore considered that the internal layout and use of high-level windows/rooflights has mitigated any potential impacts in relation to overlooking.
38. Occupants of dwellings to the south raise concerns over potential overshadowing and loss of daylight. However, the orientation of the dwelling, to the west or north of unrelated properties, and its position within the plot would not result in any unacceptable shadow being cast to either the south (Pickletullum Gardens or Road) or east (Gray Street). Greybank House, the doner property, is located to the north and impacts remain acceptable. Additionally, the garage is single storey and bound by the access track and a distance from other properties, therefore its positioning would not result in any significant overshadowing or loss of daylight that would impact existing properties.
39. The proposal includes the provision of an air source heat pump on the south elevation. Environmental Health have reviewed the model to be installed and confirm that given the distance to neighbouring properties the noise levels would be acceptable. A condition is recommended to ensure protection of residential amenity. (Condition 3)
40. The proposal is therefore considered to comply with Policy 1 Placemaking, Policy 17 Residential Areas and the Placemaking Supplementary Guidance.

Visual Amenity

41. The site is contained within an established residential area and would see a suitable property developed and retain adequate garden ground and landscaping. Thus, although the development will alter the view from neighbouring properties, it will not detrimentally impact the visual amenity of the area.

Roads and Access

42. The site is located on a private access, shared with a number of other residents. This access connects with Graybank Road, a private road, close to its junction with the public road network at Pickletullum Road. Access to the plot will utilise an existing vehicle access serving an informal parking area related to Graybank House.

43. Pickletullum Road is subject to a 7.5 Tonne weight restriction, as a result, a construction traffic management scheme will be required by condition, to address concerns about larger vehicles (+7.5t) to route through the weight restriction. (Condition 2)
44. Any works on site should not impact on the structural stability of the private access. The accompanying design statement states that the road surface *“will be regularly maintained throughout the works to ensure safe access for other residents”*. However, the access road is not public and it will be for the owners and/or those who have right of access to come to an agreement and discuss maintenance/repair responsibilities, but this is not a planning issue.
45. The car parking and manoeuvring areas within the plot will be finished in a gravel layer within the immediate area of the new dwelling. The parking on site meets the requirements of the National Roads Development Guide.
46. The proposal does not raise any concerns in relation to the impact on the public road network and therefore complies with Policy 60B of the LDP.

Drainage and Flooding

47. SEPA’s indicative flood maps do not identify the site as being at risk of flooding, although surface water flooding issues have been raised.
48. The dwelling is to be connected to the public water and foul systems. The agent has also confirmed that surface water drainage is to be connected to the Scottish Water Infrastructure. It has not been confirmed by Scottish Water that a connection would be available, and it is likely that this could not be formally confirmed until an application to connect is made, this is normally undertaken only after the granting of planning permission. If a connection cannot be secured, alternative arrangements may be required, and a further application made to incorporate surface water drainage within the site. A condition will be added to confirm the drainage arrangement. (Condition 5)

Natural Heritage and Biodiversity

49. There is an existing tree to be retained and the root protection area (RPA) has been shown on plan ref: 02, showing the area related to the construction of the dwelling does not encroach on the RPA. A condition will be added to ensure this is in place during construction. (Condition 6)
50. There are existing hedges/planting along the east, south and west boundaries and these are shown for retention. The impact on protected species has been noted in letters of representation but it would not be normal practice to require a bat survey for a hedge. As the hedges are shown for retention and an informative will be added as the hedges could be used by nesting birds.
51. The proposal complies with Policy 40 Trees and Policy 41 Biodiversity.

DEVELOPER CONTRIBUTIONS

Primary Education

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

Transport Infrastructure

54. The Council 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.
55. The site is located in the 'Full' Transport Infrastructure contributions zone (Appendix 3 of the Supplementary Guidance) and therefore a contribution (£3,657) is required.

Economic Impact

56. The economic impact of the proposal will be focused on the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

57. 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 ensure the hedge and site boundaries match on all plans.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

58. It is anticipated that the contribution will be paid upfront as it would not be cost effective for the applicant to instruct a Section 75 legal agreement and the associated legal costs.

DIRECTION BY SCOTTISH MINISTERS

59. 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

60. 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.
61. Accordingly, the proposal is recommended for approval subject to the payment of the developer contributions and the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the commencement of 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) taking cognisance of the 7.5t limit 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) arrangements to ensure that access for emergency service vehicles are not impeded; and
 - (d) 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

3. All plant or equipment, which includes the Air Source Heat Pump, 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.

4. The ancillary one bedroom annexe located on the ground floor (plan ref 19) hereby approved shall be used solely in conjunction with the main dwellinghouse and shall not be occupied separately at any time and shall be retained within the same planning unit as the dwelling.

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

5. As set out in the application forms and hereby approved documents (plan ref 02) the surface water drainage shall be connected to the Scottish Water combined sewer system.

Reason - To ensure the discharge of surface water is managed.

6. Prior to the commencement of any works on site, the Root Protection Area identified on plan ref 02 shall be put in place. 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.

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

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

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. 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.
6. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
7. 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 clarify position of hedge

Background Papers: 8 letters of representation

Contact Officer: Joanne Ferguson

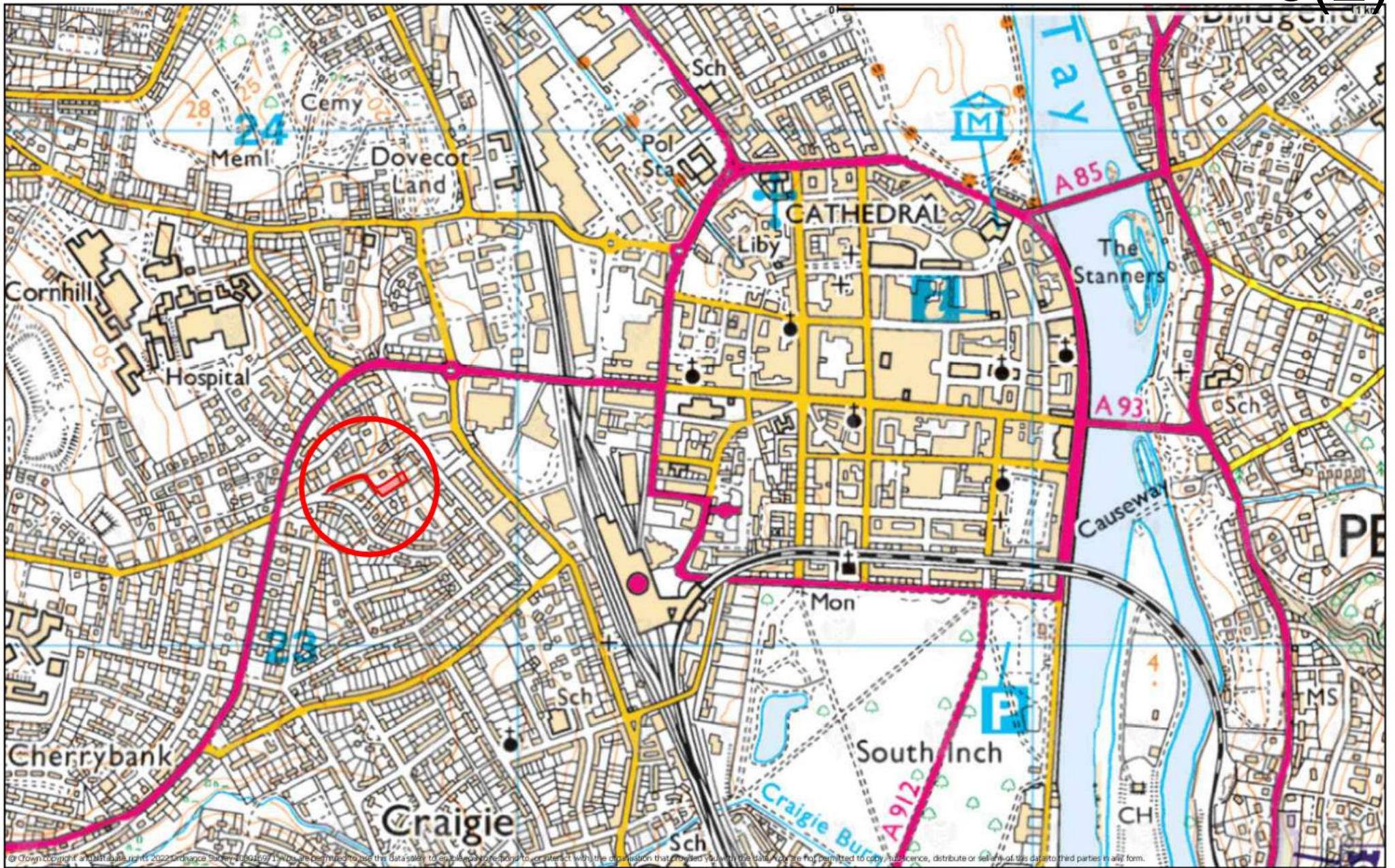
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:10000



21/01946/FLL

Erection of a dwellinghouse and garage at land SE of Graybank House, Graybank Road, Perth





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Scale 1:1000

21/01946/FLL

Erection of a dwellinghouse and garage at
land SE of Graybank House, Graybank Road,
Perth



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/78)

PROPOSAL:	Change of use from open space to form extension to garden ground, formation of a path and erection of fence
LOCATION:	Ard Mor, 39 Highfield Road, Scone, Perth, PH2 6RN

Ref. No: [21/02087/FLL](#)
 Ward No: P2- Strathmore

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. This planning application seeks to obtain a detailed permission for: a) the formation of a 4m wide surfaced footpath, for Council adoption, with verges either side; and b) the change of use of an area of public open space (POS) to garden ground, all on land at the western end of Highfield Road, Scone – a private, unadopted road. All with associated fencing. The site being immediately adjacent and in part overlapping into the Scone North Development (SND). The path would provide a non-motorised connection from Highfield Road to the SND.
2. The proposed path would link from the road within the SND traversing the southern part of what is currently private garden ground associated with 39 Highfield Road and then onto Highfield Road at its western end. To compensate for the loss of garden, an area of what is approved to be part of wider amenity ground within the SND is to be incorporated into 39 Highfield Road. Both the new footpath route and revised garden area will be defined by a 1.8m fence.
3. The footpath will be surfaced and incorporate associated streetlighting and drainage, with the intention for it to be adopted by the Council. Along the edges of the footpath would be verges planted with low maintenance bushes and shrubs, again with the intention of being passed over to the Council for future maintenance.
4. At the eastern end of the footpath near the point that it meets Highfield Road, a centrally positioned bollard is proposed to restrict vehicle access. There is no intention of forming a vehicular road link onto Highfield Road, with the footpath for pedestrians, cyclists, etc.

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 (SPP)

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

Planning Advice Notes

9. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 77 Designing Safer Places

Creating Places 2013

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

Designing Streets 2010

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

National Roads Development Guide 2014

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

Cycling By Design 2021

13. Cycling by Design provides guidance for permanent cycling infrastructure design on all roads, streets and paths in Scotland. It aims to ensure that cycling is a practical and attractive choice for the everyday and occasional journeys of all people, particularly new, returning or less confident users.

Development Plan

14. 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

15. 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."

16. There are no specific policies contained within the TAYPlan applicable to this proposal.

Perth and Kinross Local Development Plan 2

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 site is located within the settlement boundary of Scone, where the principal relevant policies are, in summary.

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 60B (Cycling and Walking): Transport Standards & Accessibility Requirements

Other COUNCIL Policies

Placemaking Guide 2020

19. This document sets out the Council's policies on placemaking standards.

SITE HISTORY

20. The area immediately to the west of the site, and the area covered by the proposed change of use are part of SND, the first phase of which was consented under 21/00609/AMM.
21. During the consideration of that planning application, advanced discussions took place between the applicant and the Council about the possibility of delivering a new footway link from the development onto the existing Highfield Road. As the site boundaries for 21/00609/AMM did not include the area required for this to be delivered, it was not considered possible to 'add' this additional element to that application.
22. As such, this footway link was not incorporated as part 21/00609/AMM.
23. This planning application now seeks to deliver that link and allow for improved access links for non-motorised users to be delivered.

CONSULTATIONS

24. The following bodies were consulted:

External

25. **Scone And District Community Council:** Object. Considering that the footpath is not required, is too wide and there is a potential for the footpath to be used as a 'rat run' for motorcycles compromising the road safety of existing users of Highfield Road.
26. **Historic Environment Scotland:** No objection. Consider no impact on the Historic Garden and Designed Landscape (HGDL) associated with Scone Palace.
27. **Perth Scone Airport:** No response received.

Internal

28. **Community Greenspace:** No objection. Support the proposal.

29. **Development Contributions Officer:** No comments.
30. **Transport Planning:** No objection, subject to the bollard and street lighting being installed.
31. **Planning And Housing Strategy:** No objection

REPRESENTATIONS

32. A total of 28 representations, including one from Scone & District Community Council, have been received, all objecting to the proposals.
33. The main issues raised are:
- Proposals considered contrary to Local Development Plan 2;
 - 4m is an excessive width for a footpath;
 - Potential for use as a vehicular access;
 - Road and pedestrian safety concerns (from a vehicular access);
 - Noise concerns;
 - Impact on Core Path;
 - Precedent for other similar links to be created into existing road infrastructure.
34. These issues are addressed in the Appraisal section of the report.
35. The following issues are also raised:
- 39 Highfield Road has recently added an extension, which is not on the block plan;
 - The applicant does not own the site;
 - Lack of pre-submission consultation with residents of Highfield Road;
 - Developer undertaking negotiations with individuals;
 - Legal issues associated with forming a connecting to Highfield Road
36. However, these issues are not material planning considerations and cannot be taken into account in the determination of this planning application.

ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	No additional reports required

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 Placemaking Guide 2020.

Principle

38. The proposed extended residential curtilage, and loss of a small area of the POS approved under 21/00609/AMM raises no overriding issues of concern, nor does it attract any policy conflict with LDP2. It is also noted that little reference to this has been made within the letters of representations.
39. The key issue in the determination of the application is the acceptability of the creation of the path link, and whether or not providing greater pedestrian connectivity between SND and Highfield Road/the existing part of Scone is acceptable.
40. Improved connectivity for pedestrians and cyclists is supported by a number of Council policies, aims and objectives.
41. Within LDP2, Policy 60B makes specific reference to cycling and walking provision for large developments, which would include Scone North. Policy 60B aims to see new developments provide access to off-road walking and cycling routes as part of the 'green network' and contribute to its enhancement and improved connectivity. In this regard the proposals are considered to accord with these aims.
42. Beyond this the Council's 'Placemaking Guide' supports the principles of new development having connectivity to existing built up areas and discourages closed cul-de-sacs. As discussed above this more wide ranging objective of connectivity was not able to be delivered via 21/00609/AMM and this planning application seeks to introduce a non-motorised link from Phase 1B of the SND to existing areas of Scone and the wider network of paths, in turn improving the level of connectivity for walkers, cyclists, etc.
43. In addition, both the Scottish Governments National Roads Development Guide and Designing Streets outline the need for as much connectivity as possible between old and new development, to increase the ability of the population to walk and cycle around their local areas, and thus creating walkable neighbourhoods.
44. In all, the proposal (subject to conditions) is commended and considered inline with both Council and National Policy. As a safeguard, suitable design

interventions control can be put in place to restrict vehicular access – which is a principal concern set out in representations.

Transport Planning Position

45. As noted, many representations set out concerns over the potential for the path to either be used or in the future becoming a vehicular route linking the SND and Highfield. It is suggested within the representations that the 4m path width alludes to this happening.
46. The 4m width is, however, in line with guidance within Cycling by Design 2021, which sees Table 3.7 recommend that remote cycle tracks shared with pedestrians should see a desired minimum width of 4m, the absolute minimum being 2.5 metres. It is considered appropriate and desirable that the recommended width be provided, to maximise usability. The proposed width is therefore considered appropriate and in line with the recognised design standards.
47. The concerns that the width of the proposed path would facilitate vehicular use may also have evolved from the fact that the initial submissions did not show measures to restrict vehicles from passing through this link route. However, it is not the intention of the path to allow for vehicular use.
48. An amended drawing now shows a bollard at the Highfield Road end of the footpath, allowing passage for cycles but limiting the space to that which would not allow cars and other large vehicles to pass. Otherwise the 4m width will allow for both cycles and pedestrians to pass along the length of the link with ease. The retention of the bollard will be secured (Condition 2).
49. As the footpath is intended for Council adoption, suitable lighting along the proposed path will be incorporated and ensure the footpath is well lit, and safe for all its users (Condition 4).
50. It is noted that long term maintenance of Highfield Road, and Spoutwells Road (also private and unadopted) has been raised within the representations. In this regard Highfield Road, west of Lynedoch Road, does not form part of the adopted public road network and is thus private. As such, Perth & Kinross Council are not responsible for any maintenance. There this section is part of the core path network (SCON/124), passing along Highfield Road from the substation to Spoutwells Farmhouse before heading north. Given the proposed path link is for pedestrian and cycles only, the direct impact on the surfacing of Highfield Road resulting from the increase in use is not likely to be significant or result in marked additional wear and tear. The most significant impact on the condition of the surface would result from existing vehicular use, associated largely to the residential properties along its length – such passage of motorised vehicles would not alter because of the proposed path.
51. In addition, concerns have been raised that the provision of the path may see vehicles park at the end of Highfield Road, before occupants then walk or cycle into the SND. Although this may occur it is not considered that this is

significant enough to warrant refusal of the application, by outweighing the wider benefits of connectivity.

Residential Amenity

- 52. Concerns have been raised that the increased volume of walkers and cyclists resulting from the proposed path link and using Highfield Road, and other local roads, would impact on residential amenity.
- 53. It is accepted that the new and improved connectivity will see and promote more use along Highfield Road. However, it is not considered that the nature of these users (i.e. walkers and cyclists) are likely to cause any unacceptable impact on residential amenity. It is also important to note that whilst Highfield Road is unadopted, it is nevertheless accessible to the public already with no restrictions, and that it forms part of the existing Core Path network (SCON/13).

Visual Amenity, Design and Layout

- 54. The physical aspects of the proposal will have limited impact on the visual amenity of the area. The footpath will be seen in the context of the end of Highfield Road from the east, and from the west via the vehicular turning area. The extended area of private garden will similarly have little impact, and the proposed new boundary fences are similar to those already in place or consented across the SND. An area of POS has been retained between the footpath and the area of extended private garden, providing a softer edge to the start of the path from the west.
- 55. In terms of other design and layout elements, the bollard will restrict vehicular traffic from using the path (Condition 2).
- 56. All other design aspects of the footpath will be to the Council's recognised standards, including streetlighting (Condition 4) and surface water disposal (Condition 5). Upon completion, the footpath is proposed to be put forward for Council adoption.

Drainage and Flooding

- 57. The proposal raises no issues in terms of wider drainage or flooding matters, with surface water controlled via condition, to ensure that it does not shed onto neighbouring private land or onto Highfield Road.

Conservation Considerations

- 58. Whilst the site is located within the HGDL of Scone Palace, the proposal would have little impact on the landscape character of HGDL and as such the proposals are considered acceptable in this respect.

Natural Heritage and Biodiversity

- 59. A small 2m section of domestic hedging is required to be removed to facilitate the new path. This removal is not considered to be significant and does not

raise any issues with biodiversity. The line of the hedge continues into the garden of 39 Highfield Road, however whether or not the owners retain that hedge or open the garden up to the new fence line is a matter for themselves. The delivery of the development proposed does not require its removal and the hedge could be removed without planning approval, it is thus not considered reasonable to condition its retention or otherwise.

- 60. A landscaping / planting scheme will be delivered, and whilst this will be low maintenance it will include pro-biodiversity planting / tree species (Condition 3).
- 61. The existing hedge associated with 37 Highfield Road is not affected by the proposed development.

Core Path / Alternative Routes

- 62. The proposal will have no physical impact on the existing Core Path, but will offer better connectivity to it. An advisory note is added for completeness in relation to Core Paths, which is similar to those attached to the wider SND permission.
- 63. It has been raised within the representations that there is no requirement for this additional path link, as there is already a path route close by. Although this is proposed to be temporary diverted during the construction of early phases of SND.
- 64. In response, the principles of both LDP2 and National Guidance promotes as much connectivity to existing routes and the creation of new facilities – to encourage more walkable neighbourhoods. To this end, the presence of another walkable route close by is not considered a reason to justify refusing this further path link.
- 65. It should also be noted that whilst the proposed diversion of the Core Path, which is being implemented at the moment, is surfaced, the existing core path route is unsurfaced in parts, unlit and does not promote easy and safe access for users throughout the year. The new facility would be of a high and adoptable standard.

Developer Contributions

- 66. The proposal does not trigger any requirement for developer contributions or affordable housing provision.

Economic Impact

- 67. The proposal would have limited economic impact, the majority of which would be focused during the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 68. 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 variation comprised the inclusion of a bollard at the eastern end of the path, as shown on Plan 03.

PROCEDURAL MATTERS

Red line Extent

69. The red line showing the application site boundary includes the proposed footpath, associated landscaping and the area subject of the change of use associated with 39 Highfield Road however it does not extend to a public road, which is the Council's normal approach, as the adjoining section of Highfield Road is private. The practice of connecting an application site to a public road is to ensure any application site incorporates land which may see, for example, consequential development required by conditions.
70. To connect the application site to the public road, there would be two options which would have seen the red line area extended. The first option would be to extend to the west, to the point that it meets Harper Way. This would have resulted in properties on Austen Way and Spoutwells Drive being neighbour notified. These properties are a significant distance to the west of the proposed path link.
71. The second option would have been to extend the red line eastwards, taking in Highfield Road until the point where it becomes public, which is at the junction with Lynedoch Road. The majority of properties who would have been neighbour notified as a result of that option have, in any event, made representation and/or have been notified.
72. In light of the above, it is considered reasonable to acknowledge the slight variation from standard practice, but a resubmission of the application is not required in this case as no legislative error has taken place.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

73. None required.

DIRECTION BY SCOTTISH MINISTERS

74. 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

75. 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.

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

A RECOMMENDATION

Approve the application subject to the following 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 first use of the hereby approved path, the bollard shall be provided and shall thereafter remain in its approved location, as per the details on approved Plan 03.

Reason - In order to ensure that the design limits use of the path link.

3. Prior to the commencement of the development hereby approved, a landscaping and planting scheme for the verges alongside the edges of the footpath and also the 'triangle' area to the west adjoining the site, all primarily as shown in brown on hereby approved drawing P8430_342, shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved scheme shall be implemented within the first available planting season after completion of the development. Any planting failing to become established with 5 years, shall be replaced within the next available planting season.

Reason – In order to protect the visual amenity of the area and to promote bio-diversity)

4. Prior to the commencement of the development hereby approved, a street lighting design must be submitted to and for the approval in writing by Perth & Kinross Council's Street Lighting Partnership. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority, and shall be implemented in accordance with the approved details prior to the footpath being brought into use.

Reason - In the interests of pedestrian and cyclist safety.

5. Prior to the commencement of the development hereby approved, detailed surface water disposal details shall be submitted to and for the approval in writing by the Council as Planning Authority. The approved details shall thereafter be implemented as the development progresses.

Reason – In order to ensure that surface water is adequately dealt with.

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. The applicant / developer should be aware that if there is any proposal to alter a line of an existing core path (SCON/13) a further procedure is required. The granting of planning permission does not stop the continued right of public access along the existing core path. 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. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
5. 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 inclusion of a bollard.

Background Papers: 27 letters of representation

Contact Officer: Andy Baxter

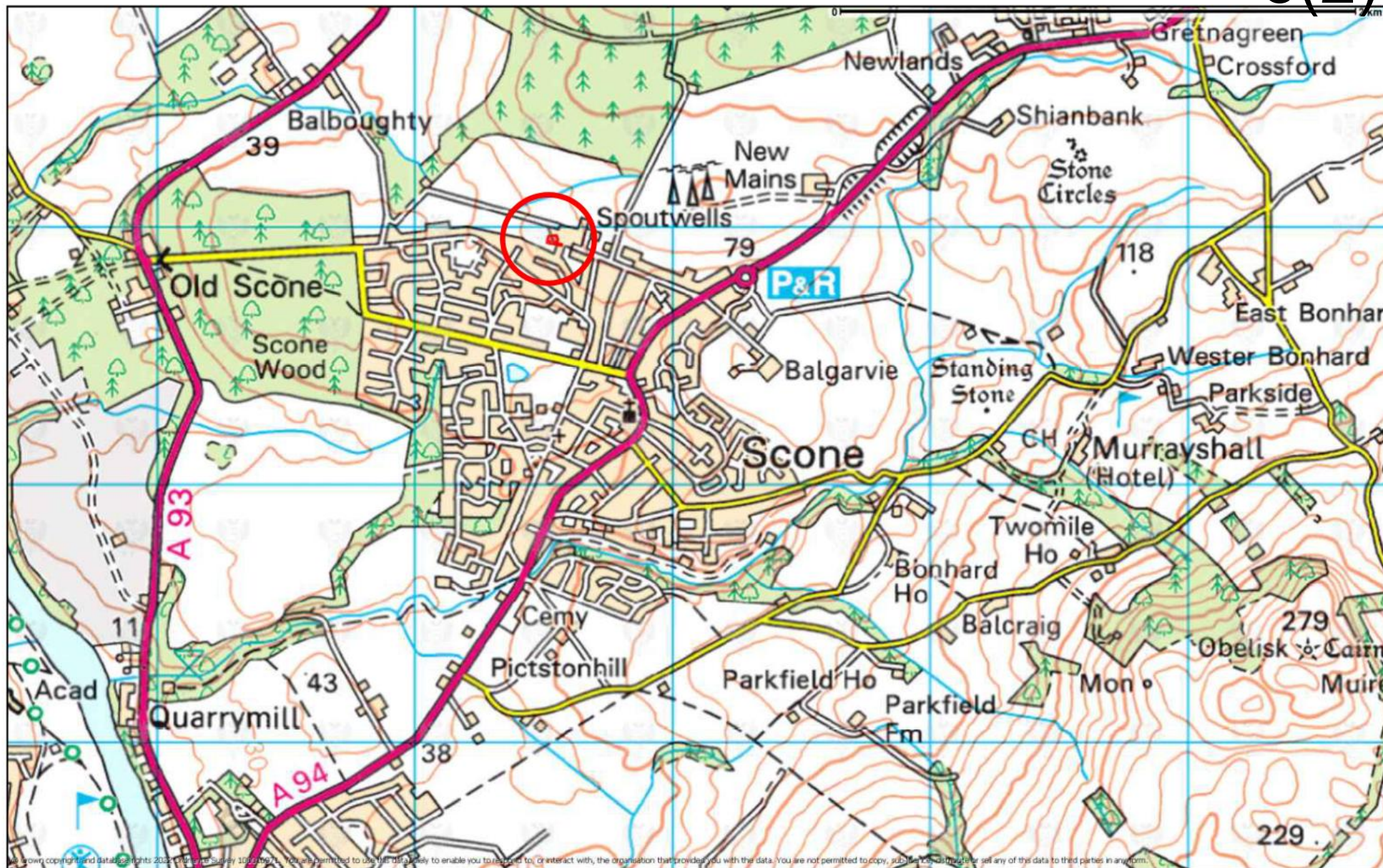
Date: 31 March 2022

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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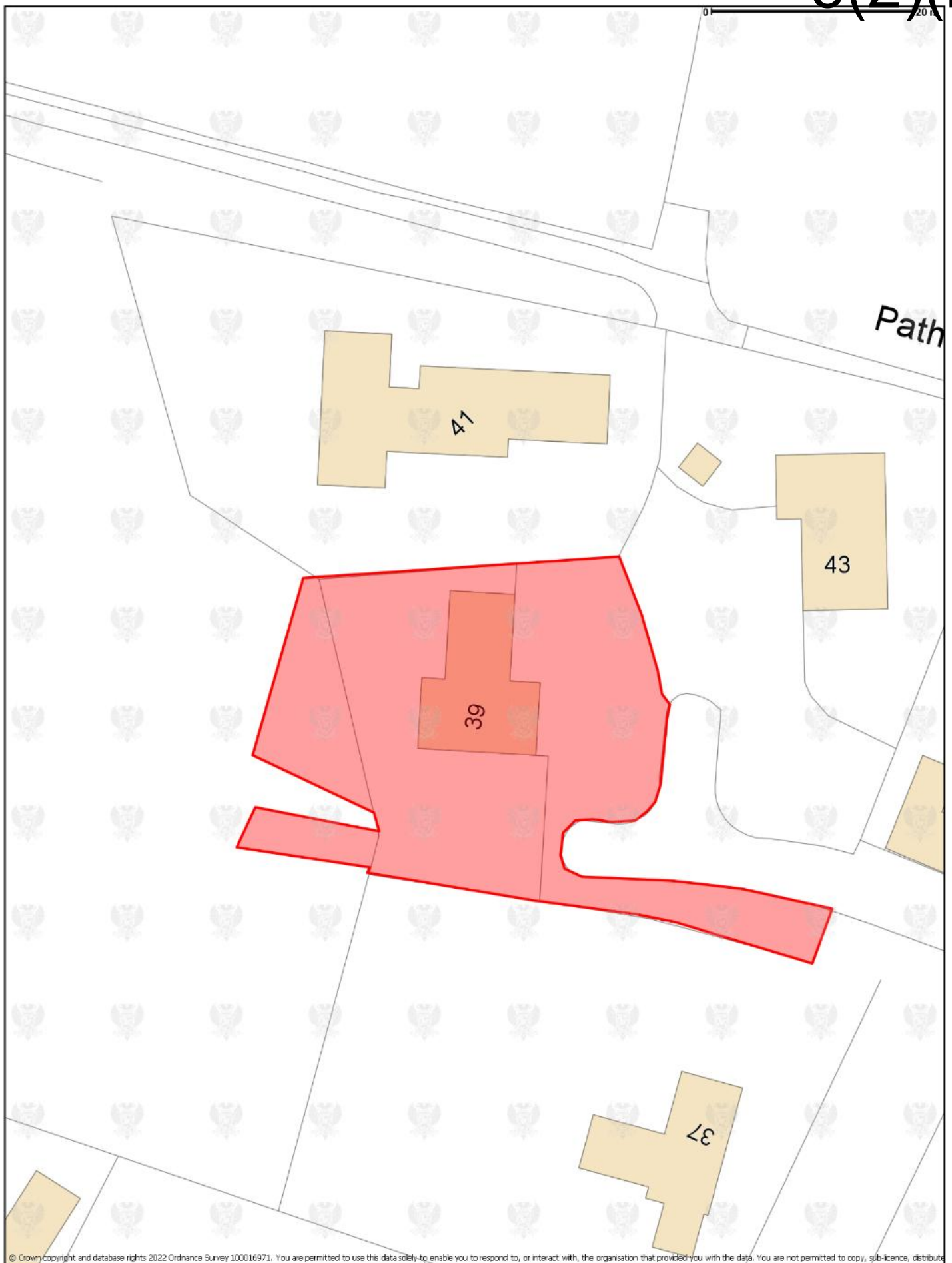
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21/02087/FLL

Change of use from open space to form extension to garden ground, formation of a path and erection of fence at Ard Mor, 39 Highfield Road, Scone, Perth





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Scale 1:500

21/02087/FLL

Change of use from open space to form extension to garden ground, formation of a path and erection of fence at Ard Mor, 39 Highfield Road, Scone, Perth



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Report of Handling by Head of Planning & Development
 (Report No. 22/79)

PROPOSAL: Erection of a dwellinghouse and garage (revised design)

LOCATION: Land to the south of Innfield, Abernyte

Ref. No: [21/02159/FLL](#)

Ward No: P1- Carse Of Gowrie

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The site is located on the southwest edge of Abernyte. It is bound by dwellings to the north and east, the school playing field lies to the south and agricultural land to the west.
2. Planning permission was granted on the site in April 2021 for the erection of a dwelling (Ref: 21/00156/FLL), therefore the principle of residential development is established.
3. This application seeks to vary the approved dwelling positioning, slightly rotating the footprint to run more parallel with the west boundary, and to relocate the garage from the east to the north boundary and closer to the dwelling. There are also proposed changes to the house design and finishing materials.

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 (SPP)

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:
 - Sustainability : paragraphs 24 – 35
 - 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 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

Creating Places 2013

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

DEVELOPMENT PLAN

10. The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development 2 Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

11. 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.”

12. There are no sections of the TAYplan 2016 which are of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

13. 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.
14. The principal relevant policies are, in summary;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - 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 53E: Water Environment and Drainage: Water Supply
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

Placemaking Supplementary Guidance March 2020

15. 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

16. [21/00156/FLL](#) Full planning permission was approved on 14 April 2021 for the erection of a dwellinghouse and garage.

CONSULTATIONS

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

External

18. **Dundee Airport Ltd:** No objection.
19. **Scottish Environment Protection Agency:** No objection. Discussions confirmed that no formal response was required.
20. **Scottish Water:** No objection. Advise there is currently sufficient capacity to service the development in both Clatto Water Treatment Works but no foul or surface water connection.

Internal

21. **Transport Planning:** No objection. Revised design does not impact/alter junction with public road, parking and turning still provided within site.
22. **Environmental Health:** No objection. Informative recommended in relation to odour.
23. **Development Contributions Officer:** The proposal is for revised design; contributions policy does not apply. Previous approval did not require developer contributions.

REPRESENTATIONS

24. A total of 12 representation have been received, issues raised are summarised as follows:
 - Tree root damage
 - Light pollution
 - Noise pollution
 - Loss of daylight/overshadowing
 - Loss of privacy/overlooking
 - Impact on wider drainage
 - Flooding from access road
 - Increase in traffic
 - Construction access traffic impacts
 - Inappropriate design/finishes/height

Issues Related to the Principle of Development

- Principle of development contrary to LDP2
- Proposal sets precedent for further development

Non-Material Planning Considerations

Loss of view

25. A number of these issues are addressed in the appraisal below. However, given the principle of erecting a dwelling on the site is established related aspects are not warranting of further detailed consideration. Loss of views is also raised but is not a material planning consideration.

ADDITIONAL STATEMENTS

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

APPRAISAL

26. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 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

27. The principle of erecting a dwelling on the site has been previously considered and planning permission for a dwelling granted Ref: 21/00156/FLL. There have been no changes to the policy framework of LDP2 since that decision and the principle of the development is therefore considered acceptable.
28. The application site is located within a rural area and the changes to the design and siting are required to be considered under Policy 1: Placemaking and the Placemaking Supplementary Guidance. This policy and guidance seek to ensure that the design, density and siting of development should respect the character and amenity of the place.
29. In terms of the changes proposed 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. In this respect the design and layout changes broadly follow the previous approval. For the reasons set out below the proposal is considered to comply with LDP.

Design and Layout

30. As indicated the overall dwelling proposed is similar to that previously approved: accommodation set over two levels, with the upper floor contained within the roof space and served by rooflights or gable windows. The form is linear, taking references from agricultural buildings.

31. The proposal is essentially a modified version of that approval, retaining many similar features, style, appearance and scale. Changes include: garage repositioning, minor adjustment of the house positioning and design revisions.
32. The garage has been moved from the east of the site to the north of the dwelling and will be interconnected to the dwelling. This results in the dwelling being rotated slightly to run parallel with the boundaries. A covered veranda is to be added along the south elevation to provide a covered outdoor space.
33. The design is contemporary but complements the existing traditional stone and slate buildings in the area. Particularly the change of roof finish from grey metal to slate will further tie in with the surrounding more traditional properties.
34. Taking all this into account the design, styling and materials are considered to be acceptable and comply with Policy 1 Placemaking and the Placemaking Supplementary Guidance.

Residential Amenity

35. The dwellings main aspect is to the south, whilst the nearest properties are located 36m to the north and 39m to the east. As such, the changes proposed do not significantly alter the impact on these existing dwellings, although concerns have been raised.
36. The distance between the proposed dwelling and boundary of the garden to the east is 30m. Whilst the northern boundary is at its closest 3m from the building, specifically the garage. The garage sees no windows in its northern elevation, whilst there are two small windows on the north elevation of the dwelling and two roof lights at a higher level in the roof face. The closest of these windows is some 11m from the boundary, thus more than the 9m set out in the placemaking supplementary guidance. Therefore, the position of the dwelling and distance from neighbouring boundaries is considered adequate to mitigate any potential overlooking.
37. As the distance between the proposed dwelling and other existing houses is more than 30m, no significant or unacceptable impact on daylight or overshadowing would occur.
38. In all aspects the position of the dwelling within the plot and the intervening distance to other properties is considered adequate to mitigate any potential impact on residential amenity therefore the proposal is considered to comply with Policy 1: Placemaking and the related supplementary guidance.

Roads and Access

39. The site is accessed from an existing private road, with parking and turning detailed on the plans. The internal driveway has been altered from that previously proposed due to the relocation of the garage, also removing a field access shown on the existing approval.

40. As the access road is private the owners of the site may be liable to contribute to upkeep and have responsibility for any damage caused during the construction phases, however this is a legal matter and not a planning consideration.
41. Transport Planning colleagues have been consulted and raise no concerns with the arrangements set out nor in relation to the impact on the public road network. It is therefore considered that the proposals comply with Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Drainage and Flooding

42. SEPA's indicative flood maps do not identify the site as being at risk from flooding, including related to surface water.
43. The site is to be served by a septic tank and a soakaway would be located to the south of the dwelling. Concerns have been raised in representations in relation to surface water flooding, but it is considered that the proposed drainage arrangements would mitigate the impact of the development.
44. As a result, the drainage proposals are considered to comply with Policy 53: Water Environment and Drainage.

Natural Heritage and Biodiversity

45. It is noted that the site is enclosed by mature hedges to the north and east with mature/established trees immediately adjacent to three boundaries. However, although the garage comes close to the northern boundary (c.3m), formed in part by trees and hedging, all are to be retained. Given the set back from the boundaries it is not considered likely that any significant impact on the hedges and trees would result, discussions have taken place with the Tree Officer, who raises no concerns. Beyond the trees adjacent to the plot boundaries, concerns have also been raised regarding potential for damage to trees adjacent to the access road. However, no works are proposed to the existing road and as such the planning permission would not see any impacts as a result of approved development.
46. There are records of red squirrel and swifts in the area. However, Swifts are a Tayside Local Biodiversity Action Plan and Scottish Government priority species, protected under the Environmental Liability Directive. As an 'amber' rated species, they are noted on the Scottish Biodiversity List as in decline with Conservation Action required. Given this development could positively contribute towards swift conservation at least four swift nesting bricks or boxes are to be incorporated into the new buildings (condition 2). There are no obvious impacts likely to red squirrels.

Developer Contributions

47. The requirement for contributions was assessed under the previous application and it was determined that no contributions are required.

Economic Impact

48. The economic impact of the proposal is likely to be focused at the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

49. This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

50. Not applicable

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

52. To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
53. Accordingly, the proposal is recommended for approval subject to the following conditions.

A RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the commencement of development hereby approved, details of the location and specification of the four 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 first use of the hereby approved dwellinghouse.

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

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 required

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. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
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: 12 letters of representation

Contact Officer: Joanne Ferguson

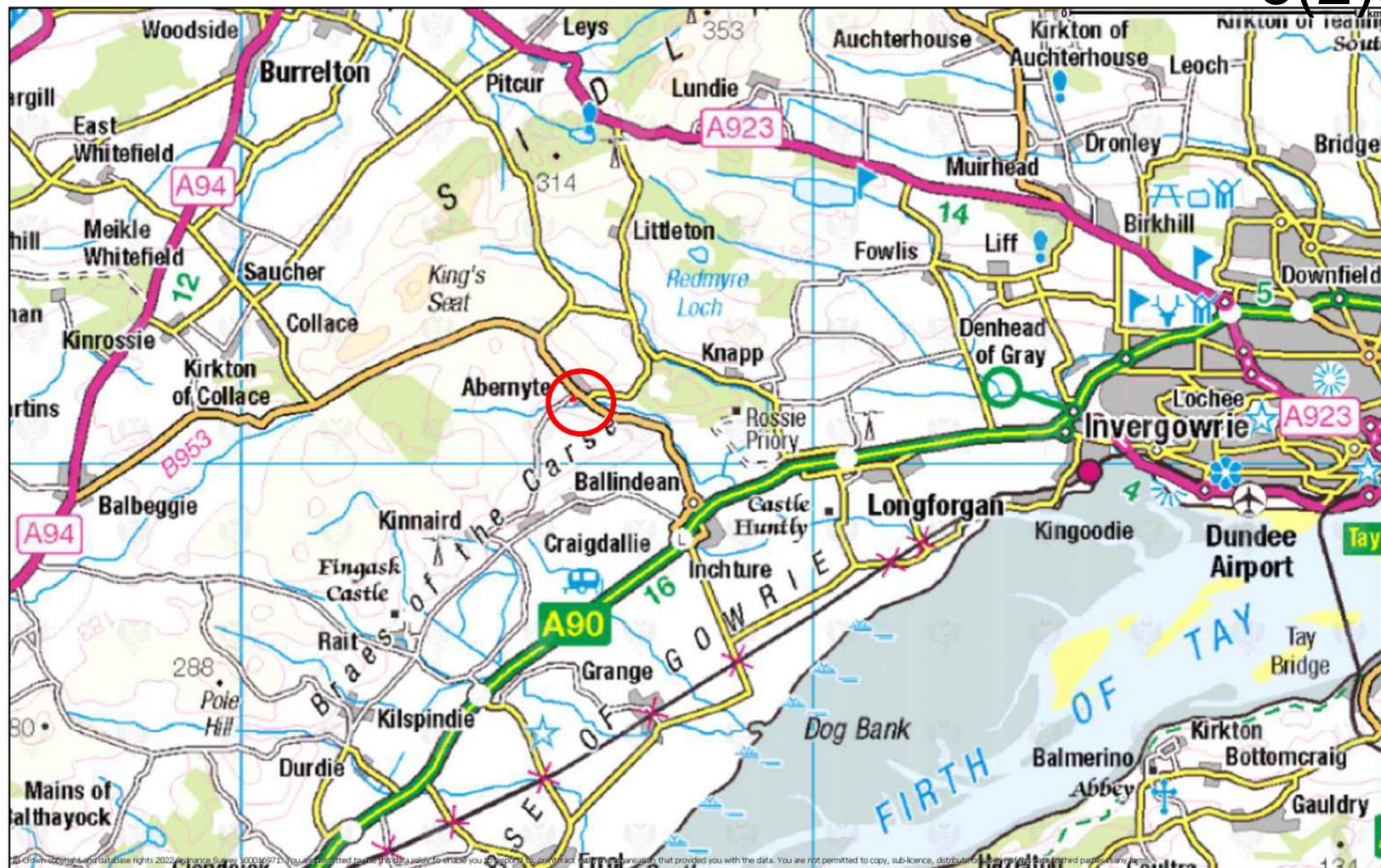
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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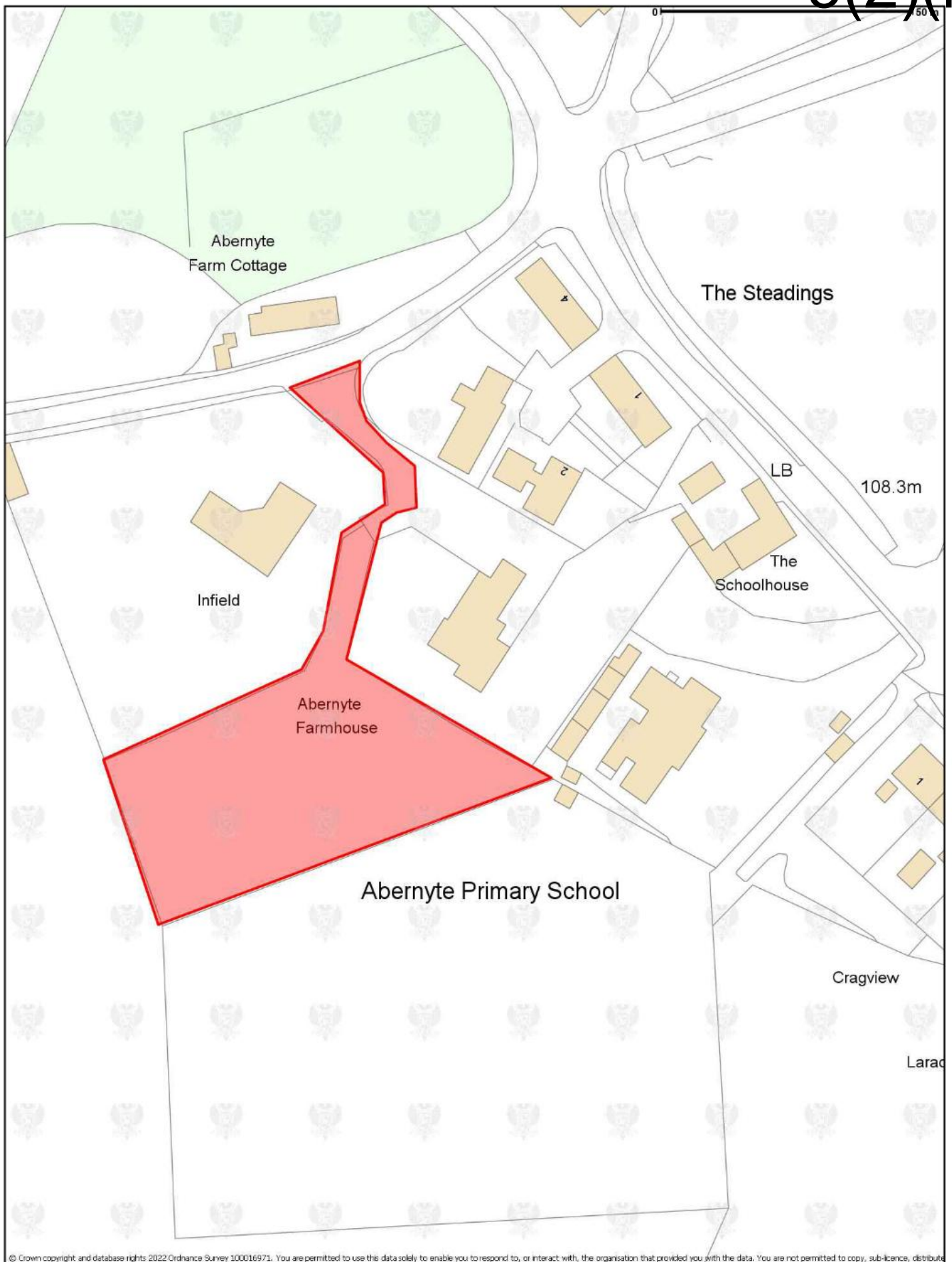
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21/02159/FLL

Erection of a dwellinghouse and garage (revised design) land south of Innfield, Abernyste





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Scale 1:1000

21/02159/FLL

Erection of a dwellinghouse and garage
(revised design) land south of Innfield,
Abernyte



Perth and Kinross Council
Planning & Development Management Committee –13 April 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/80)

Installation of a 49.9MW ground-mounted solar array and associated works, 130 metres southeast of Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [22/00006/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 the installation of a 49.9MW ground-mounted solar array and associated works, on land 130m southeast of Coupar Angus Substation, Pleasance Road, Coupar Angus. The report also aims to highlight the key planning policies and the 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 applicant submitted a Proposal of Application Notice (PoAN) on 7 February 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 Couper Two Limited, pertaining to the installation of a 49.9MW ground-mounted solar photovoltaic (PV) development along with associated infrastructure and 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 the major development comprising a new solar photovoltaic (PV) development which will consist of rows of solar panels known as strings. Each string of panels would be mounted on a rack comprising metal poles anchored to the ground. The development would be set on approximately 114.95 hectares (ha) of land, although the exact scale and design will be arrived at during ongoing discussions with the applicant. It is anticipated that only three quarters of the land area noted would be developed.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 A screening request for this proposed development has already been obtained from the Planning Authority (our reference: 21/02234/SCRN), which confirms that the development is not EIA development under the EIA 2017 Regulations. However, detailed environmental impact assessment, flood risk assessment,

landscape and visual impact assessment and ecological impact assessment reports are required to be submitted and form part of an application for planning permission that is submitted.

PRE-APPLICATION PROCESS

- 4 The PoAN confirmed that two public online events were to be held via Microsoft Teams on 23 March and 7 April 2022 between 16:30hrs and 18:30hrs. The exact details of the events have yet to be confirmed but are to be advertised within the local newspaper as well as via leaflet drops to all properties within a 1.5-kilometre radius. The Kettins Parish Community Council and the Blairgowrie and Rattray Community Council, as well as local landowners, have been notified. It has been recommended that further notifications also be provided in writing to Local Members, as well as the Local MP and MSP.
- 5 In addition to the above consultation, it has been recommended to the applicant that additional consultation, above the minimum required, be given further consideration. This could take the form of an additional online and or physical in person event locally. There is notable public interest locally and some criticism exists that only two online events are proposed for a development of the scale identified. It is confirmed at the time of the submission of this PoAN that guidance from the Scottish Government is unchanged, and alternative consultation to physical in-person events, remains acceptable. The applicant has confirmed that consideration of any further consultation will be had following a review of its initial two consultation events.
- 6 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

- 7 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

- 8 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)

- 9 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Delivering Heat and Electricity: Paragraphs 152 -174
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 10 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 79 Water and Drainage
- Energy Storage: Planning Advice (2011)

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

- 11 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”*
- 12 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 – A First Choice for Investment
 - Policy 7 – Energy, Waste and Resources
 - Policy 9 – Managing Tayplan’s Assets

Perth and Kinross Local Development Plan 2019

- 13 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.

- 14 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.”

- 15 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 15: Public Access

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy

Policy 35: Electricity Transmission Infrastructure

Policy 37: Management of Inert and Construction Waste

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 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 16 The following supplementary guidance and documents may be of particular importance in the assessment of this application:

- Placemaking Supplementary Guidance March 2020
- Developer Contributions Supplementary Guidance April 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance June 2021
- Perth and Kinross Green and Blue Infrastructure (2020)
- Renewables and Low Carbon Energy (draft)
- Perth and Kinross Community Plan 2013/2023

PLANNING SITE HISTORY

- 17 [16/02230/FLL](#) Full Planning Permission was granted on 9 March 2017 for Erection of switch room facility and associated works.

[18/00016/PAN](#) On 6 February 2019 for Formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works. Response provided.

[19/00513/FLM](#) Full Planning Permission Major was granted on 24 September 2019 for Formation of a battery storage facility, vehicular access and associated works.

[21/00015/PAN](#) On 18 November 2021 for Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW. Response provided.

[21/02234/SCRN](#) screening opinion sought on 1 February 2022 for Ground mounted solar photovoltaic array. Opinion provided.

[22/00195/FLM](#) Full Planning Permission Major has been applied for the Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW. Decision pending.

CONSULTATIONS

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

External

- Scottish Environmental Protection Agency (SEPA)
- NatureScot
- Scottish Water
- National Grid and plant Protection Team
- Transport Scotland
- Historic Environment Scotland
- Perth and Kinross Heritage Trust
- Kettins Parish Community Council
- Blairgowrie and Rattray Community Council

Internal

- Environmental Health
- Strategic Planning and Policy
- Developer Contributions Officer
- Community Greenspace including Access
- Conservation Officer/Team
- Transport Planning
- Structures and Flooding
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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

- A. Archaeology and heritage impacts
- B. Noise, dust, and vibration during construction
- C. Biodiversity and ecological impacts

- D. Flood risk and drainage impacts
- E. Landscape and visual impacts, including cumulative impacts
- F. Transport Impacts
- G. Impacts on core paths and recreational spaces
- H. Impacts on the National Grid and or Scottish Gas network

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 The following supporting documents will need to be submitted with any planning application:

- A. Planning Statement
- B. Design and Access Statement
- C. Pre-Application Consultation (PAC) Report
- D. Transport Assessment
- E. Flood Risk and Drainage Assessment
- F. Landscape and Visual Impact Assessment
- G. Tree and Woodland Survey
- H. Habitat Survey
- I. Sustainability Assessment
- J. Noise and Light Assessment
- K. Grid Connection Site Survey
- L. Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

- 21 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.

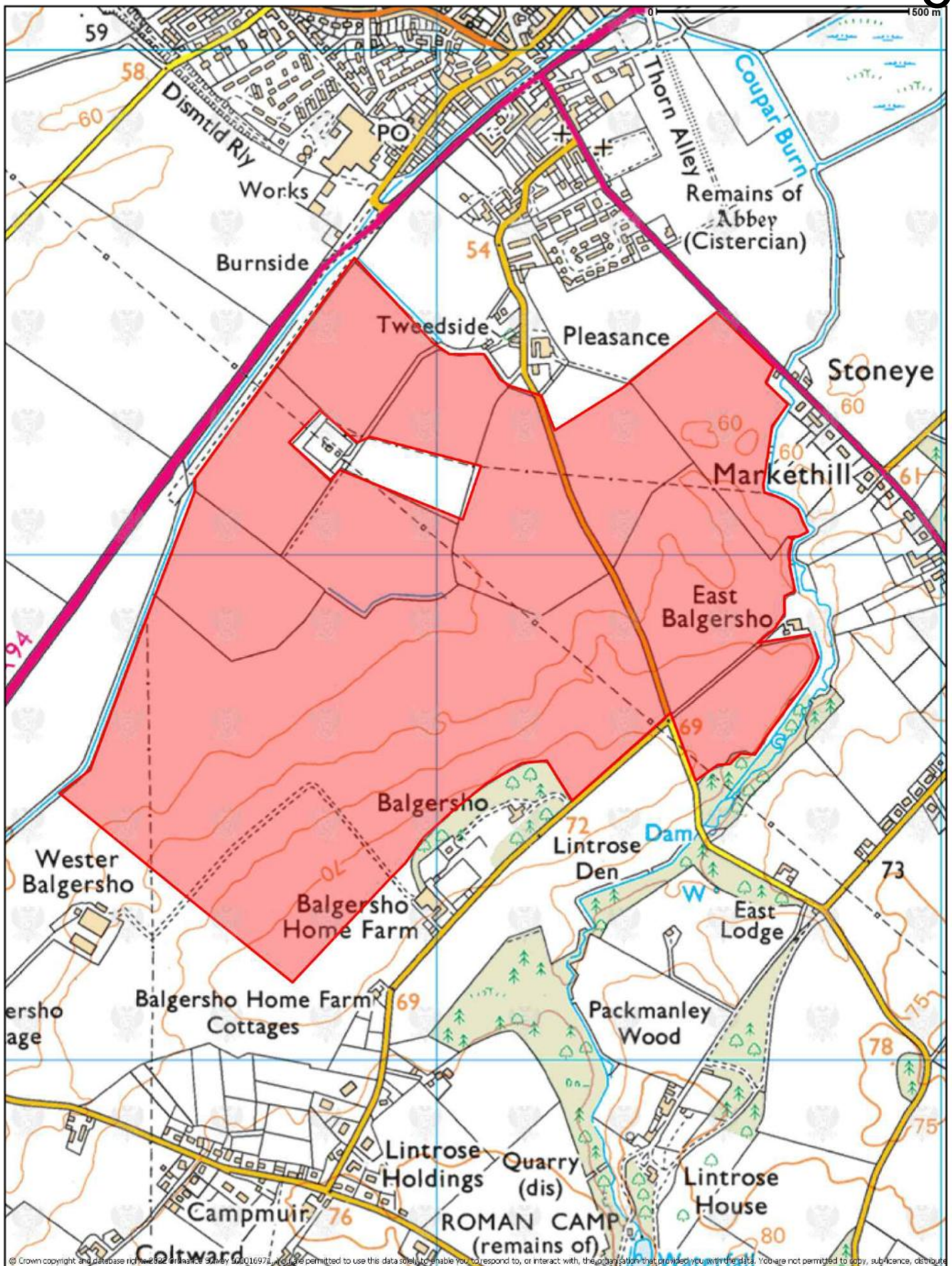
Background Papers: None
 Contact Officer: Jamie Torrance
 Date: 31 March 2022

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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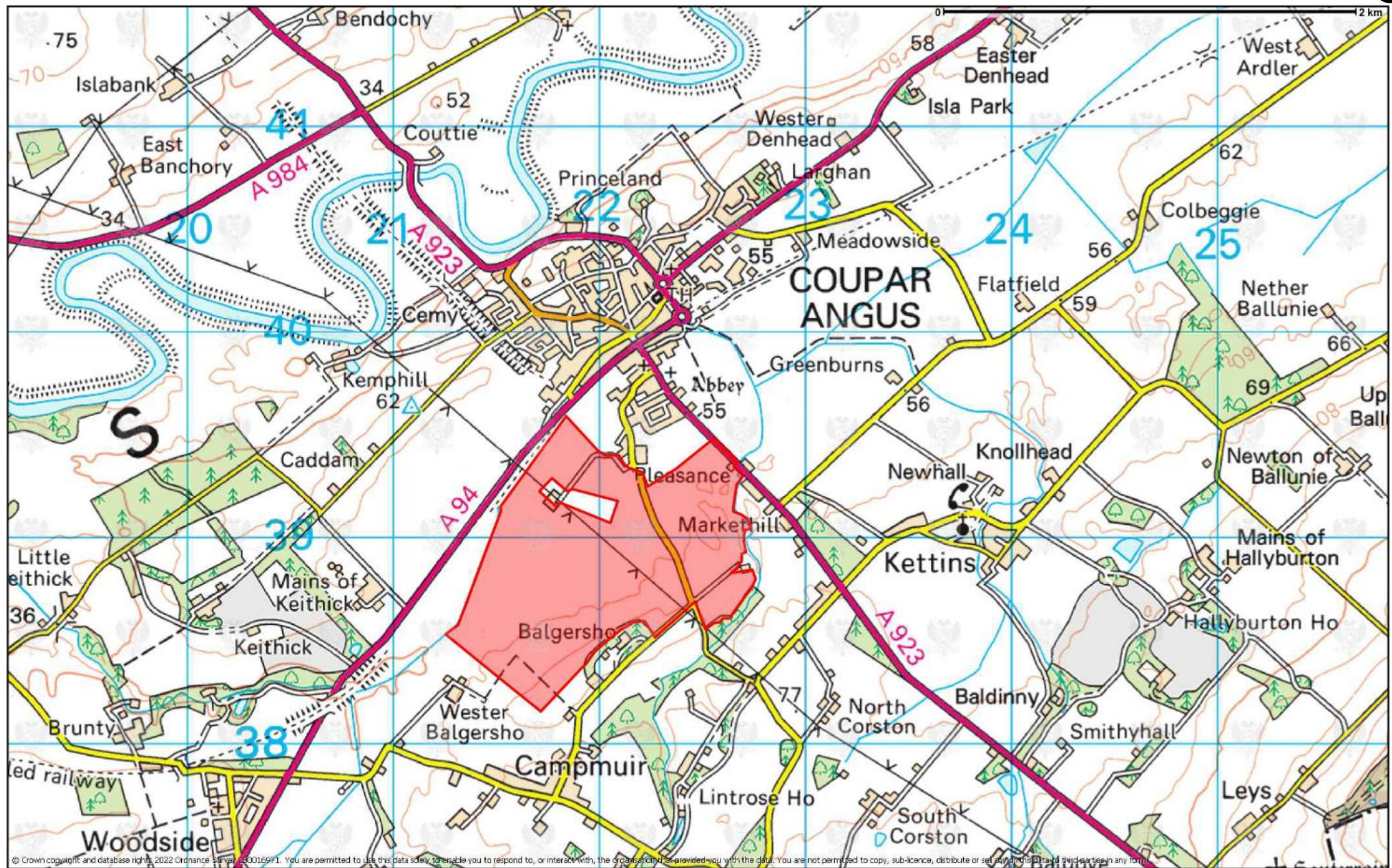


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22/00006/PAN

Installation of a 49.9MW ground-mounted solar array and associated works, on land SE of Coupar Angus Substation, Pleasance Road, Coupar Angus.





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22/00006/PAN

Installation of a 49.9MW ground-mounted solar array and associated works, on land SE of Coupar Angus Substation, Pleasance Road, Coupar Angus.



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/81)

Replacement poultry farm comprising 4 rearing sheds and associated works 200 metres north west of Innerpeffray, Crieff

Ref. No: [22/00007/PAN](#)

Ward No: P6- Strathearn

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for replacement poultry farm comprising 4 rearing sheds and associated works 200m north west of Innerpeffray, Crieff. 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 10 February 2022. 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 200m north west of Innerpeffray, Crieff for a replacement poultry farm comprising 4 rearing sheds 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 for a replacement poultry farm comprising 4 rearing sheds and associated works. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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. It is noted that a screening request has already been obtained from the Planning Authority, reference 21/02073/SCRN, which confirms that the development is not an EIA development.

PRE-APPLICATION PROCESS

4. The PoAN (reference 22/00007/PAN) confirmed that a public exhibition via live webinars will be held on 1 March 2022 and 10 May 2022. The Ward Councillors, East Strathearn Community Council as well as nearby properties have all been notified. Subsequent notifications have also been provided to the Local MP and MSP. 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)

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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
8. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN1/2011 Planning and Noise
 - 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 69 Planning & Building Standards Advice on Flooding
 - PAN 73 Rural Diversification

- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

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 7: Energy, Waste and Resources
- Policy 8: Green Networks
- Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

11. The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
12. The LDP2 sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
13. Under the LDP2, the following policies are of particular importance in the assessment of this application:

Policy 1A: Placemaking
 Policy 1B: Placemaking
 Policy 2: Design Statements
 Policy 5: Infrastructure Contributions
 Policy 6: Settlement Boundaries
 Policy 8: Rural Business and Diversification
 Policy 15: Public Access
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 Policy 39: Landscape
 Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development

Policy 41: Biodiversity
 Policy 42: Green Infrastructure
 Policy 50: Prime Agricultural Land
 Policy 52: New Development and Flooding
 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 58A: Contaminated and Unstable Land: Contaminated Land
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

14. The following supplementary guidance and documents are of particular importance in the assessment of this application:-
- Developer Contributions Supplementary Guidance 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance March 2021
 - Placemaking Supplementary Guidance 2020

PLANNING SITE HISTORY

15. **21/02073/SCRN** On 1 December 2021 for Proposed Poultry Farm. (Opinion provided)

CONSULTATIONS

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

External

- 17.
- NatureScot
 - Scottish Environmental Protection Agency
 - Scottish Water
 - Local Community Council
 - Perth and Kinross Heritage trust

Internal

- 18.
- Environmental Health (noise and odour)
 - Environmental Health (contaminated land)
 - Strategic Planning and Policy
 - Developer Negotiations Officer
 - Transport Planning
 - Structures and Flooding
 - Economic Development
 - Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

19. The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water Resources and Soils
 - g. Air Quality
 - h. Transport Implications
 - i. Tourism and Economy
 - j. Impact on Agriculture
 - k. Archaeology and Cultural Heritage
 - l. Noise and Odour

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

20. Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- a. Planning Statement
 - b. Design and Access Statement
 - c. Pre-Application Consultation (PAC) Report
 - d. Leisure/Economic Impact Assessment
 - e. Transport Assessment
 - f. Flood Risk and Drainage Assessment
 - g. Landscape and Visual Impact Assessment
 - h. Tree and Woodland Survey
 - i. Habitat Survey
 - j. Archaeological Assessment
 - k. Sustainability Assessment

CONCLUSION AND RECOMMENDATION

21. 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.

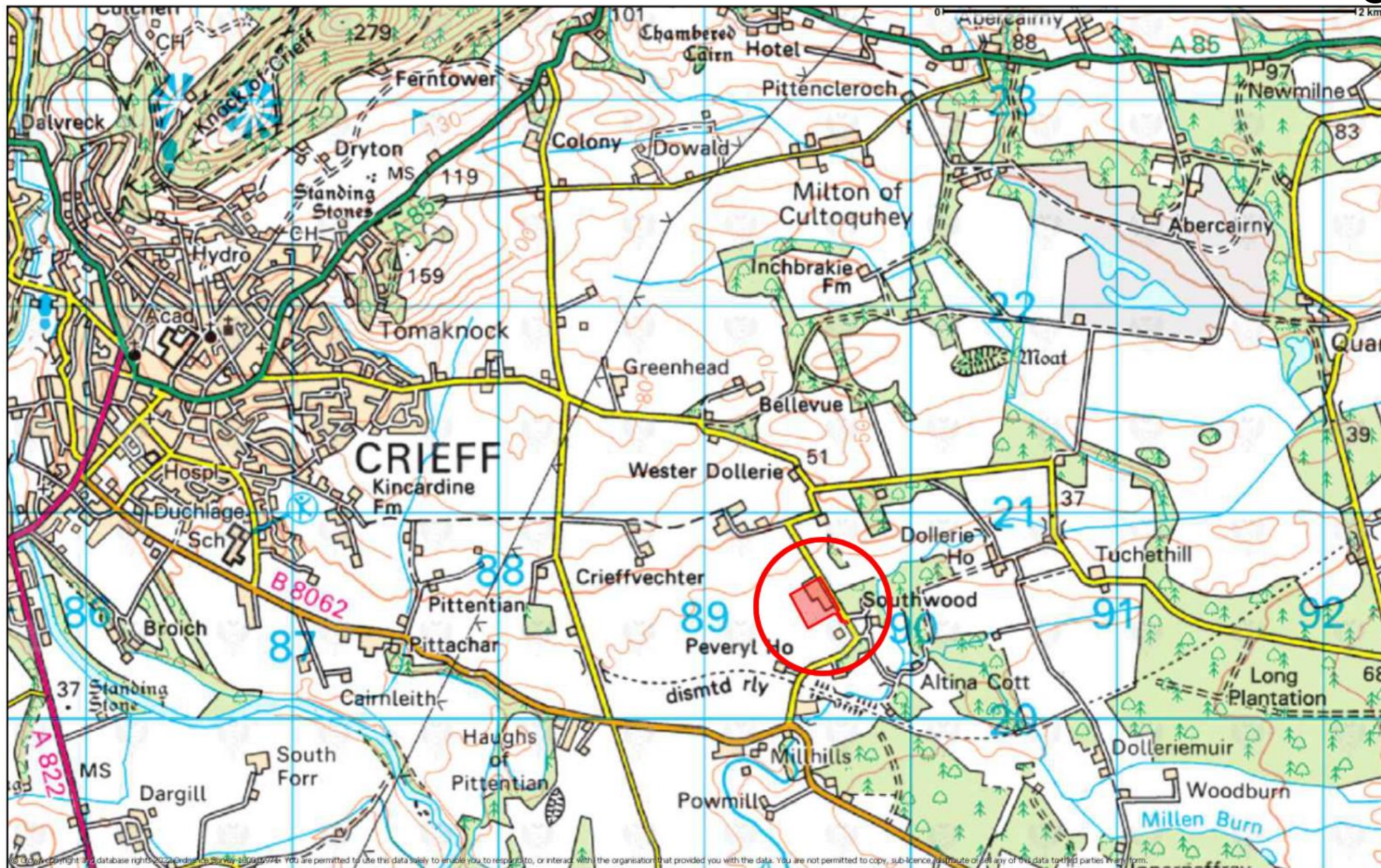
Background Papers: None
Contact Officer: Gillian Peebles
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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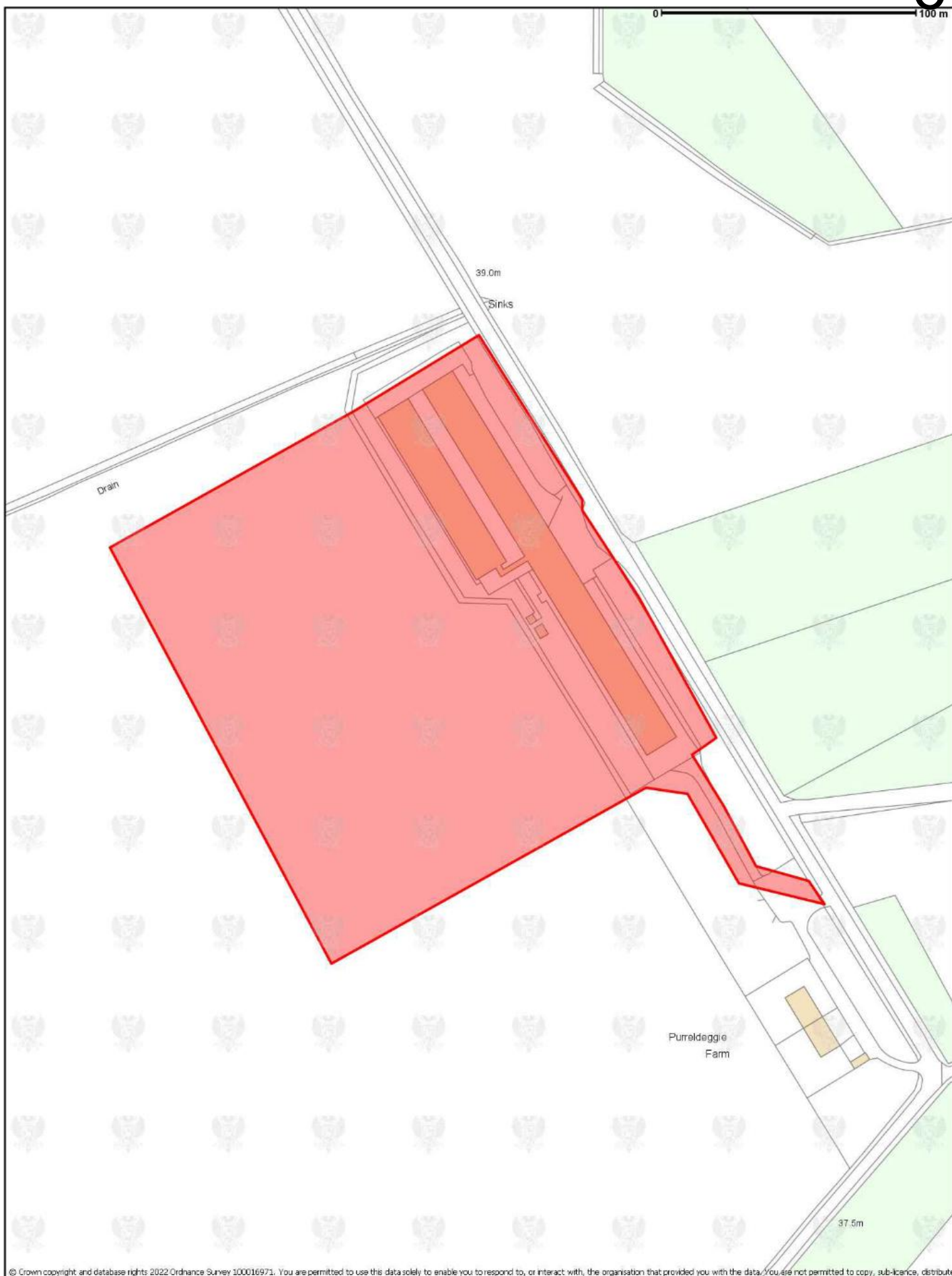
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22/00007/PAN

Replacement poultry farm comprising 4 rearing sheds and associated works land NW of Innerpeffray, Crieff





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Scale 1:2000

22/00007/PAN

**Replacement poultry farm comprising 4
rearing sheds and associated works land NW
of Innerpeffray, Crieff**



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Pre-Application Report by Head of Planning and Development
(Report No. 22/82)

Formation of leisure development comprising erection of holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome pitches, SUDS ponds, treatment plant, parking, landscaping and associated works at Whinstone Quarry, Devonshaw, Powmill.

Ref. No: [22/00008/PAN](#)

Ward No: P8- Kinross-shire

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for formation of leisure development comprising erection of holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome pitches, SUDS ponds, treatment plant, parking, landscaping and associated works at Whinstone Quarry Devonshaw Powmill. 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 11 February 2022. 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 the formation of leisure development comprising erection of holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome pitches, SUDS ponds, treatment plant, parking, landscaping and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
2. This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. A screening request for this proposed development has already been obtained from the Planning Authority, reference: 21/01562/SCRN, which confirms that the development is not EIA development under the EIA 2017 Regulations.

PRE-APPLICATION PROCESS

4. The PoAN (reference 22/00008/PAN) confirmed that a public exhibition via a live and interactive online event will be held on 3rd March 2022 and 28th April 2022. The Ward Councillors, Fossoway and District Community Council have all been notified. Subsequent notifications have also been provided to the Local MP and MSP. 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)

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
 - Promoting Rural Development: paragraphs 74 – 91
 - 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
8. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - 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 69 Planning & Building Standards Advice on Flooding
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

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 4: Homes
 - Policy 6: Developer Contributions
 - Policy 7: Energy, Waste and Resources
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplan’s Assets

Perth and Kinross Local Development Plan 2019

11. The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
12. The LDP2 sets out a vision statement for the area and states that:

“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
13. Under the LDP2, the following policies 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 7A: Employment and Mixed Used Areas: Business and Industrial

Policy 7B: Employment and Mixed Used Areas: Mixed Use Sites
 Policy 8: Rural Business and Diversification
 Policy 9: Caravan Sites, Chalets and Timeshare Developments,
 Policy 13: Retail and Commercial Leisure Proposals
 Policy 14B: Open Space Retention and Provision: Open Space within New Developments
 Policy 15: Public Access
 Policy 16: Social, Cultural and Communities Facilities using Accommodation
 Policy 23: Delivery of Development Sites
 Policy 26: Scheduled Monuments and Archaeology
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
 Policy 36B: Waste Management Infrastructure: New Waste Management Infrastructure
 Policy 38B: Environment and Conservation: National Designations
 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 58A: Contaminated and Unstable Land: Contaminated Land
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

- 14 The following supplementary guidance and documents are of particular importance in the assessment of this application:-
- Developer Contributions Supplementary Guidance 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance March 2021
 - Placemaking Supplementary Guidance 2020

PLANNING SITE HISTORY

- 15 [09/01221/IPM](#) application was withdrawn on 11 March 2010 for change of use of brownfield site to mixed use containing care facility, heritage centre, dwellings, staff accommodation, orchid nursery, manufacturing and retail outlets, anaerobic digester and woodland walks (in principle).
- 16 [10/01178/FLM](#) a major application was withdrawn on 6 July 2010 for change of use of brownfield site to mixed use containing care facility, heritage centre, dwellings, staff accommodation, orchid nursery, manufacturing and retail outlets, anaerobic digester and woodland walks (in principle).

- 17 [10/00017/PAN](#) On 22 December 2010 for formation of mixed use development comprising of alpine nursery, micro-brewery, heritage centre, dwellinghouses, staff accommodation, orchid nursery, manufacturing and retail outlets, anaerobic digester and woodland walk.
- 18 [11/00111/FLL](#) Full Planning Permission was approved on 5 March 2013 for erection of 4 dwellinghouses and change of use of part of former quarry to leisure.
- 19 [21/01562/SCRN](#) an EIA screening request was sought on 27 September 2021 for tourist and leisure related development. (Opinion provided)

CONSULTATIONS

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

External

21.

- Scottish Environmental Protection Agency
- NatureScot
- Scottish Water
- Perth and Kinross Heritage Trust
- Local Community Council

Internal

22.

- Environmental Health
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Economic Development
- Waste Services
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

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

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

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

24. Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- a. Planning Statement
 - b. Design and Access Statement
 - c. Pre-Application Consultation (PAC) Report
 - d. Leisure/Economic Impact Assessment
 - e. Transport Assessment
 - f. Flood Risk and Drainage Assessment
 - g. Landscape and Visual Impact Assessment
 - h. Tree and Woodland Survey
 - i. Habitat Survey
 - j. Archaeological Assessment
 - k. Sustainability Assessment

CONCLUSION AND RECOMMENDATION

25. 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.

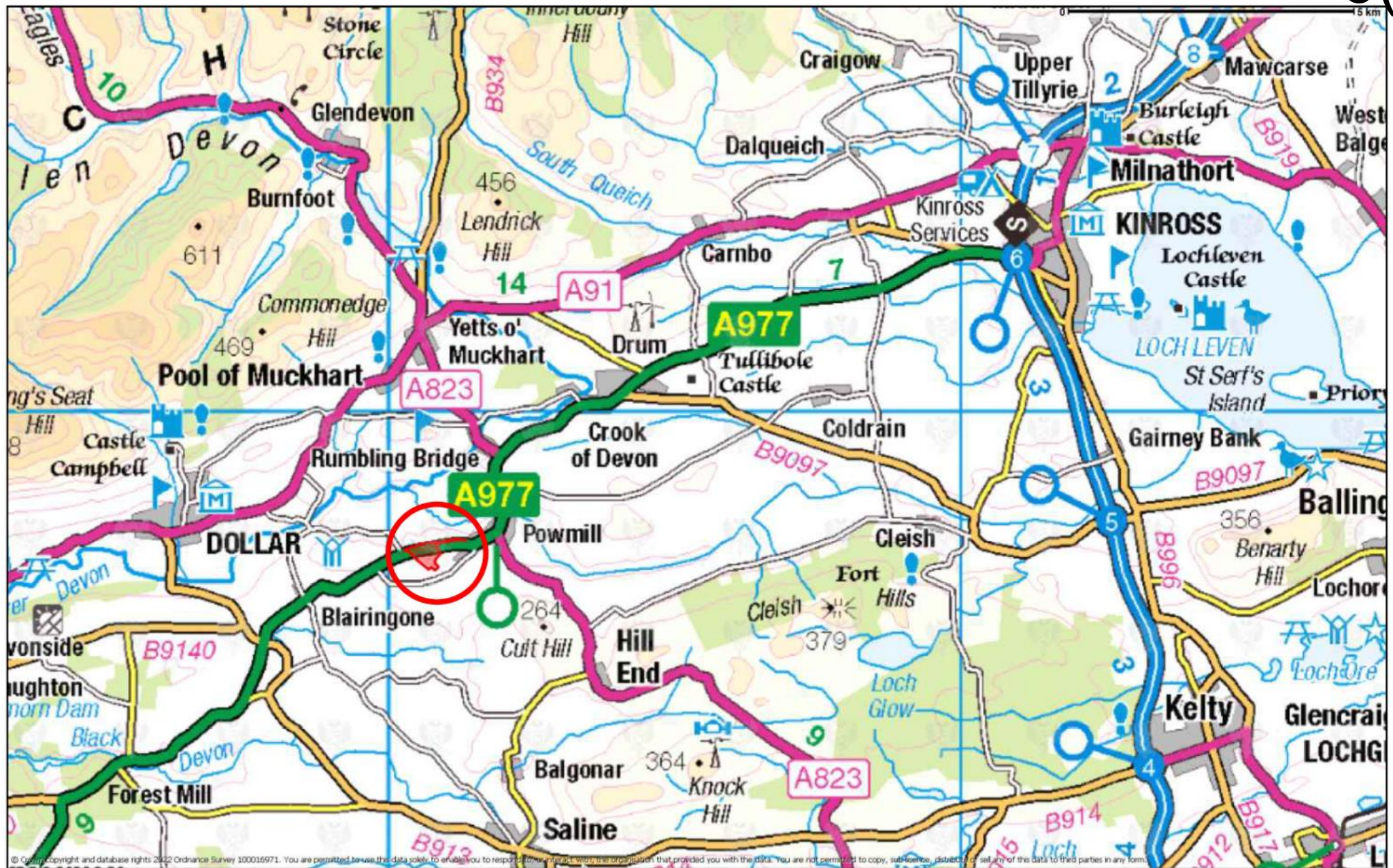
Background Papers: None
Contact Officer: Gillian Peebles
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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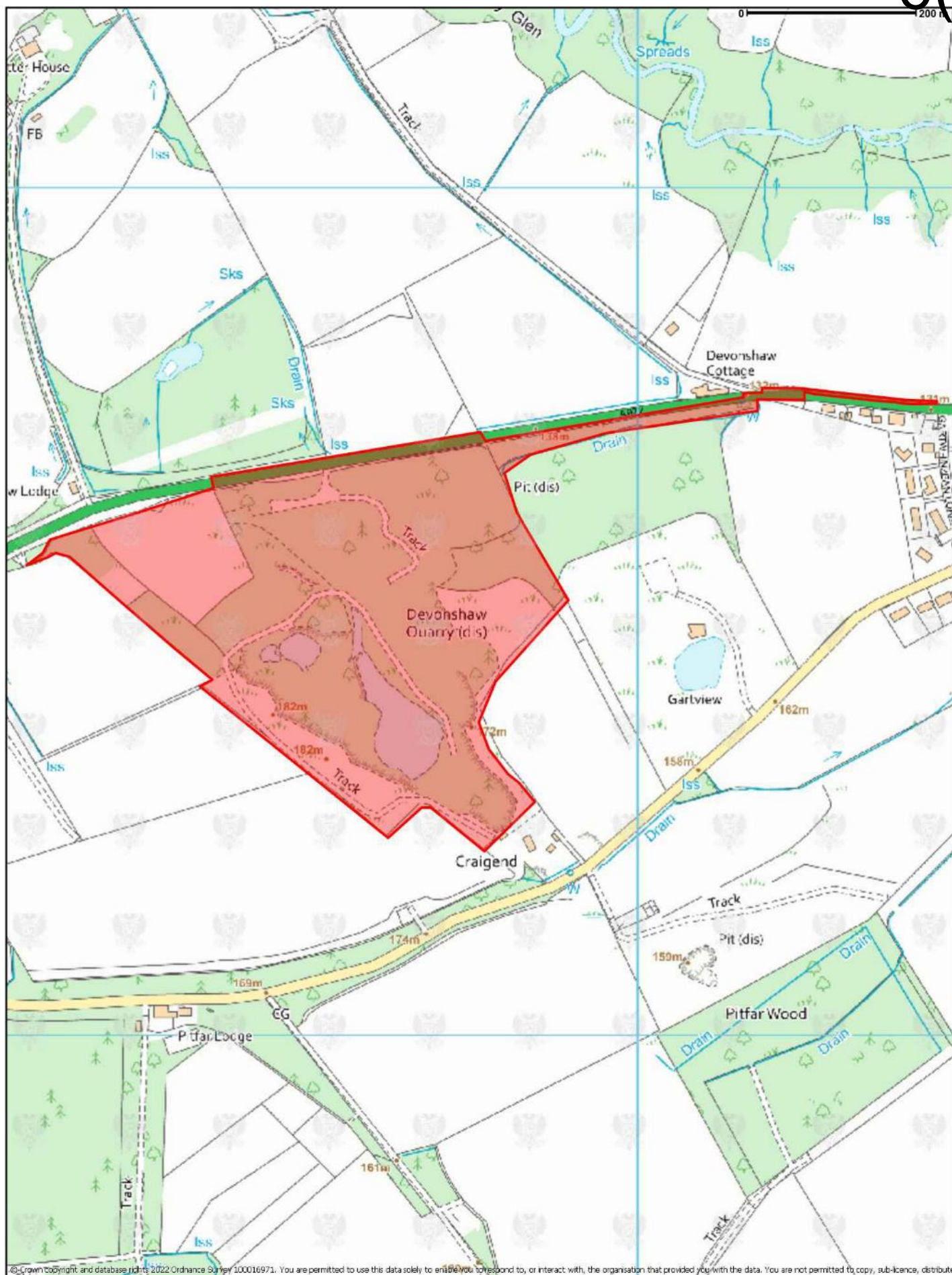
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22/00008/PAN

Formation of leisure development comprising erection of holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome pitches, SUDS ponds, treatment plant, parking, landscaping and associated works at Whinstone Quarry Devonshaw, Powmill





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Scale 1:6000

22/00008/PAN

Formation of leisure development comprising erection of holiday accommodation units, community hub with reception/leisure/retail areas with other associated uses, formation of vehicular access, motorhome pitches, SUDS ponds, treatment plant, parking, landscaping and associated works at Whinstone Quarry Devonshaw, Powmill



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/83)

Residential development, access, landscaping, SUDS and associated works (allocated site MU27) land 170 metres south west of 8 Tayview, Luncarty.

Ref. No: [22/00009/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 for residential development, access, landscaping, SUDS and associated works (allocated site MU27) at Land 170 metres south west of 8 Tayview Luncarty. 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 24 February 2022. 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 on land 170msouth west of 8 Tayview, Luncarty for a residential development, access, landscaping, SUDS and associated works (allocated site MU27) at 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 residential development, access, landscaping, SUDS and associated works (allocated site MU27). The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3. A formal EIA Screening on the site and proposal has been carried out (21/01908/SCRN) and based on the constraints and EIA sensitivities adjacent to the site, it was considered that an EIA Report will be required to support any planning application in accordance with the EIA 2017 Regulations.

PRE-APPLICATION PROCESS

4. The PoAN (reference 22/00009/PAN) confirmed that a public exhibition will be held at Luncarty Church Centre, Marshall Way, Luncarty PH1 3UX on Thursday 28 April 2022 and Tuesday 31 May 2022. The Ward Councillors, Luncarty, Redgorton and Moneydie Community Council have been notified. Subsequent notifications have also been provided to the Local MP and MSP. 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)

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
 - Promoting Rural Development: paragraphs 74 – 91
 - 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
8. The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation

- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79: Water and Drainage

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: First Choice for Investment
 - Policy 4: Homes
 - Policy 6: Developer Contributions
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets
 - Policy 10: Connecting People, Places and Market

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 5: Infrastructure Contributions

Policy 6: Settlement Boundaries
 Policy 14: Open Space Retention and Provision 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 26: Scheduled Monuments and Archaeology
 Policy 27A: Listed Buildings
 Policy 29: Gardens and Designated Landscapes
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
 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 48A: Minerals and Other Extractive Activities – Safeguarding:
 Policy 50: Prime Agricultural Land
 Policy 51: Soils
 Policy 52: New Development and Flooding
 Policy 53: Water Environment and Drainage
 Policy 55: Nuisance from Artificial Light and Light Pollution
 Policy 56: Noise Pollution
 Policy 57: Air Quality
 Policy 58: Contaminated and Unstable Land
 Policy 59: Digital Infrastructure
 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

14. The following supplementary guidance and documents are of particular importance in the assessment of this application:-
 - Developer Contributions and Affordable Housing Supplementary Guidance 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Placemaking Guide 2020

PLANNING SITE HISTORY

15. **97/00614/FUL** Residential development (in outline). Application refused 8 August 1997.
16. [14/00009/PAN](#) Proposal of Application Notice for residential development. Content of PoAN agreed 5 November 2014.

17. [15/00419/SCRN](#) EIA screening request for mixed use development. Screening opinion provided 24 March 2015 – EIA required.
18. [15/00511/SCOP](#) EIA scoping request for residential development. Scoping opinion provided 30 April 2015.
19. [17/00847/IPM](#) Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works. Application approved 30 August 2019.
20. [21/01908/SCRN](#) EIA screening request for residential development, Screening opinion provided 24 November 2021 – EIA required.

CONSULTATIONS

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

External

22.
 - Scottish Environmental Protection Agency
 - NatureScot
 - Scottish Water
 - Historic Environment Scotland
 - Perth and Kinross Heritage Trust
 - Luncarty, Redgorton and Moneydie Community Council

Internal

23.
 - Environmental Health
 - Strategic Planning and Policy
 - Developer Negotiations Officer
 - Community Greenspace including Access
 - Transport Planning
 - Structures and Flooding
 - Economic Development
 - Waste Services
 - Biodiversity/Tree Officer
 - Conservation Planning

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

24. The key considerations against which the eventual application will be assessed include:
 - a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape

- f. Water Resources and Soils
- g. Air Quality
- h. Transport Implications
- i. Tourism and Economy
- j. Impact on Agriculture
- k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

25. The following supporting documents will need to be submitted with any planning application:
- a. Planning Statement
 - b. Design and Access Statement
 - c. Pre-Application Consultation (PAC) Report
 - d. Leisure/Economic Impact Assessment
 - e. Transport Assessment
 - f. Flood Risk and Drainage Assessment
 - g. Landscape and Visual Impact Assessment
 - h. Tree and Woodland Survey
 - i. Habitat Survey
 - j. Archaeological Assessment
 - k. Sustainability Assessment
 - l. Construction Traffic Management Plan

CONCLUSION AND RECOMMENDATION

26. 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.

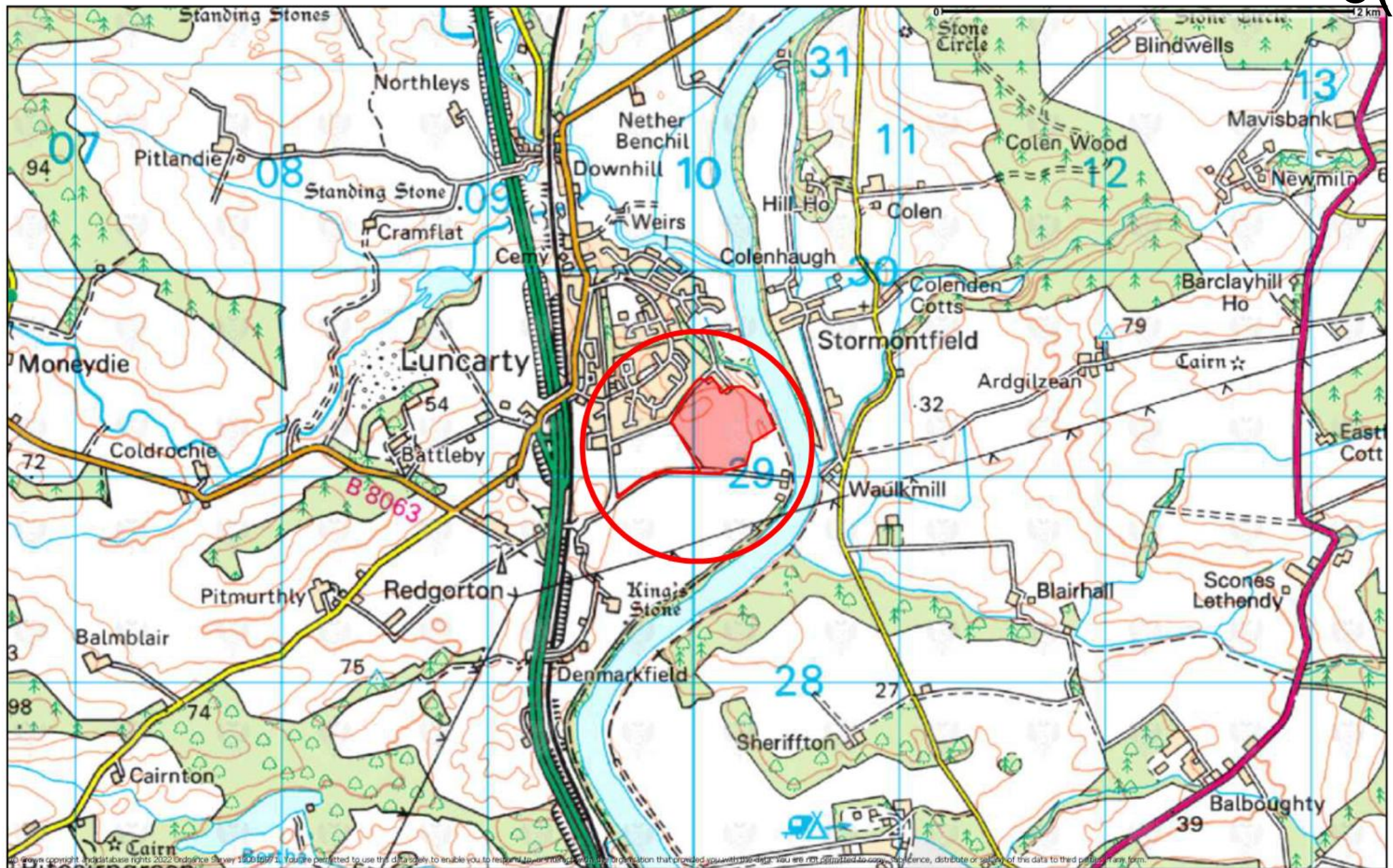
Background Papers: None
 Contact Officer: Gillian Peebles
 Date: 31 March 2022

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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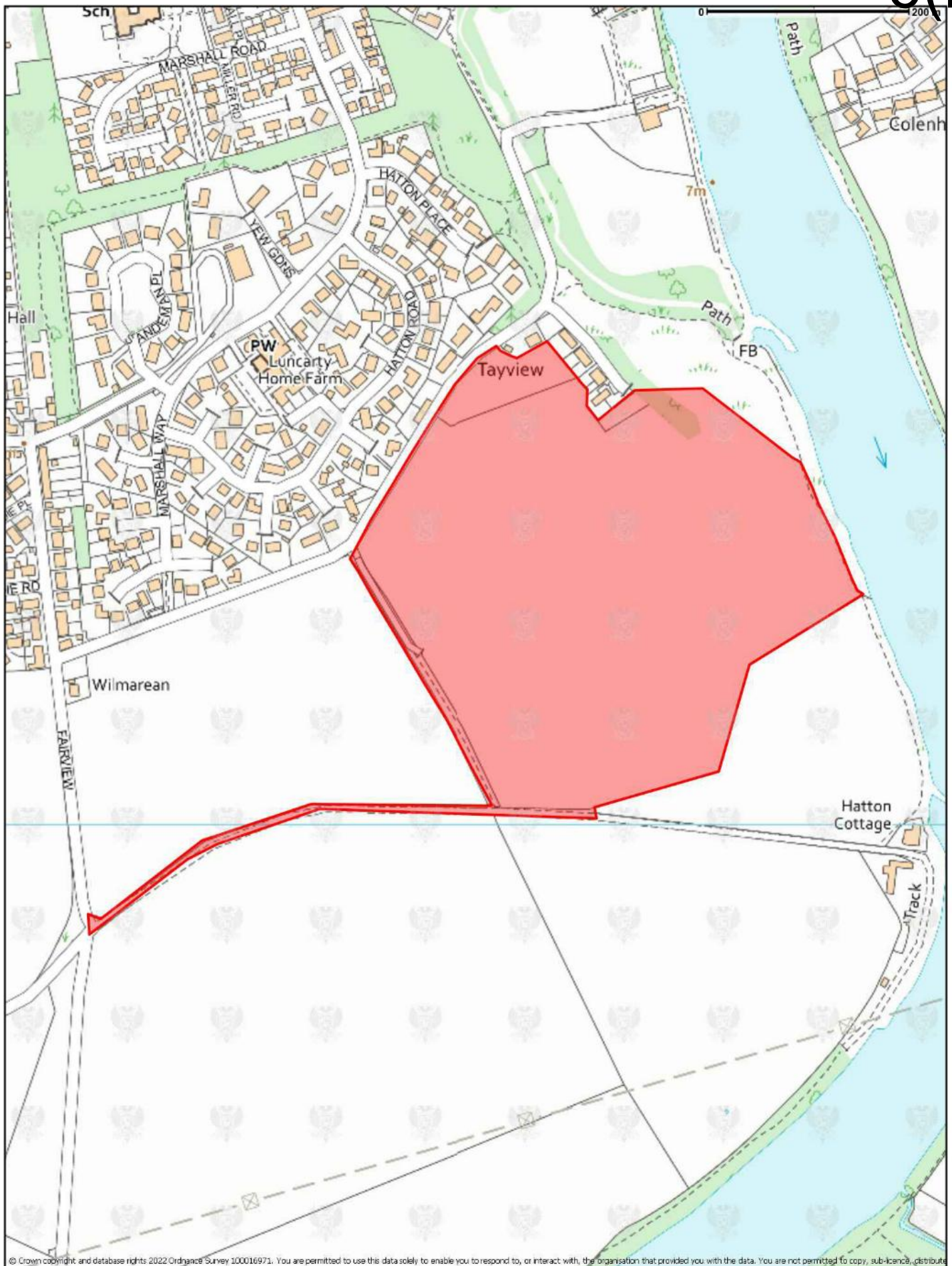
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22/00009/PAN

Residential development, access, landscaping, SUDS and associated works
(allocated site MU27) Land 170 Metres South West Of 8 Tayview Luncarty





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Scale 1:5000

22/00009/PAN

**Residential development, access, landscaping,
SUDS and associated works (allocated site MU27)
Land 170 Metres South West Of 8 Tayview Luncarty**



Perth and Kinross Council
Planning & Development Management Committee – 13 April 2022
Pre-Application Report by Head of Planning and Development
 (Report No. 22/84)

Installation of a 14.5 GWh hydro scheme and associated works east of Corrievarkie Lodge, Rannoch.

Ref. No: [22/00010/PAN](#)

Ward No: P4- Highland

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for installation of a 14.5 GWh hydro scheme and associated works at east of Corrievarkie Lodge, Rannoch. 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 22 February 2022. 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 the installation of a 14.5 GWh hydro scheme and associated works. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of scale and design of the development will be arrived at during pre-application discussions.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 3 Due to the scale of the proposal a scoping request (21/00010/CONSUL) has been submitted and responded to in accordance with the EIA 2017 Regulations.

PRE-APPLICATION PROCESS

- 4 The PoAN (reference 22/00010/PAN) confirmed that a public exhibition will be held at Kinloch Rannoch Village Hall on Wednesday 9th March 2022 and Dalwhinnie Community Trust Village Hall on Wednesday 23rd March 2022.

The Ward Councillors, Dalwhinnie Community Council, Newtonmore Community Council, Laggan Community Council, Blair Atholl and Struan Community Council, Killiecrankie and Fincastle Community Council and Pitlochry and Moulin Community Council have been notified. As the site crosses the PKC boundary at the northern section into the Highland Council planning authority area, a separate PAN application has been made to Highland Council. Whilst the second public exhibition is to be held in a location outwith the PKC boundary, it is accepted as it is in a location local to the application site. 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)

- 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
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Natural Environment : paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
 - PAN1/2011 Planning and Noise
 - PAN 2/2011 Planning and Archaeology
 - PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 45 Renewable Energy
 - PAN 51 Planning, Environmental Protection and Regulation

- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 79 Water and Drainage

LOCAL POLICY AND GUIDANCE

TAYplan Strategic Development Plan 2016-2036

- 9 TAYplan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs”

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

- Policy 2 – Shaping better quality places
- Policy 3 – Managing TAYplans Assets
- Policy 6 – Energy and Waste/Resource Management Infrastructure

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 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 8: Rural Business and Diversification
- Policy 15: Public Access
- Policy 32: Embedding Low and Zero Carbon generating Technologies in New Development
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy

- Policy 38A: Environment and Conservation: International Nature Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water, Environment and Drainage
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

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

- Developer Contributions Supplementary Guidance 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance March 2021
- Placemaking Supplementary Guidance 2020

PLANNING SITE HISTORY

- 15 The site has no specific planning application history.

CONSULTATIONS

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

External

17

- Scottish Environmental Protection Agency
- NatureScot
- Scottish Water
- Forestry Commission Scotland
- Perth and Kinross Heritage Trust
- Local Community Council

Internal

18

- Environmental Health (Noise and Odour)
- Environmental Health (Private Water)
- Strategic Planning and Policy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transport Planning
- Structures and Flooding
- Economic Development
- Biodiversity Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

- 19 The key considerations against which the eventual application will be assessed include:
- a. Visual Impact
 - b. Scale, Design and Layout
 - c. Relationship to Nearby Land Uses
 - d. Natural Heritage and Ecology
 - e. Landscape
 - f. Water Resources and Soils
 - g. Air Quality
 - h. Transport Implications
 - i. Tourism and Economy
 - j. Impact on Agriculture
 - k. Archaeology and Cultural Heritage

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

- 20 Should an EIA Report not be required the following supporting documents will need to be submitted with any planning application:
- a. Planning Statement
 - b. Design and Access Statement
 - c. Pre-Application Consultation (PAC) Report
 - d. Transport Assessment
 - e. Flood Risk and Drainage Assessment
 - f. Landscape and Visual Impact Assessment
 - g. Tree and Woodland Survey
 - h. Habitat Survey
 - i. Archaeological Assessment
 - j. Sustainability Assessment

CONCLUSION AND RECOMMENDATION

- 21 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: Gillian Peebles

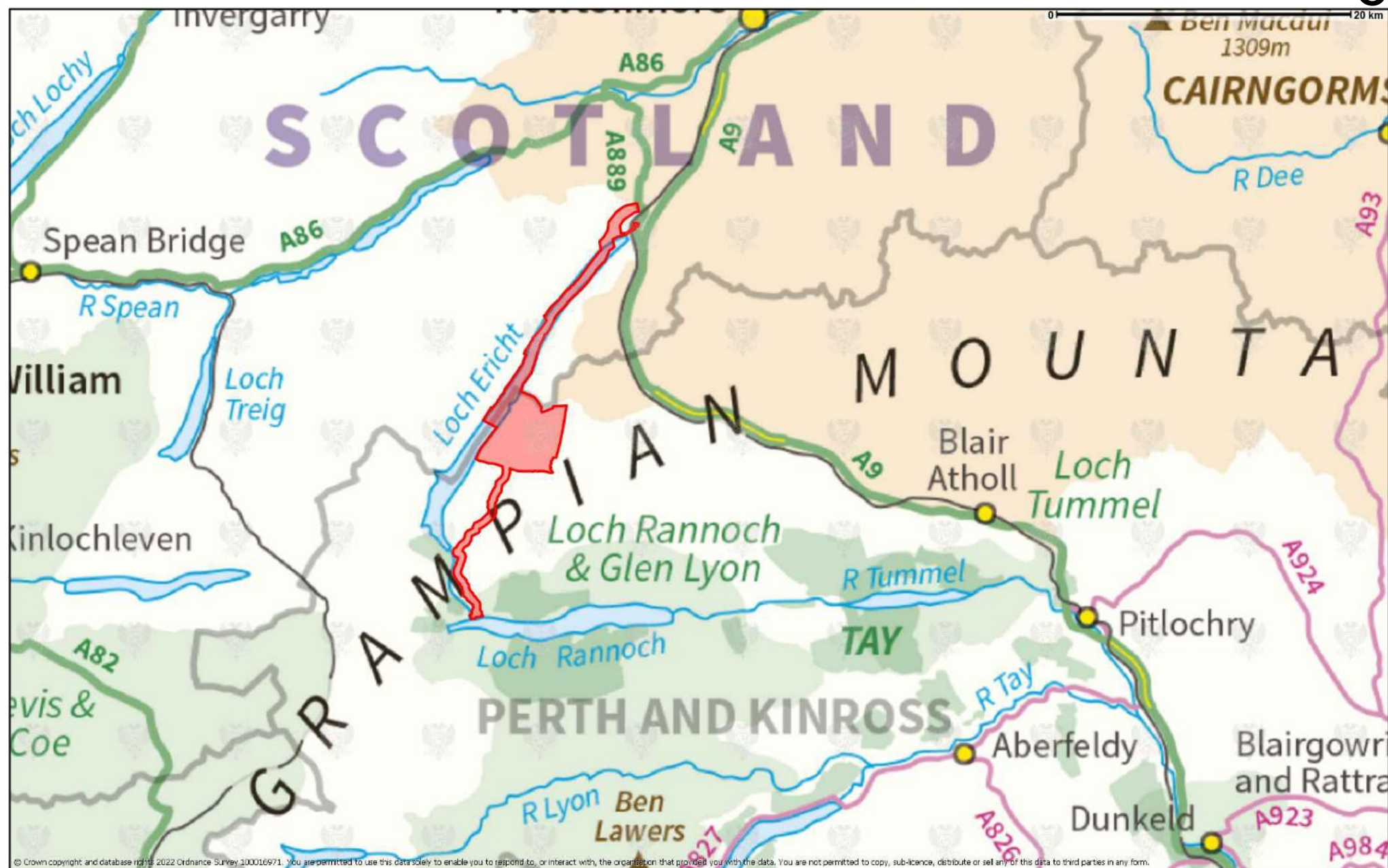
Date: 31 March 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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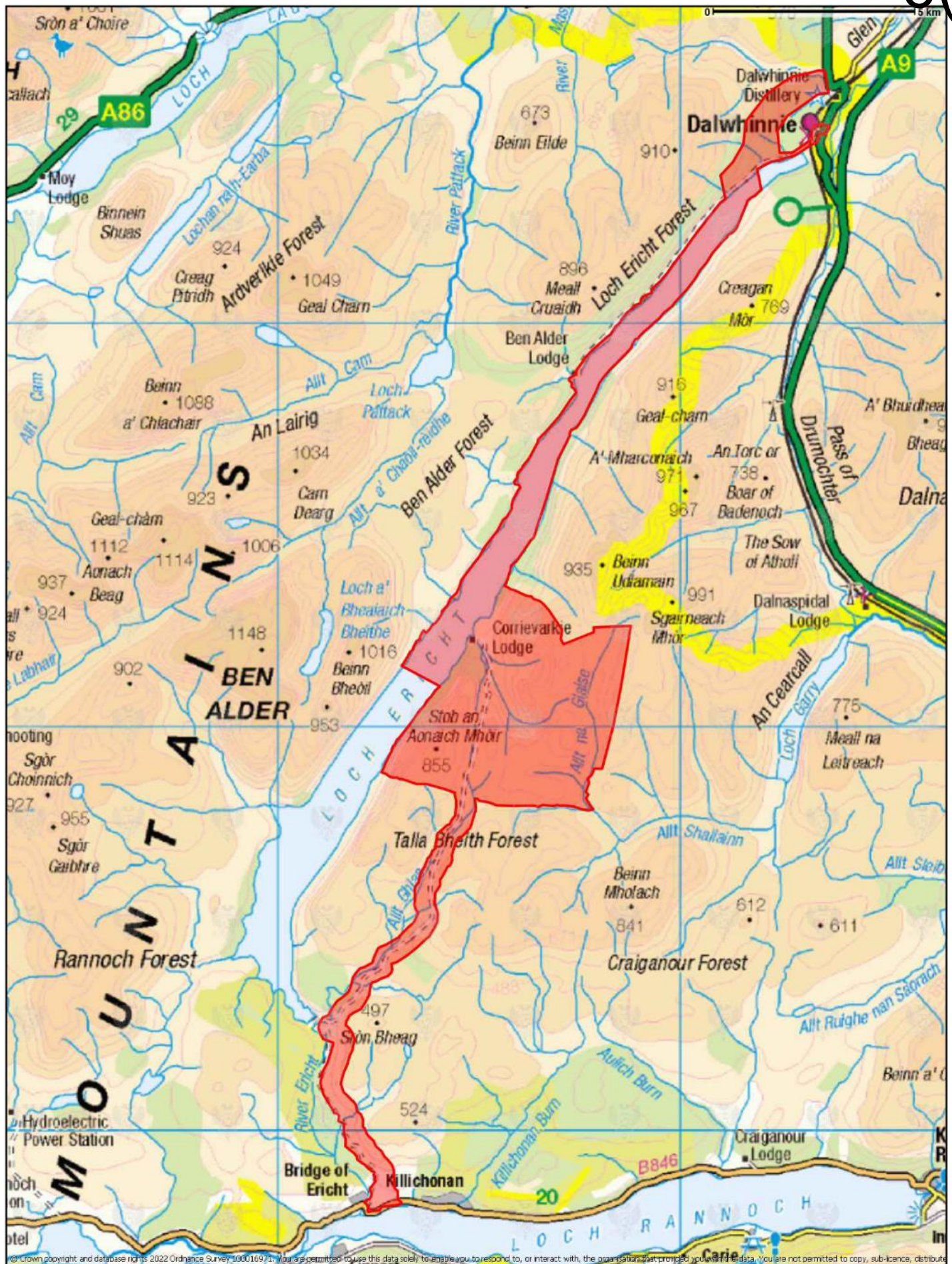
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22/00010/PAN

Installation of a 14.5 GWh hydro scheme and associated works
at land east of Corrievarkie Lodge, Rannoch





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