

**LRB-2020-16**

**19/02095/FLL - Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol**

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**LRB-2020-16****19/02095/FLL - Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100141464-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	DM Hall		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Donald	Building Name:	The Mill
Last Name: *	Yellowley	Building Number:	
Telephone Number: *	01786833800	Address 1 (Street): *	Station Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Bridge of Allan
Fax Number:		Country: *	United Kingdom
		Postcode: *	FK9 4JS
Email Address: *	donald.yellowley@dmhall.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

☐ Individual ☒ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Errol Airfield"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Errol"/>
Company/Organisation	<input type="text" value="Morris Leslie Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Perthshire"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH2 7TB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="donald.yellowley@dmhall.co.uk"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Gourdie Hill, The Grange, Errol, Perth and Kinross

Northing	<input type="text"/>	Easting	<input type="text"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use of land for the parking of commercial vehicles and open storage; new hardstanding; and new access (part retrospective).

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See local review statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning application as submitted, Report of Handling, Decision Notice and Local Review Statement.

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/02095/FLL

What date was the application submitted to the planning authority? \*

09/01/2020

What date was the decision issued by the planning authority? \*

05/03/2020

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

Holding one or more hearing sessions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To explore the issue surrounding the open space zoning more thoroughly.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Site has derelict structures.

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Donald Yellowley

Declaration Date: 26/04/2020



## Introduction

This Local Review Statement has been prepared by DM Hall chartered surveyors, on behalf of Morris Leslie Ltd (the Applicant) following the refusal of their Application under delegated powers for *“Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect)”* at land 80 Metres South West of Unit C1 Muirhouses Grange, Errol (the Site). The Application was refused for seven separate reasons, which are detailed in the Report of Handling.

The Applicant wishes there to be an accompanied site visit and for councillors to hold a hearing. A hearing will allow the Applicant to explain why this Application is in part retrospective and to explore the issue surrounding the open space zoning more thoroughly.

The remainder of this Statement follows the order in which issues are addressed in the Report of Handling, so that councillors can compare and contrast the Applicant’s case against the case officer’s arguments.

## Background and Description of Proposal

The description of the Site as set out in the Report of Handling is accepted. It is agreed that this is in area in transition that will change as the proposals for Errol Airfield related to the new sustainable settlement come forward. This will see new housing to the south of this Site and new employment opportunities and better connections between the Grange, Airfield and Errol, all provided and paid for by Morris Leslie Ltd.

This includes a new footpath from the Grange to the Airfield and onward to the new temporary medical surgery and Errol, which will be constructed and paid for by the Applicant. It is not shown on the Site Layout, but will be built within the verge and is a requirement of the planning permission for the new sustainable settlement. Morris Leslie Ltd is also working with the community looking at other ways pedestrian and cyclist connectivity can be improved between the Grange and the Airfield and onwards to Errol.

This Application does, indeed, represent a re-submission of Planning Application Ref: 18/01946/FUL, which was refused on 25 January 2019, but with the addition of further information that seeks to address the concerns raised with that earlier one. In particular, the plans have been corrected to include the following.

- All of the proposed works, principally engineering works and proposed fencing.
- Topographical information is being provided.
- The proposed access position is now fixed.
- An Arboricultural Assessment has been produced, and proposals therein for compensatory tree planting and tree management proposals are shown on the submitted plan.
- A full landscaping scheme has also been submitted.

It is accepted that some of the land identified as open space in the Local Development Plan has been covered with hardstanding. That amounts to somewhat more than half the red line Site area, and somewhere between a quarter and a third of what Morris Leslie Ltd owns.

The Applicant was not aware of the open space zoning when they did the work and, now they do, accept their mistake. They thought they had an historic permission, or permitted development rights, to do the work, but accept they do not. Class 25 of the GDPO allows for *“The creation of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned”*, but Morris Leslie Ltd accepts that this does not probably cover them for the work undertaken. It may have done if the buildings on Site had been operational, but doesn’t given their current state of repair. For that they apologise. That is why they did not review the previous refusal of planning permission on the Site and instead went away to see what could be done to offset the loss of open space with other benefits to the local community.

The Applicant did also remove trees, Poplars, which they accept was wrong in advance of either securing planning permission or a felling license. However, they are now trying to rectify that with a detailed planting scheme for the remaining woodland areas, which will replace the monoculture Poplars with a mixed deciduous woodland. The Poplars need replacing and this will be done in a phased way to significantly improve the biodiversity interest of this land. This is all explained in the Arboricultural Assessment.

Timber and brash from the felled trees is still on the site, that is true, but that is because all activity has now ceased. If this Application is supported, then remedial work can be undertaken, and the recommendations of the Arboricultural Assessment and the proposed landscaping scheme can start to be implemented.

The excavated soil will be employed on the Site as part of landscaping it.

No palisade fencing will be put up outside the red line boundary whilst the Applicant is open to all suggestions as to the height and type of fencing, the details of which can be a planning condition.

### **Site History**

No comment.

### **Pre-Application Consultation**

The Applicant has had various discussions with Council officers and has tried to engage with the local community.

The rapid refusal of the Application came as a complete surprise to the Applicant, as the decision was made the day after the Applicant’s agent submitted information to the case officer to address the concerns of the Community Council.

### **National Policy and Guidance**

No comment.

### **Development Plan**

No comment.



## Consultation Responses

The Applicant's agent wrote to Errol Community Council addressing their concerns in a letter dated 4<sup>th</sup> March 2020, a copy of which is being submitted with this local review. The letter explains the background to the Application, apologises on behalf of the Applicant, and goes on to reassure the local community that Morris Leslie Ltd are keen to work with them and, if there are any ideas for using the remaining open space areas as a local nature reserve, or as a community orchard, to get in touch.

The letter also explains that the proposal is for commercial vehicle parking and open storage, which, if permitted, will be rented out to a storage and distribution company to use. At this stage, it is impossible to say exactly how that company will use the land. However, Morris Leslie Ltd will be very careful in who they let the site out to because they pride themselves as a company on being good neighbours and responsible landlords. Morris Leslie Ltd will also accept whatever restrictions the Council see fit to apply, whether that relates to the type of end users, or the hours of operation, and will ensure there is no noise issue created for the immediate neighbours.

Finally, the Applicant confirmed the following.

- No actual parking spaces are shown because the end user is not known and the Applicant does not want to second guess that. However, if the Council require them to do that, they will.
- The palisade fencing will eventually largely be hidden by the proposed planting.
- No floodlighting of the Site is proposed.
- A Transport Assessment has not been asked for, and PKC Transport Planning has no objection subject to conditions being added.

Turning to other consultation responses:

- The Applicant will seek advice from a specialist in the field of land quality and make further investigation as required (Environmental Health (Contaminated Land)).
- Odour controls will be put in place (Environmental Health (Noise Odour)).

In terms of the views of the Council's Enforcement Officer (Trees), these are responded to below.

## Representations

The company who produced the drawings, Millards, have an OS License to use the data

## Policy Appraisal

### Open Storage use and Open Space

It is accepted that some of the open space has been developed. However, it is considered that the woodland strategy, landscaping scheme, and the opportunity to work collaboratively with the local community, offers suitable recompense for the loss of an area of what the Applicant considered was relatively poor quality woodland. The Applicant is also open to other ideas for the remaining open space and, if a community orchard is preferred, they are happy to do that. These are considered to amount to material considerations that justify a departure from the development plan.

Also, we dispute the comment that the landscaping strategy will not satisfactorily screen the proposed open storage area from residential receptors; it patently will, and has been designed with that purpose in mind. It is assumed that this comment refers to the area shown in blue on the Site Layout around Orchard Cottage. This has been left free from landscaping deliberately because the Applicant has yet to decide on the future of this area, with the possibility that some of it may be considered for residential development in the future. However, it can be landscaped, other than the existing access, if that is preferred, following the rationale of the landscaping proposed for the rest of the Site. Some of it can be a community orchard, for example.

### **Landscape**

The landscaping scheme proposed is, in the opinion of the Applicant, a better response to this Site and far better than the existing monoculture Poplar planting.

The landscaping scheme took cognisance of the Tayside Landscape Character Assessment (TLCA) and will do the complete reverse of what the Report of Handling suggests by adding to local distinctiveness, diversity and the quality of the landscape.

### **Woodland and Trees**

The Applicant's arboricultural consultant is a respected individual in his field, and even the Council's Enforcement Officer (Trees) reluctantly accepts that the proposed tree planting will lead to increased biodiversity. That conclusion is telling because whatever the respective views are on Poplars and their merit, and that varies from the positive to the downright negative due to their roots causing damage, windblown damage to buildings and vehicles, and their short lifespans (50 years not 200 years, as suggested by the Council's Enforcement Officer (Trees), so even he must accept that they are mature to over-mature at up to 40 years), the fact remains that these trees are best removed from the site, with the replacement mixed deciduous trees proposed being more in-keeping with the local landscape and what you would expect to see.

Furthermore, the Council's Enforcement officer (Trees) seems to think that the Poplars will be felled all at once, but this is not the case as is clear from the Arboricultural Assessment. The felling is proposed on a phased basis interspersed with new planting.

### **Noise**

The Applicant will accept any controls that Environmental Health see fit to impose.

### **Contaminated Land**

The Applicant will accept any and all necessary conditions.

### **Roads and Access**

Further tree felling is not seen as necessary to facilitate visibility splays, and Transport Planning were probably not aware of the separate footpath proposal tied to the sustainable settlement proposals when they made this comment.

### **Drainage and Flooding**

A full SUDs strategy will be prepared and any remedial work required undertaken.

### **Design and Layout**

The Applicant accepts that the proposed development changes the character of the area, but then for parts of the Site the Local Development Plan zoning seeks to do that.

The Report of Handling fails to appreciate that some of the Site is identified as suitable for mixed use, which the Local Development Plan says can be potentially developed for housing, offices, light industry, surgeries and leisure uses. These will also significantly change the character of this area. It is easy to say that open storage and parking isn't the most attractive of uses, but it still creates and sustains jobs and so is just as important to the local economy as some more photogenic developments. Morris Leslie Ltd sustains hundreds of local jobs at Errol Airfield and elsewhere from what is essentially storage and distribution uses.

### **Economic Impact**

There will be an economic uplift to the local economy associated with both the construction of the development and its operation, which will be in the 100s of thousands of pounds and potentially 10s of new or secured jobs.

### **Conclusion**

In conclusion, the Applicant accepts that this proposal breaches certain policies in the Local Development Plan, but material considerations exist and justify a departure.

Councillors are, therefore, respectfully requested to allow this local review and grant planning permission.



# PERTH AND KINROSS COUNCIL

Morris Leslie Ltd  
c/o DM Hall  
Duncan Clow  
The Mill  
Station Road  
Bridge Of Allan  
FK9 4JS

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 5th March 2020

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/02095/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 10th January 2020 for permission for **Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) Land 80 Metres South West Of Unit C1 Muirhouses Grange Errol** for the reasons undernoted.

Head of Planning and Development

### Reasons for Refusal

- 1 The proposal is contrary to Policy 14A - Open Space Retention and Provision: Existing Areas of the Perth and Kinross Local Development Plan 2 (2019) as it results in the loss of a significant area of zoned Open Space which is of amenity value. It does not meet any of the exceptional criteria where loss would be permitted.
- 2 The proposal is contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019) as the proposal for the formation of open storage would have a detrimental visual impact on housing to the north of the road and it would not be compatible with the amenity of this adjoining land use. The loss of woodland and zoned open space that previously acted as a buffer means the zoned employment and mixed-use

area no longer has an appropriate screen buffer in place.

- 3 The proposal is contrary to Policy 1B, criterion (a) of the Perth and Kinross Local Development Plan 2 (2019), as the proposal fails to create a sense of identity and erodes the coherent structure of streets, spaces and buildings by removing woodland and an area of zoned open space. As a consequence, the screening it afforded to residential properties and the main road Low Carse Road, C484 to the north has been significantly diminished.
- 4 The proposal is contrary to Policy P1B, criterion (b) and (g) of the Perth and Kinross Local Development Plan 2 (2019), as the removal of the woodland from a zoned area of open space and the formation of a hardstanding area for open storage on the open space and on the wider mixed use site would erode and dilute the areas landscape character.
- 5 The proposal is contrary to Policy 39 of the Perth and Kinross Local Development Plan 2 (2019), as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.
- 6 The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy 40A and 40B of the Perth and Kinross Local Development Plan 2 (2019), as there are no clear public benefits associated with the woodland removal.
- 7 There is a lack of information to fully assess the application in relation to contaminated land Policy 58A of the Perth and Kinross Local Development Plan 2 (2019) and Surface Water Drainage Policy 53C of the Perth and Kinross Local Development Plan 2 (2019).

## **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

## Notes

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page

### Plan Reference

19/02095/1

19/02095/2

19/02095/3

19/02095/4

19/02095/5

19/02095/6





# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	19/02095/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	09.03.2020	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect)

**LOCATION:** Land 80 Metres South West of Unit C1 Muirhouses Grange Errol

### SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

**DATE OF SITE VISIT:** 30 January 2020

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Errol Airfield/Grange lies approximately 2 miles to the east of Errol, it has grown up around a Second World War airfield and though flying operations have now largely ceased (except for use by a parachute club) the ancillary airfield buildings provide useful accommodation for small businesses.

Residential development has taken place on the northern part of the settlement with employment expanding to the south-west creating a fragmented settlement pattern.

The nearest community facilities are in Errol.

A number of mixed-use areas are identified in the core of the settlement which contains a scattering of houses and employment uses. This provides a useful source of low rent business accommodation although the units are now reaching the end of their useful life. A scheme to upgrade these units would be welcomed particularly where this continues to provide small low-cost units. The provision of a small number of houses in mixed use areas is acceptable provided the predominant character of the area remains for employment uses.

The planning framework also identifies open space which is worthy of protection and the Local Plan notes that some of these areas of open space have potential to re-establish orchards which were a feature of the area in the past.

This is the second application which seeks the change of use to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access which is in part retrospective.

From my review of LDP2 and aerial imagery a large proportion of the site was protected open space and woodland. Substantial tree felling and engineering works have been undertaken to form hardstanding and drainage infrastructure.

From my site inspection felled trees and brash have been moved off the application site and are now within woodland to the west. Excavated soil has also been placed over the root plate of trees to the west of the application site.

There are no measures contained within this application to deal with the excavated soil that is having an adverse impact on the poplar tree resource.

New palisade fencing will be installed at some 2.5 metres in height along the site boundary. Like the previous application it appears that part of the palisade fence extends out with the application site towards Gourdie Hill Cottage.

## **SITE HISTORY**

17/00138/FLL Alterations and extension to dwellinghouse 16 March 2017  
Application Approved

18/01946/FLL Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) 25 January 2019 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: Discussions with enforcement following refusal of earlier application.

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

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 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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 (2019) – Adopted November 2019**

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 7A: Employment and Mixed Used Areas: Business and Industrial

Policy 14A: Open Space Retention and Provision: Existing Areas

Policy 39: Landscape  
Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy  
Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development  
Policy 52: New Development and Flooding  
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

## OTHER POLICIES

Developer Contributions and Affordable Housing Supplementary Planning Guidance, September 2016.

Flood Risk and Flood risk Assessments June 2014.

Forestry Commission Scotland - The Scottish Government's Policy on Control of Woodland Removal.

Forest and Woodland Strategy Supplementary Guidance 2014.

## CONSULTATION RESPONSES

Errol Community Council - Object to the application. A road traffic assessment should be undertaken. Conflict with the Local Development plan Policy 7A(b) Business and Industrial. Conflict with Policy 8(c) Rural and Business Diversification. Conflict with Policy 14A Open Space.

Environmental Health (Contaminated Land) - recommend that the applicant seeks advice from a specialist in the field of land quality and makes further investigation.

Transport Planning – No objection subject to conditional control.

Environmental Health (Noise Odour) – No objection subject to conditional control.

Dundee Airport Ltd – No objection.

Paragon Skydiving Club – No objection received.

Development Negotiations Officer – No objection.

Enforcement Officer (Trees) - Refuse the application.

## REPRESENTATIONS

The following points were raised in the 6 representation(s) received:

- Unauthorised work (retrospective application) applicant hasn't stipulated why work has been undertaken in advance of making the application
- Majority of site allocated as open space in LDP2
- Lack of detail regarding parking
- Lack of detail of SUDS
- Visual Impact of hardstanding and fencing
- Loss of woodland and loss of buffer
- Contrary to Dev Plan - 1A, 1B, 7A, 14A
- Light pollution
- Contrary to Government Guidance and PANS
- Traffic generation
- Impact on residential amenity

The above points are dealt with in the appraisal section below.

- Permission from ordnance survey does not appear to have been obtained.

Agents or applicants copying Ordnance Survey maps without a valid licence breaches Ordnance Survey copyright and this could lead to proceedings being taken by Ordnance Survey against them if the necessary permissions have not been obtained.

## **ADDITIONAL STATEMENTS**

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

## **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

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 policy.

## **Policy Appraisal**

This site is located within the settlement boundary of Errol Airfield/Grange in the Local Development Plan 2 (LDP2). Policy 6 Settlement Boundaries directs development to these settlement envelopes. However, cognisance of other policies in the LDP2 is required.

The open space zoning within the settlement boundary of Errol Airfield/Grange Policy 14A is of importance as well as the mixed-use zoning Policy 7A.

Policies 1A and 1B are also of relevance. These policies require proposals to contribute positively to the surrounding built and natural environment and to respect the character and amenity of the place.

Policy 39 seeks to protect Landscape while Policy 40A and 40B seeks to protect trees and woodland.

Policy 58A relates to contaminated land while Policy 53C looks for the deployment of Sustainable Urban Drainage Systems to deal with surface water

Policy 60A seeks safe access and appropriate car parking.

For reasons set out elsewhere in this report it is considered that this proposal is contrary to Policy 1A ,1B, 7A, 14A, 39, 40A, 40B and 53C.

## **Open Storage use and Open Space**

Some 6600sqm of woodland which formed part of a wider open space zoning has been felled to create an area of hardstanding. This has resulted in a loss of the amenity resource contrary to criterion (b) of Policy 14A.

While the remaining part of the hardstanding falls within the zoned mixed-use area, Policy 7A. The reduction in the structural landscape buffer and open space has resulted in an increase in visibility from the road and the neighbouring residential properties. While a landscaping strategy now accompanies the application, this does not remedy the loss of the protected open space or satisfactorily screen the proposed open storage area from residential receptors.

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of

maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria of Policy 39 Landscape.

The site is located within the Firth Lowlands of the Tayside Landscape Character Assessment (TLCA). It notes the Carse of Gowrie is principally an agricultural area and the landscape is dominated by large, geometric fields.

Field boundaries within parcels of land are often absent, the distinction between different fields being marked by drainage ditches or simply by changes in crop. Hedges and hedgerow trees are more common along roads and tracks, though even here many hedges, though trimmed, have become gappy, and lost trees have not been replaced. Historically, the area was an important orchard area but much of this has disappeared though locally important remnants remain.

The TLCA considers that the Errol Airfield is a detracting feature. It notes there are a number of development options being considered for this site including mixed industrial, business and aviation uses and a new settlement expansion for Errol. Out of necessity, these potential uses are being proposed in response to the presence of a derelict site rather than the character of the surrounding landscape. It appears inevitable that the redevelopment of this site will contribute to the increase in urban influences within this landscape type. Even if development is screened from view it is likely to result in traffic generation, altering the character of country roads in the area.

The TLCA Landscape Guidelines discourages the loss of boundary trees and encourages the exploration of increasing new woodland belts, particularly where there is a need to screen development.

An open storage use is an example where new woodland creation should have been incorporated into the design of the application to screen the development. The removal of a landscape buffer between the Errol Airfield and housing at the Grange results in significant harm to the landscape character of the area by removing a landscape feature that previously screened the derelict site. Therefore, the proposal will erode local distinctiveness, diversity and quality of this Perth and Kinross landscape character area. It would detract from the character type's visual integrity, identity and scenic quality, thus contrary to Policy 39.

## **Woodland and Trees**

Section 159 of the Planning Act imposes a general duty on the Planning Authority to include appropriate provision for preservation and planting of trees. Local Plan Policy 40B seeks the submission of a tree survey where there are existing trees on a development site while Policy 40A seeks to protect and expand tree and woodland cover.

The tree officer confirms the poplars at this site are estimated to be approximately 30/40 years old but notes that poplars can grow to 200 years, which may be considered short lived in comparison to a 2000-year oak, but this copse has considerable longevity as a woodland planting.

The poplars act as an effective shelterbelt, reducing windspeed along what would be an open and exposed stretch of road. They also provide an exceptional visual screen to commercial buildings and disturbed land and are considered an entirely appropriate and excellent choice of tree species for this location, being heavy clay with impeded drainage, and a rural and semi industrial/commercial site.

While some replacement planting is now proposed the tree officer confirms this would not provide the same level of screening and amenity value compared the poplar woodland.

Taking this into account the proposal is contrary to Policy 40A of the adopted Local Development Plan 2, which seeks to encourage the protection of management of groups of trees of amenity value.

It should be noted that the Forestry Commission have been made aware of the woodland removal to allow them to investigate the felling under their legalisation.

## **Noise**

Environmental Health's understanding is the site will be used to park agricultural vehicles, cars and lorries and provide storage for general construction material. Given the size of area contained within the site boundary this could accommodate a large number of vehicles.

Environmental Health is of the view that the site has potential to cause dis-amenity to nearby residential properties if not properly controlled and managed, especially if large agricultural/commercial vehicles can access to and from the site at unsociable hours of the day/night i.e. late into the evening and early in the morning. However, they are of the view that any conflict with noise could be controlled by conditional control to limit vehicle movements as well as servicing and deliveries to the site.

## **Contaminated Land**

This site was previously an RAF airfield and was used during the war. As such it has inherent risks which require to be assessed by the applicant and identify any residual risks posed by the historical use. There is much literature and guidance published to aid the applicant in assessing such risks from previously developed military land and I would advise the applicant and or agent to review this information in detailing any requirements. Adjacent land under separate application has already proven to be contaminated and unfit for the purpose of the proposed end use.



In view of the possibility that there may be constraints to the development due to the suspected condition of the land forming a material planning consideration, the contaminated land officer recommends that the applicant seeks advice from a specialist in the field of land quality and makes further investigation.

A pre-start condition would usually be attached to an application if it was capable of being supported. However, given the retrospective nature of this proposal it should have accompanied the application to clarify how the works undertaken to date relate to the sites historic use and contaminated land.

### **Roads and Access**

There are no objections to the proposal from Transport Planning. They recommend conditional control to secure appropriate access and visibility splays to comply with Policy TA1B. They note to achieve the visibility splays it is likely that further tree felling will be required.

While the Community Council have sought a Transport Assessment the Transport Planning Section have not considered this necessary for the proposed development.

### **Drainage and Flooding**

The site is not in an area subject to river flooding and the Flooding Team have offered no objection on this basis.

Surface water should be dealt with via a sustainable urban drainage system and this would need to be incorporated into the site layout to comply with policy 53C.

Given the retrospective nature of the application, the potential contaminated land issue and the fact the site is constrained by a tree resource a detailed surface water strategy should be provided at this stage to confirm it is capable of being satisfactorily drained.

### **Design and Layout**

Development must contribute positively, to the quality of the surrounding built and natural environment as required by criterion contained within Policy 1A and 1B of LDP2.

From the site inspection the proposal fails to create a sense of identity and erodes the coherent structure of streets, spaces and buildings within Errol Airfield/Grange by removing woodland and an area of zoned open space. Therefore, the depth of screening it afforded to residential properties is lost. This was a natural feature that contributed to the local townscape contrary to criterion (g) of Policy 1B. I do not consider the replacement landscape planting and woodland strategy is appropriate given the amenity value of the existing

woodland resource as discussed under the Landscape and Woodland/Tree sections of this report.

Furthermore, the removal of the woodland from a zoned area of open space and the formation of a hardstanding area on part of the open space dilutes the areas landscape character contrary to criterion Policy 1A. It should be noted that the Forestry Commission are aware of the felling and are investigating the removal of the tree resource.

### **Developer Contributions**

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.

The proposal will not create any built structures and while the hardstanding is proposed to be used for commercial vehicle parking no specific parking bays will be defined and it is viewed as an ancillary hardstanding space to the existing buildings on site. No contribution towards transport infrastructure will be required.

### **Economic Impact**

There will be an economic impact associated with construction of the development as well as a positive economic impact associated with the provision of the open storage use. However, this must be balanced against the harm the proposal will have on the environment and surrounding land uses as identified above which warrants refusal of the application.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Material considerations have been considered but none justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

The recommendation for this application has been made within the statutory determination period.

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Reasons for Recommendation**

- 1 The proposal is contrary to Policy 14A - Open Space Retention and Provision: Existing Areas of the Perth and Kinross Local Development Plan 2 (2019) as it results in the loss of a significant area of zoned Open Space which is of amenity value. It does not meet any of the exceptional criteria where loss would be permitted.
- 2 The proposal is contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019) as the proposal for the formation of open storage would have a detrimental visual impact on housing to the north of the road and it would not be compatible with the amenity of this adjoining land use. The loss of woodland and zoned open space that previously acted as a buffer means the zoned employment and mixed-use area no longer has an appropriate screen buffer in place.
- 3 The proposal is contrary to Policy 1B, criterion (a) of the Perth and Kinross Local Development Plan 2 (2019), as the proposal fails to create a sense of identity and erodes the coherent structure of streets, spaces and buildings by removing woodland and an area of zoned open space. As a consequence, the screening it afforded to residential properties and the main road Low Carse Road, C484 to the north has been significantly diminished.
- 4 The proposal is contrary to Policy P1B, criterion (b) and (g) of the Perth and Kinross Local Development Plan 2 (2019), as the removal of the woodland from a zoned area of open space and the formation of a hardstanding area for open storage on the open space and on the wider mixed use site would erode and dilute the area's landscape character.
- 5 The proposal is contrary to Policy 39 of the Perth and Kinross Local Development Plan 2 (2019), as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character, visual, scenic qualities of the landscape and the quality of landscape experience through the removal of the woodland/tree belt to accommodate the development.
- 6 The proposal is contrary to the Scottish Government's Policy on Woodland Removal, the Scottish Forest Strategy, the National Planning Framework as well as Policy 40A and 40B of the Perth and

Kinross Local Development Plan 2 (2019), as there are no clear public benefits associated with the woodland removal.

- 7 There is a lack of information to fully assess the application in relation to contaminated land Policy 58A of the Perth and Kinross Local Development Plan 2 (2019) and Surface Water Drainage Policy 53C of the Perth and Kinross Local Development Plan 2 (2019).

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

### **Informatives**

Not Applicable.

### **Procedural Notes**

- 1 This case is to be passed back to the Council's Enforcement Officer for remedial action on both the application site itself and the adjoining land to the west where topsoil/brash has been stored. Investigation should progress in liaison with the Forestry Commission.

### **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

19/02095/1  
19/02095/2  
19/02095/3  
19/02095/4  
19/02095/5  
19/02095/6

**Date of Report 05.03.2020**

17 December 2019

Perth & Kinross Council  
Pullar House,  
35 Kinnoull Street,  
Perth PH1 5GD

Our Ref.: PH

Dear Sirs

**Muirhouses, Grange, Errol**

DM Hall is instructed by Morris Leslie Ltd to re-apply for the use of the above site for *"Change of Use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospective)"*. This represents a re-submission of Planning Application Ref: 18/01946/FUL, which was refused on 25 January 2019, but with the addition of further information that seeks to address the concerns raised with that earlier application. In particular, the plans have been corrected to include: all of the proposed works, principally engineering works and proposed fencing; topographical information is being provided; the proposed access position is now fixed; an Arboricultural Assessment has been produced, and proposals therein for compensatory tree planting and tree management proposals are shown on plan.

Dealing with the issues raised previously, in the order they appear in the Report of Handling. I can comment as follows:-

**Woodland and Trees**

Trees have been removed from the land, but the proposals as outlined in the Arboricultural Assessment, and as shown on the Proposed Phased Landscape Proposals drawing, involve new compensatory planting to the rear of Orchard Cottage and the introduction of new oak trees along the rear boundary. These new trees will compensate in large measure for those previously removed. Woodland management will also ensure that the woodland that fronts the site has a long-term future.

**Landscape**

As with the issue above, it is considered that the new planting and woodland management will ensure that the site is screened and the landscape enhanced locally.

**Open Storage Use and Open Space**

Land currently zoned as ED1B to the rear of Orchard Cottage will now be planted to offset in part for some of the Policy CF1A land being proposed for development.

Cont/d...



DM Hall LLP, a Limited Liability Partnership registered in Scotland with Registration number SO301144  
Registered office, 17 Corstorphine Road, Edinburgh, EH12 6DD.

A full list of members can be obtained from the Head Office, 17 Corstorphine Road, Edinburgh, EH12 6DD. Tel: 0131 477 6000. Fax: 0131 477 6016.

Aberdeen, Ayr, Bridge of Allan, Cumbernauld, Cupar, Dumfries, Dundee, Dunfermline, Edinburgh, Elgin, Falkirk, Galashiels, Glasgow (North and South), Hamilton, Inverness, Inverurie, Irvine, Kirkcaldy, Livingston, Musselburgh, Oban, Paisley, Perth, Peterhead, Stirling.

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Regulated by RICS

Noise

The applicant will accept a condition controlling the hours of use.

Contaminated Land

A watching brief during construction condition is acceptable to the applicant.

Design and Layout

The tree planting proposals will help mitigate the impact from the proposed use.

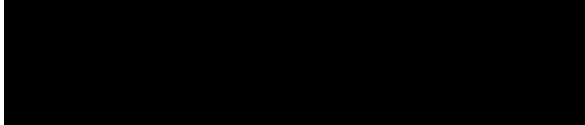
Roads and Access

Conditions covering the access are acceptable to the applicant.

On the basis of the above, it is hoped that this proposed development can now be supported.

I look forward to this application being validated, but, in the meantime, please contact me if you require any further information to allow that to happen.

Yours faithfully



Paul Houghton  
Director on behalf of DM Hall

# **Arboricultural Assessment**

Development Proposal

**Gourdiehill, Errol**



Prepared for: **Scott Whittet**  
Head of Property  
Morris Leslie Ltd.  
Errol  
Perthshire  
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Prepared by: **Paul Hanson**  
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Signed

A solid black rectangular box used to redact the signature of Paul Hanson.

29<sup>th</sup> October 2019



Version 2.0	Issued 29/10/2019
Last reviewed	30/09/2018
Next review	TBC
Author	Paul Hanson
Approved by	

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- 4 Removal of debris near trees
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## Summary

The proposed development at Gourdiehill is located at Errol, within the jurisdiction of the Perth and Council planning department. It will occupy ground on the south east side of the public road that forms part of the National A77 cycle route on the section known as the Salmon Run. The site is currently unoccupied and unused.

The proposed development is likely to have a significant and positive impact on the site in the long term. The tree cover on the site largely consists of mature hybrid poplar trees (*Populus sp.*), a tree species with a relatively short safe useful life expectancy, for which removal and replacement is considered appropriate. The removal will be phased over several years reducing the immediate visual impact through tree loss and replacement at each phase.

With careful design the new trees introduced to the site, will create a long-term net gain for the amenity tree population and wider wildlife habitat across the site as a whole. Developing the site will introduce a level of ownership and responsibility to manage the trees on site in good health and condition.

## Introduction

The purpose of this tree assessment is to provide information on the trees on site to support an outline planning application from Morris Leslie Limited for commercial development on this Gourdiehill site.

This report, consisting of eighteen pages (including the cover), is the result of site investigations carried out by Arboretum Internationale Ltd. in August 2019. At that time, the size and condition of the trees and the extent of a protection zone required around retained trees to minimise the potential of tree damage during any development were considered. Areas of the site currently devoid of tree cover were considered for additional tree planting.

This report is prepared on the basis that Arboretum Internationale Ltd. has taken all reasonable steps to meet the requirements of its clients and that this report should only be considered valid at the time of inspection.

## Instructions:

This tree survey/report was commissioned by Scott Whittet on behalf of the site owner.

- To consider the trees with regard to the British Standard 5837:2012 'Trees in relation to design, demolition, and construction– Recommendations',
- Assess their suitability for retention or need for removal in relation to the proposed development of the site, Remove unsafe trees
- Assess the hazard and risk posed by trees within falling distance of the public highway and third-party property
- Prepare an appropriate management plan for trees at Gourdiehill

## Documents Supplied:

- A proposed site layout plan dated Oct 2018 drawn by Millard Consulting, drawing no. D7304/03/001 Rev B, with varying scales as described on the drawing sections.
- A topographical survey plan of the site entitled 'Gourdiehill, The Grange, Errol, dated 11/04/2009, drawn by Douglas Land Surveys, drawing no. 10819 Rev 01, at a scale of 1/500 @ A1

## 1 Scope and Limitations

- 1.1 The assessment and this report are concerned with the arboricultural aspects of the site only.
- 1.2 This assessment is restricted to trees within and immediately adjacent to the site that may be affected by the proposed development. No other trees were inspected.
- 1.3 The assessment was carried out broadly the detailed contained in British Standard 5837:2012 'Trees in relation to design, demolition, and construction—Recommendations' (BS5837).
- 1.4 It is based on a ground level tree assessment and examination of external features only – described as the 'Visual Tree Assessment' method expounded by Mattheck and Breloer (The Body Language of Trees, DoE booklet Research for Amenity Trees No. 4, 1994).
- 1.5 No plant tissue samples were taken, and no internal investigation of the trees was carried out. No soil samples were taken, or soil analyses carried out.
- 1.6 The risk of tree-related subsidence to structures has not been assessed.
- 1.7 No specific assessment of wildlife habitats has been carried out.

## 2 The Site

- 2.1 The site is a broadly level area of some 8 acres to the south east side of the public road that forms part of the National A77 cycle route on the section known as the Salmon Run. The site shares a boundary to the north with the adjacent domestic properties and to the east, south east and south with other commercial concerns.
- 2.2 Access to the site is taken directly from the public road to the north of site. The site previously operated as a commercial enterprise, some of the commercial accommodation remains on site with two buildings on the eastern boundary identified for retention.

### 3 Existing Trees

- 3.1 The mature poplar trees to the west of the site occupy some 4 acres of ground. The planting appears to have been a monoculture of poplar trees perhaps intended for a quick commercial harvest. The tree cover now presents, at face value, as an attractive amenity tree shelterbelt.
- 3.2 As a tree species planted to the exclusion of all others in an area of this size poplar has limited wildlife value and at the current age only a short safe useful life expectancy on this site. Numerous trees in the shelterbelt have suffered from damage in high winds noted as the loss of large limbs and upper canopy sections. Poplar has a brittle quality of wood, is prone to growing long, heavy end weighted branches, and as such sustains damage readily in adverse weather; as the tree canopies develop continued branch failure and the loss of canopy sections and the failure of whole trees should be expected. This does raise concerns where the trees are situated close to the public road and within falling distance of third-party properties.
- 3.3 Potential damage to structures by the future growth of tree roots is not considered here. (See BS5837:2012 Annex A, and NHBC Standards Chapter 4.2).
- 3.4 It must be understood that even apparently healthy and structurally sound trees can fail under extreme weather conditions and the safety of any tree can never be guaranteed.

### 4 Development Appraisal

- 4.1 Development of the proposed scheme is entirely feasible arboriculturally, the development does require the removal and replacement of a small number of trees to allow the formation of a new entrance into the site to minimise future vehicular disturbance to the neighbours on the northern boundary.
- 4.2 The removal and replacement of the entire poplar shelterbelt with an introduction of new trees more appropriate to the setting is proposed, providing significant arboricultural longevity, and screening for the site owners and neighbours with a vested interest in the safety and visual amenity of those trees.

### 5 Tree Management

It is proposed to deliver tree removal and replacement planting over 15 years.

#### 5.1 Phase one years 1 to 5.

5.1.1 Year 1 - trees will be felled to facilitate the formation of the new entrance and associated visibility splay and the introduction of a new hedge along the whole length of the public road. The new hedge to be planted using shrubs including but not limited to *Corylus avellana*, *Crataegus monogyna*, *Ilex aquifolium*, *Malus sylvestris* and *Prunus spinosa*. Any trees individually identified as dead, dying, or dangerous will be felled to ground level.

5.1.2 Year 1/2- new planting will be introduced to the areas highlighted in green on plan 2 below (approximately an acre of new planting). This new planting will be delivered using native tree and shrub species including but not limited to *Alnus glutinosa*, *Corylus avellana*, *Ilex aquifolium*, *Pinus sylvestris*, *Quercus robur*, *Sorbus aucuparia*, and *Taxus baccata*. Further planting will introduce individual oak trees spaced approximately at 15m along the eastern and south eastern boundary to replicate a traditional agricultural field boundary.

5.1.3 Year 2 - all road edge trees within 10m of the public road will be reduced in height to 10m.

5.1.4 Years 3, 4 and 5 will be given over to replacing any trees lost through the actions of pests and diseases.

## 5.2 Phase two years 6 to 10.

5.2.1 Year 6 – all poplar trees within 10m of the site boundaries will be felled to ground level and replaced using native tree and shrub species including but not limited to *Alnus glutinosa*, *Corylus avellana*, *Ilex aquifolium*, *Pinus sylvestris*, *Quercus robur*, *Sorbus aucuparia*, and *Taxus baccata*.

5.2.2 Year 6 - all remaining poplar trees to be reduced to 10m in height. Any trees individually identified as dead, dying, or dangerous will be felled to ground level.

5.2.3 Years 7 to 10 will be given over to replacing any trees lost through the actions of pests and diseases.

## 5.3 Phase three years 11 to 15.

5.3.1 Year 11 - all remaining poplar trees will be felled to ground level and replaced using native tree and shrub species including but not limited to *Alnus glutinosa*, *Corylus avellana*, *Ilex aquifolium*, *Pinus sylvestris*, *Quercus robur*, *Sorbus aucuparia*, and *Taxus baccata*.

5.3.2 Years 12 to 15 will be given over to replacing any trees lost through the actions of pests and diseases.

# 6 Tree Protection – General Measures

6.1 BS5837 requires that the root protection area (RPA) of all retained trees is protected from the effects of development by the installation of protective barriers. It should be noted however, that the position of these barriers may also be influenced by the presence of any tree canopies that extend beyond the RPA and that could be damaged by construction works or where it is desirable to protect areas for future tree planting. In addition to protecting retained trees, BS 5837 recommends that areas of the site in which new or replacement tree planting is proposed should also be protected from the effects of construction.

## 6.2 Ground Protection

6.2.1 Where it is necessary, for the construction operation, to permit vehicular or pedestrian access within the CEZ, for example to erect scaffolding, retained trees should be further protected by a combination of barriers and ground protection.

6.2.2 Ground protection should be of sufficient strength and rigidity to prevent disturbance or compaction to the soil underneath. In areas of heavy and/or continued usage it is advised that the protection plates or mats are linked or connected and that they are placed over a bed of bark or wood chippings (100 to 150mm depth).

6.2.3 Contamination of the soil by any substances should be prevented by the use of geotextile fabric.

6.2.4 Do not raise or lower soil levels or strip topsoil around trees – even temporarily.

6.2.5 Avoid disturbing the natural water table level.

6.2.6 Do not light fires near trees.

6.2.7 Do not attach notice boards, telephone cables or other services to any part of a tree.

6.2.8 No construction materials should be stored within root protection areas. Toxins such as diesel, petrol, or cement should be suitably stored to prevent such substances leaching into the soil.

6.2.9 Care and planning is necessary to accommodate the operational arcs of excavation, unloading and lifting machinery, including their loads, especially large building components such as beams and roof trusses. Operations like these have the potential to cause incidental damage to trees and logistical planning is essential to avoid conflicts. Any movement of plant and materials in close proximity to trees should be conducted under the supervision of a banksman to ensure that adequate clearance from trees is maintained at all times.

## **7 Underground Services**

7.1 Where possible all new underground services shall be routed to avoid passing through the RPAs of retained trees.

7.2 If the installation or upgrading of underground services within RPAs is unavoidable it shall be carried out in accordance with National Joint Utilities Group Guidelines (2007) Volume 4 'Guidance for the Planning, Installation and maintenance of Utility Apparatus in Proximity to Trees' (NJUG) and under the supervision of the arboriculturist.

## Conclusions

The development proposals have been assessed considering the content of British Standard 5837: 2012 'Trees in relation to design, demolition, and construction– Recommendations' (BS5837).

The proposed development requires the removal of a small number of trees to form a new vehicular access into the site.

The proposed phased removal of the poor-quality poplar trees allows for the introduction of new trees, of species more in keeping the intended future use of the site, that will have a significantly longer safe useful life expectancy.

The removal of trees for any arboricultural or aesthetic reasons should be undertaken before any construction work begins.

Retained trees will be protected from the effects of development by means of appropriate protective barriers and ground protection throughout the duration of the works.

The strict observance of an arboricultural method statement, together with any additional guidance from an arboricultural engineer will ensure the successful integration of these proposals with retained trees.



## **Appendix 1 - Site Plan**

# Plan One



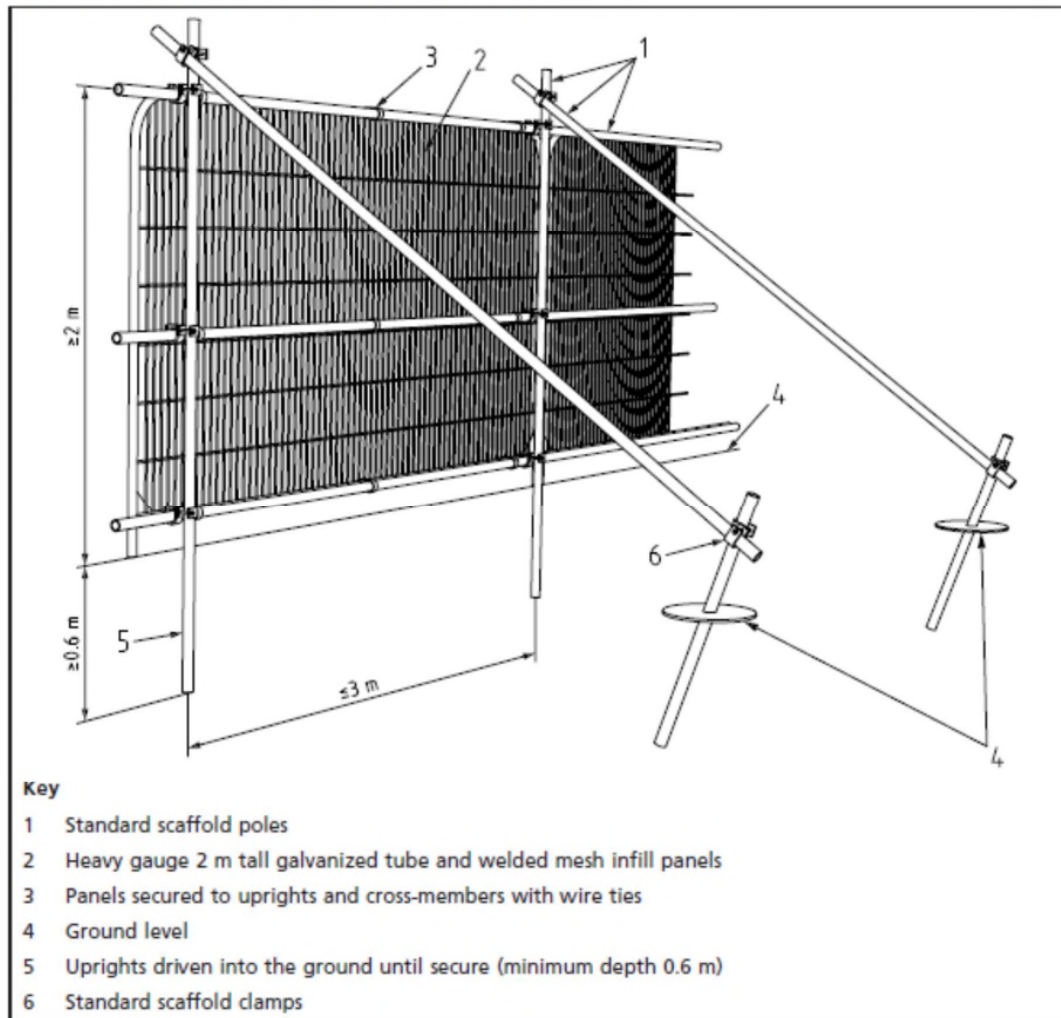
Plan Two



## Appendix 2

### BS5837: 2012 Figure 2

Figure 2 Default specification for protective barrier



## Appendix 3

### Construction Principles of 'No Dig' Hard Surfaces Close to Trees

Special construction methods are required for hard surfaces within root protection areas [RPAs] of retained trees. Whilst the following information provides guidance in the principles of such construction, the final specification shall be determined in conjunction with a suitably qualified engineer and guidance from the manufacturers of the products used.

#### **Important points to remember about tree roots:**

- most tree roots are in the top 600mm of soil, many are just below the surface,
- very fine, fibrous roots are just as important as large woody roots, they are easily damaged and prone to drying out,
- roots need moisture and oxygen to survive,
- soil compaction kills roots by reducing the soil's capacity to hold water and oxygen,
- 80% of compaction is caused by the first passage of a vehicle over soil,
- non- permeable surfaces and damage to the soil surface such as smearing or panning prevents water penetration and gaseous exchange.

#### **'No dig' hard surfaces near trees should:**

- cause minimal disturbance to soils, both during construction and in the long term,
- provide a stable, permanent surface of sufficient strength and durability for its purpose,
- include a three-dimensional cellular confinement system such as 'Geogrid' or 'Cellweb',
- be constructed using porous materials to enable percolation of water and gaseous exchange, e.g. gravel, porous tarmac, or brick paviors with nibbed edges, joints should be filled with 6mm diameter washed aggregate to maintain porosity (not sand).

#### **Construction principles:**

- surface vegetation should be removed using an appropriate systemic herbicide that will not harm retained trees or manually, using hand tools,
- minor levelling of the existing surface can be carried out where necessary, but using hand tools only; hollows can be filled with sharp sand,
- any exposed roots should be covered with good quality topsoil immediately to prevent them drying out; any damaged roots should be cut cleanly with a hand saw/secateurs,
- tree stumps shall be removed using a stump grinder rather than by digging to minimise disturbance,
- no vehicles or machinery shall travel over unprotected soil surfaces near trees. Where it is necessary to move materials used in the construction of the surface they should be transported on the laid subbase as it is 'rolled out' through the RPA,
- the construction of the path or road should be carried out off an already completed section of the surface – not from bare ground,
- the completed surface may require protection if it will be used for access during the construction period, especially where it may see frequent use by heavy machinery.

## Appendix 4

### Removal of Debris Near Trees

1. The removal of any material should be undertaken from outside the RPA whenever possible and from within the footprint of the existing building or surface where this is within the RPA of a tree.
2. The excavation of the material must not extend into the soil underneath. In practical terms the bucket of the excavator must be used so that the cutting edge is horizontal so that any disturbance of the underlying soil is kept to an absolute minimum. The cutting edge of the bucket should be flat and without 'teeth' to further reduce the risk of root damage. Where the surfacing is very thin and/or roots are very near the surface, the digging should be done manually.
3. Any exposed tree roots should be covered with good quality topsoil immediately to prevent them drying out. Any damaged roots should be cut cleanly with a hand saw or secateurs.
4. Debris and rubble of any type must not be stockpiled within the RPA of the tree and must be exported without crossing the RPA.
5. Due care and planning must be taken to ensure that the operational arcs of excavators do not damage the crowns of retained trees.
6. Where new surfacing is to be installed, if the depth of the old surface is insufficient, the wearing surface may need to be higher than existing in order to accommodate the appropriate thickness. There may be a requirement for a geo-textile membrane to be laid on the soil surface, but this is an engineering matter dependent upon soil type. The separation is beneficial for root development.
7. Where the old surface is taken up and not replaced, the infill should be of good quality topsoil laid without compaction.

## Appendix 5

### Further Information

- Anon (2010)            **British Standard Recommendations for Tree Work BS 3998: 2010**  
British Standards Institution  
2 Park Street, London W1A 2BS
- Anon (2012)            **British Standard Recommendations for Trees in relation to design, demolition and construction BS 5837: 2012**  
British Standards Institution  
2 Park Street, London W1A 2BS
- Lonsdale D.            **Principles of Tree Hazard Assessment & Management**  
DETR, Elland House, Bressenden Place, London
- Mattheck C.  
Breloer H. (1994)      **The Body Language of Trees –A Handbook for Failure Analysis.**  
DOE Arboricultural Advisory and Information Service  
Alice Holt Lodge, Farnham, Surrey
- Mitchell A. (1989)    **The Trees of Great Britain and Northern Europe**  
Collins, Grafton Street, London
- Strouts R. G.  
Winter T. G. (1994)    **Diagnosis of Ill-Health in Trees**  
DOE Arboricultural Advisory and Information Service  
Alice Holt Lodge, Farnham, Surrey
- Anon (2007)            **National Joint Utilities Group Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees**  
One Castle Lane, London, SW1E 6DR
- Anon (2007)            **Arboricultural Practice Note 12 ‘Through the Trees to Development**  
Alice Holt Lodge, Wrecclesham, Farnham, Surrey, GU10 4LH

## Appendix 6

### Author's Qualifications

#### Paul Hanson

---

##### Description of current role (from 1997)

Managing director of Arboretum Internationale Ltd., responsible for the day to day operations of the company, charged with maintaining high standards of quality and safety. Arboretum Internationale delivers a professional consultancy service addressing issues of tree safety, personal injury at work and the increasingly complicated field of trees within the planning system. Our team works as expert witnesses guiding legal counsel in matters relating to injuries and property damage where there is an arboricultural involvement. Since its inception in 2005 (revised in 2012) we have employed the guidance given in BS5837 'Recommendations for trees in relation to construction', liaising with architects, town planners, developers and home owners to achieve a maximum return financially and aesthetically allowing appropriate development in proximity to trees. Arboretum Internationale has extensive experience of working with clients to achieve sensible compromise solutions for trees located in Conservation Areas, or subject to Tree Preservation Orders and Planning Conditions throughout Scotland. Hazard tree and tree safety inspections are an integral part of our normal tree reporting systems, in addition to which we provide a bespoke dedicated tree assessment under the auspices of QTRA (Quantified Tree Risk Assessment). In recent years we have become one of the leading exponents of veteran tree management, striving to retain old, often defective trees with invaluable and dependant flora and fauna in locations with high public use.

##### Previous experience

**1995-97 Arboricultural Consultant**, with the Scottish Agricultural College, delivering arboricultural consultancy and specialist training throughout Scotland. Responsible for the development of new business opportunities in the production and environmental sectors of the industry, liaising with other specialist advisors within SAC as required; participating in skills based and academic education programmes, accompanied by active pursuit of research and development.

---

##### MEMBERSHIP OF PROFESSIONAL BODIES

Registered in the UK Register of Expert Witnesses (No. JSP/E3420)  
Registered in the Law Society of Scotland, Directory of Expert Witnesses (No. 4362)  
Registered with Expert Witness – Expert Consultant (No. EW4352-22-S)  
Associate member of the Arboricultural Association (No. 200118)

##### COMMITTEE WORK & OTHER ACTIVITIES

Chairman of the Arboricultural Association's Scottish Branch (2008- 2014)  
Trustee of the Arboricultural Association (2001-2004)  
Chairman of the Arboricultural Association's Scottish Branch (1997-2001)  
Panel member of National Proficiency Tests Council 'Utility Arboriculture Standards Committee' (1999-2006)  
Scottish representative on the Arboricultural Association's Commercial Committee (1996-98)  
Arboricultural industry representative on the Scottish Tree Health Advisory Group (2012 -2014)  
Member of the iCONic steering group; part of Perthshire Big tree Country (2011- present)  
Member of the Arboricultural Association's Scottish Branch committee (1997 – present)

##### RELEVANT QUALIFICATIONS

FdSc in Arboriculture  
AA Technicians Certificate  
RFS Certificate in Arboriculture  
Licensed user of the Quantified Tree Risk Assessment System (no.1358)  
Lantra Professional Tree Inspector  
ISA Certified Arborist 1997 – 2009

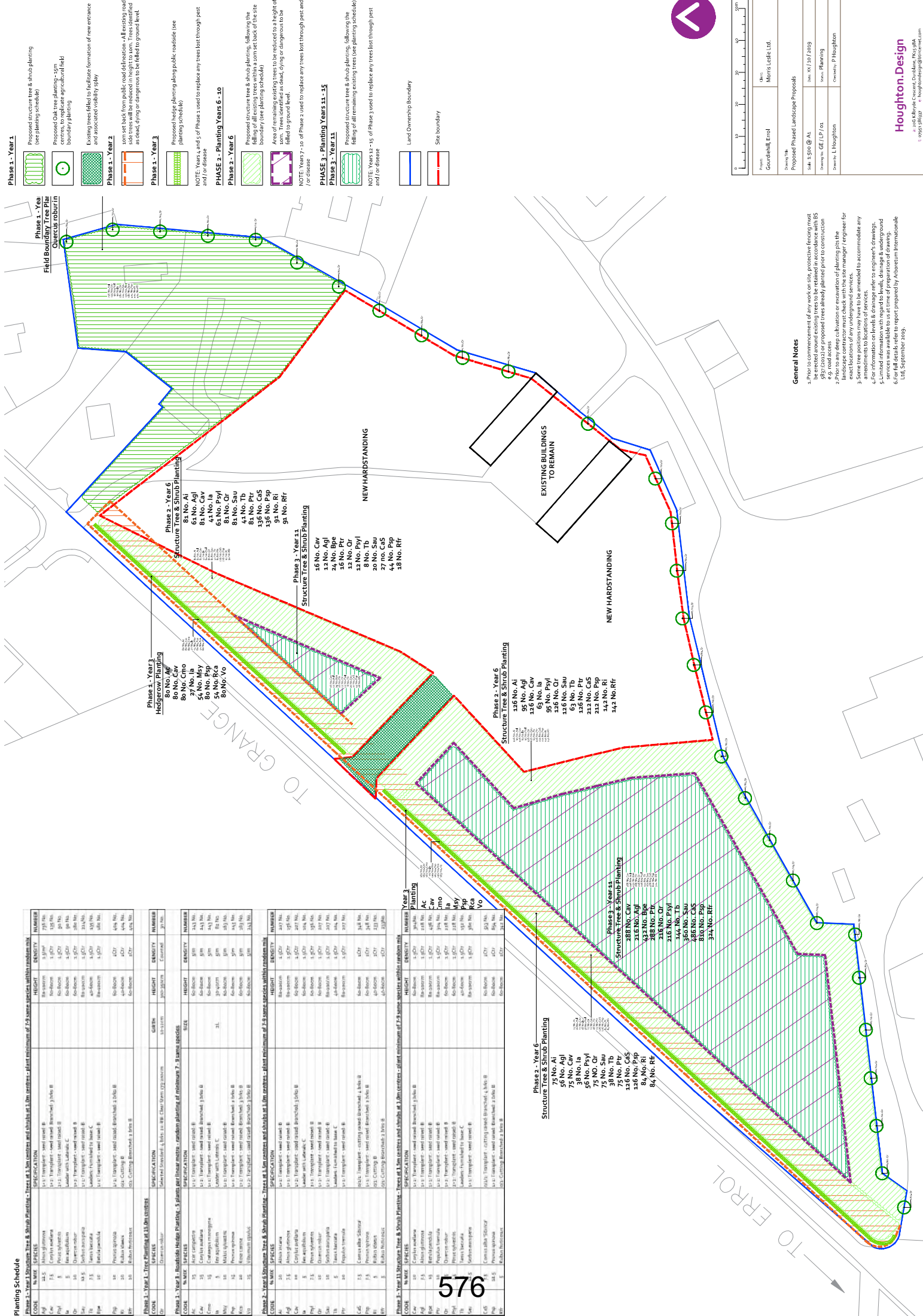




Planting Schedule

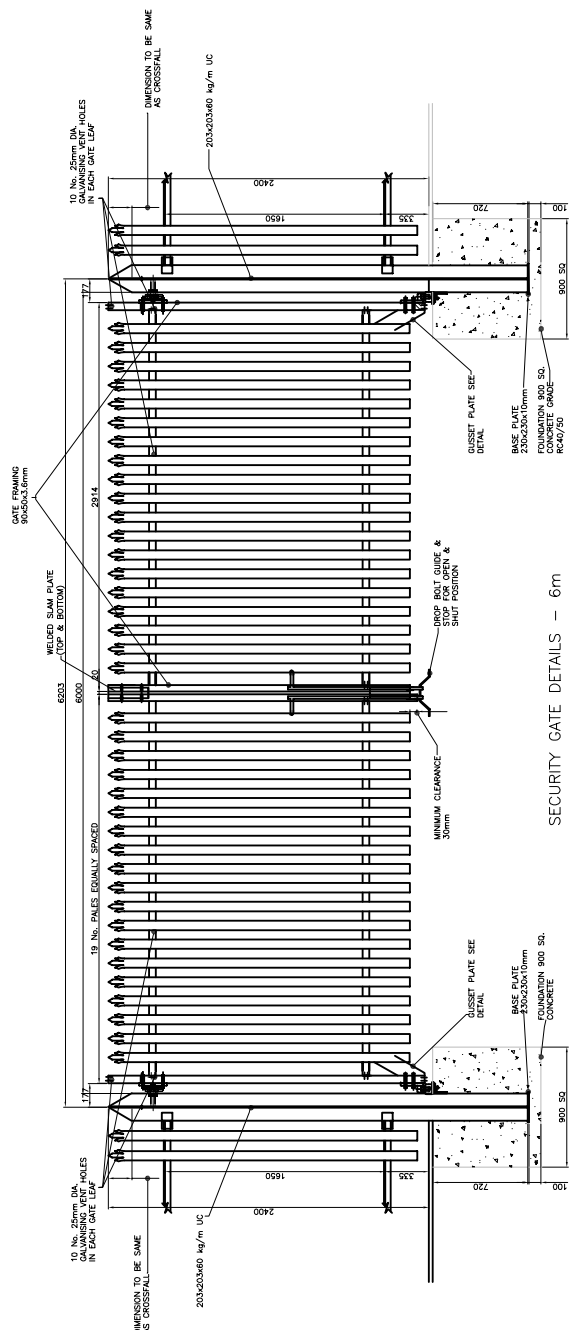
Phase 1 - Year 1 Structure Tree & Shrub Planting - Trees at 1.0m centres and shrubs at 1.0m centres - plant minimum of 2.5 same species within random mile				
CODE	W NAME	SPECIES	HEIGHT	DENSITY
1	Acacia	Acacia	1.5m	125 No.
2	Corylia avellana	Corylia avellana	1.5m	125 No.
3	Prunus laurocerasus	Prunus laurocerasus	1.5m	125 No.
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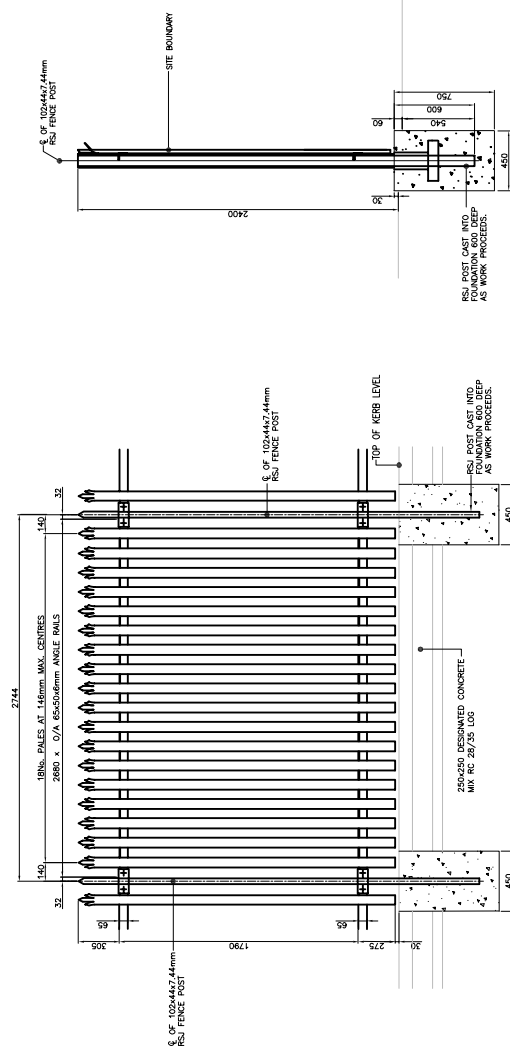


- General Notes**
- Prior to commencement of any work on site, protective fencing must be erected around existing trees to be retained in accordance with BS 5836:2012.
  - Prior to any deep cultivation or excavation of planting pits the landscape contractor must check with the site manager / engineer for any underground services.
  - Some tree positions may have to be amended to accommodate any amendments to locations of services.
  - For information on levels & drainage refer to engineer's drawings.
  - Unlimited automatic watering of trees, drainage and underground services available to all trees and shrubs.
  - For full details refer to report prepared by Arboratum International Ltd, September 2019.





SECURITY GATE DETAILS - 6m



ELEVATION SHOWING FENCING PANEL

SECTION THROUGH FENCE

[illegible]

PROJECT	DESIGNED HARD STANDINGS, FENCING AND NEW ACCESS AT COURDENEHILL, THE GRANGE	DESIGNED BY	LOCATED BY	DRAWN BY	SCALE
ERROL		PP	PP		1:20
DRAWING TITLE	PENCE AND GATE DETAILS	DRAWING STAGES			
		PRELIMINARY			
CLIENT	MR & MRS J. LESLIE 1/4	DRAWING NUMBER	DATE	REVISION	
		0001	19.11.18		

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**MORRIS LESLIE Ltd.**

Dundee Office  
Seabrooks  
18 Greenmarket  
Dundee  
DD1 4QB

tel: 01382 227380  
email: [dundee@mllardconsulting.co.uk](mailto:dundee@mllardconsulting.co.uk)  
web: [www.mllardconsulting.co.uk](http://www.mllardconsulting.co.uk)

04 March 2020

Gordon Millar  
Secretary  
Errol Community Council

BY EMAIL

Our Ref.: PH  
Your Ref:

Dear Mr Millar,

**19/02095/FLL Land 80 metres South West of Unit C1 Muirhouses, Grange, Errol**

I have been asked by Morris Leslie Ltd to write to you regarding the above application and to address the comments that Errol Community Council and local residents have submitted.

The application is for commercial vehicle parking and open storage, which, if permitted, will be rented out to a storage and distribution company to use. At this stage, it is impossible to say exactly how that company will use the land. However, what I can say is that Morris Leslie Ltd will be very careful in who they let the site out to because they pride themselves as a company on being good neighbours and responsible landlords. Also, they have aspirations, as you know, to redevelop land they own adjoining this site for a number of purposes, including residential, and clearly they wouldn't want to place themselves in a position where they ended up with a bad neighbour type development next door.

You will appreciate that much of the site is identified as suitable for Mixed Use, which the Local Development Plan says can be potentially developed for housing, offices, light industry, surgeries and leisure uses, which I consider would cover the type of uses proposed by this application. Morris Leslie Ltd will nonetheless accept whatever restrictions the Council see fit to apply whether that relates to the type of end users, or the hours of operation, and will ensure there is no noise issue created for the immediate neighbours.

It is accepted that some of the land identified as Open Space in the Local Development Plan has been covered with hardstanding. I have not measured exactly how much land that is, but it amounts to approximately just over half the red line area.

Morris Leslie Ltd was not aware of the Open Space zoning when they did the work and, now they do, accept their mistake. That is why they did not review the previous refusal of planning permission on the site and instead went away to see what could be done to offset the loss of Open Space with other benefits to the local community.

Cont'd/...



DM Hall LLP, a Limited Liability Partnership registered in Scotland with Registration number SO301144  
Registered office, 17 Corstorphine Road, Edinburgh, EH12 6DD.

A full list of members can be obtained from the Head Office, 17 Corstorphine Road, Edinburgh, EH12 6DD. Tel: 0131 477 6000. Fax: 0131 477 6016.

Aberdeen, Ayr, Bridge of Allan, Cumbernauld, Cupar, Dumfries, Dundee, Dunfermline, Edinburgh, Elgin, Falkirk, Galashiels, Glasgow (North and South), Hamilton, Inverness, Inverurie, Irvine, Kirkcaldy, Livingston, Musselburgh, Oban, Paisley, Perth, Peterhead, Stirling.

The Mill  
Bridge of Allan,  
Stirling FK9 4JS  
DX556210 Bridge of Allan  
T: 01786 833800  
F: 01786 834382  
[www.dmhbl.co.uk](http://www.dmhbl.co.uk)

Regulated by RICS



The principal benefit we are suggesting is a detailed planting scheme for the remaining woodland areas, which will replace the monoculture poplars with a mix of deciduous woodland. This will be done in a phased way to significantly improve the biodiversity interest of this land.

Morris Leslie Ltd are also keen to work with the local community and, if there are any ideas for using this area as a local nature reserve, or as a community orchard, please let me know and we can discuss those further.

As you know, Morris Leslie Ltd are also going to be building a footpath to the village along the road, and have been approached about other proposals to improve leisure access to other land they own, and these are all things that can be discussed going forward.

Turning to some other issues raised by neighbours, it is accepted that the work shouldn't have taken place in advance of planning permission being sought. Morris Leslie Ltd thought they had an historic permission, or permitted development rights, to do the work, but accept they do not. For that they apologise.

No actual parking spaces are shown because the end user is not known and the applicant does not want to second guess that. However, if the Council require us to do that, we will.

The hardstanding has been laid in a way that complies with SUDs requirements. However, if the Council require further information on that they will likely add a planning condition to that effect.

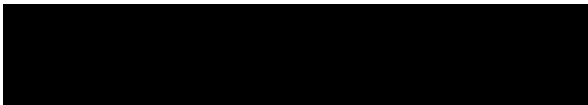
The company who produced the drawings, Millards, have an OS License to use the plan.

The palisade fencing will eventually largely be hidden by the proposed planting.

Morris Leslie Ltd will not permit the floodlighting of the site and will accept a planning condition preventing this.

I hope the above allays local community concerns and please call me on 07780 117708, or email me, if you want to discuss any of the above further. I am here to help in any way I can.

Yours sincerely



Paul Houghton MRTPI  
Director and Head of Land Development and Planning  
Email: [paul.houghton@dmhall.co.uk](mailto:paul.houghton@dmhall.co.uk)

**LRB-2020-16**

**19/02095/FLL - Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol**

**PLANNING DECISION NOTICE** *(included in applicant's submission, pages 539-541)*

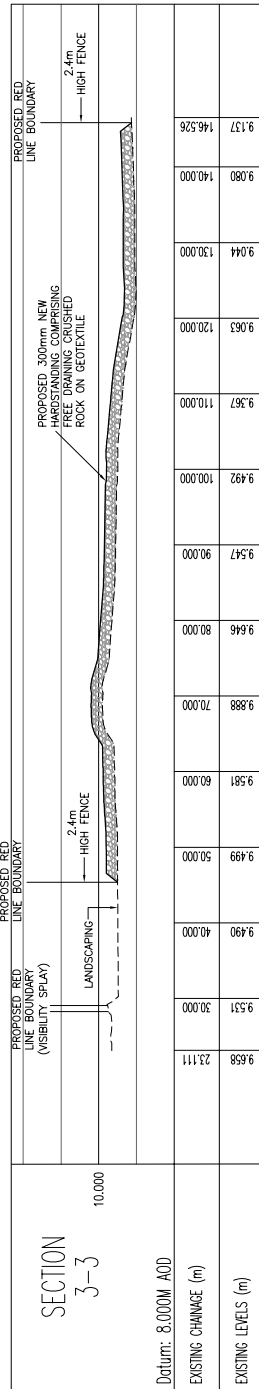
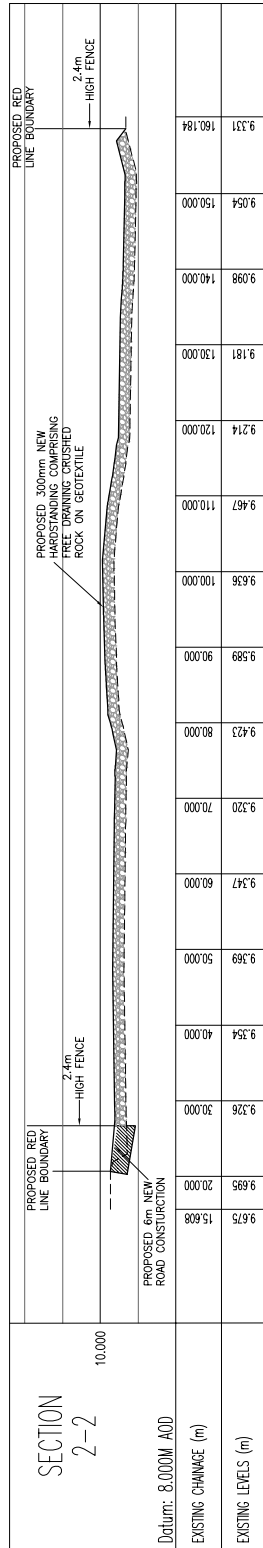
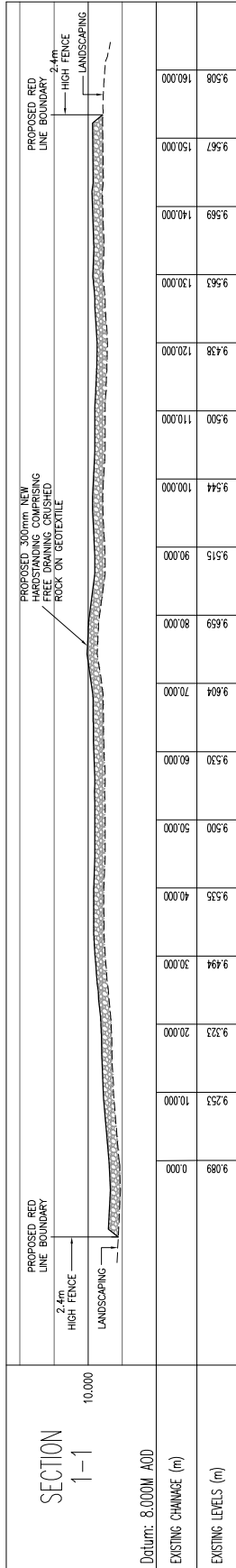
**REPORT OF HANDLING** *(included in applicant's submission, pages 543-554)*

**REFERENCE DOCUMENTS** *(part included in applicant's submission, pages 555-574 and 576-578)*









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6. ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM, UNLESS NOTED OTHERWISE.
7. REFER TO DRAWING No. 15075/03/001 (SITE LAYOUT) FOR SECTION LOCATIONS.

REV	AMENDMENT DETAILS	DRAWN	APPROVED	DATE
A	HARVESTING DEPTH AMENDED	FP		10.01.20

PROJECT	DESIGNED BY	DRAWN BY	SCALE
PROPOSED HARDSTANDING AREA, FENCING AND NEW ACCESS AT GOURDIEHILL, THE GRANGE, ERROL	FP	DMG	1:500H
CHECKED BY	APPROVED BY		
DRAWING TITLE	DRAWING STATUS		
SITE SECTIONS	PRELIMINARY		
DATE	DRAWING NUMBER	REGION	
18.12.19	15075/03/002	A	

Client: MORRIS LESLIE Ltd

Durdee Office

15075/03/002

2nd Floor

15075/03/002

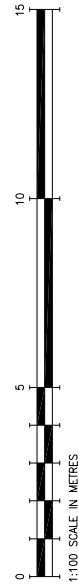
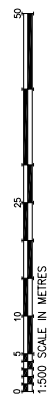
Durdee

DD1 4DB

tel: 01382 227380

email: [durdee@millardconsulting.co.uk](mailto:durdee@millardconsulting.co.uk)

web: [www.millardconsulting.co.uk](http://www.millardconsulting.co.uk)



**LRB-2020-16**

**19/02095/FLL - Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol**

## **REPRESENTATIONS**





Your reference: 19/02095/FLL

Planning & Development  
Perth & Kinross Council  
Pullar House,  
35 Kinnoull Street  
Perth  
PH1 5GD

17 January 2020

Dear Development Quality Manager

ENTERED IN COMPUTER

04 FEB 2020

I write to outline my concerns and comments in relation to Planning Application Reference 19/02095/FLL. Although I have not received a neighbour notification, I live in close proximity to the proposed development.

I make the following comments on the planning application itself.

1. In the application form the applicant is asked to explain why work has already taken place in advance of making this application. No response has been provided by the applicant to explain this.
2. In the section of the planning application under existing use the applicant has stated that the land is vacant. However, in the Perth and Kinross Local Development Plan 2 adopted on 29 November 2019 the area the planning application relates to is noted as Public Open Space and is therefore not vacant and is protected from future development. The above mentioned development plan notes that the area of 'open space is worthy of protection, with the potential to re-establish the orchards that used to feature in the area'.
3. In the section of the planning application under Access and Parking, there is a requirement to show on drawings the position of existing and proposed parking spaces including identifying types of vehicle. This has not been addressed by the applicant as part of this planning application.
4. In the section of the planning application relating to water supply and drainage arrangements the applicant has ticked yes to confirm that the proposals will make provision for sustainable drainage of surface water. However the applicant has not provided details of the SUDS proposals as part of the application.
5. On Page 7 of the planning application there is a document checklist. At the bottom of the checklist the applicant has ticked N/A in relation to 'drainage impact assessment (including proposals for Sustainable Drainage Systems)' and 'Drainage/SUDS layout'. This is contrary to the applicant confirming previously in the application that the proposals will make provision for sustainable drainage of surface water. As noted at point 4 above, details of these provisions have not been provided which show levels of treatment required for the surface water run off or details of any surface water drainage attenuation storage that may be required or surface water discharge locations.
6. The Site/Location Plan and Landscape Plan do not show the Ordnance Survey licence number or that the applicant has permission to use the Ordnance Survey mapping.

I object to the proposal for the following reasons:

7. The proposal is contrary to the Perth and Kinross Council Local Development Plan 2 adopted on 29 November 2019 (LDP2) Policy 7A- Employment and Mixed Use Areas – Business and Industrial. The proposed open storage would have a negative visual impact



on housing to the north of the road and it would not be compatible with the amenity of this adjoining land use. The loss of woodland and open space to northern section of the proposed site previously acted as a buffer to the mixed use areas behind the proposed site resulting in the mixed use area no longer having an appropriate screen buffer in place. The proposal would conflict with point (a) of Policy 7A Employment and Mixed Use Areas – Business and Industrial. I also note that the proximity of the proposed site is closer to the public road and residential areas than any of the other commercial units in the vicinity

8. The proposal is contrary to the LDP2 Policy 14A Open Space Retention and Provision – Existing Areas. Policy 14A notes that development proposals resulting in loss of areas of open space shall not be permitted except in certain circumstances. The area subject to the proposal is noted as open space in the LDP2. The development plan notes that the open space is worthy of protection and has the potential to re-establish the orchards that used to feature in this area.

The applicant has not put forward any proposals to mitigate for the loss of this Public Open Space area as part of this planning application.

9. The proposal is contrary to the LDP2 Policy 1 Placemaking Policy 1B as the proposal does not align with point (a) of Policy 1B, which is to create a sense of identity and develop a coherent structure of streets, spaces and buildings. By removing woodland and an area listed as Public Open Space the proposal is contrary to Policy 1B point (a) of the Local Development Plan. As a result of the work undertaken in advance of the planning application being submitted, the screening previously provided to the residential properties and the main road, C484 to the north has been significantly diminished.

#### General

10. As outlined above there are a number of shortcomings within the planning application.
11. As outlined above the proposal is not in line with the Perth and Kinross Council Local Development Plan 2 adopted on 29 November 2019.
12. The planning application is for parking of commercial vehicles and open units. There are no details of the type of vehicles or information showing where the commercial vehicles will be parked or where the open units will be. Commercial vehicles are typically larger and noisier than passenger vehicles and light vans. This will have detrimental impact from both a visual and noise perspective on the surrounding residential properties. In winter when the daylight hours are shorter and the trees have lost their foliage there will be an increase in light intrusion on the residential properties from the commercial vehicles which tend to have head lights located higher, potentially at window height of the residential properties.
13. It is not clear what vehicles are envisaged but commercial vehicles could also include refrigerated vehicles being left operating overnight further increasing the noise pollution.
14. It is not clear what times of day the site is planned to operate but there is the potential for commercial vehicles accessing the site during unsociable hours, between 11pm and 7am which would cause further disruption and nuisance.
15. Fencing to the proposed site is shown as metal palisade fencing which is industrial/commercial and will have a negative visual impact on the residential housing.

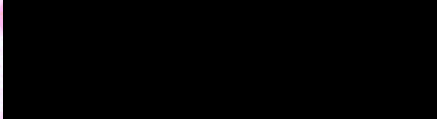
There is a substantial risk of a significant increase in noise and light pollution in what is a quiet residential area, particularly during unsociable hours. The proposal does not outline what intention the applicant has with regards yard lighting which would further impact on the light pollution of this facility. If the proposal's operating hours were to be restricted to business hours the impacts would still be significant and have a detrimental impact on the amenity of the adjoining land. This is contrary to policies outlined in the Local Development Plan 2 adopted in November 2019 and would have a damaging impact on the local residential area.

This planning application is in part retrospect and an area of protected open space has already been cleared by the applicant. This has resulted in a significant loss of a landscape buffer zone. No further development of this protected Open Space area should be permitted. The applicant should be made to undo the work that was done prior to the planning application being submitted and required to take steps to mitigate for the loss of planting in the protected open space area. As a local resident I would support an initiative to establish an orchard in this Public Open Space area, as is the intention of the Local Development Plan 2.



With reference to Planning Advice Note (PAN) 65 I note that it is the role of the planning system to protect and enhance existing open spaces. PAN 65 supports the Scottish Planning Policy (SPP) 11: Open Space and Physical Activity. As this area of Public Open Space has been identified in the local plan as being worthy of protection it is the responsibility of the planning system and indeed the Planning Authority, Perth & Kinross Council, to protect this open space. The credibility of the Planning System has already been undermined by the work carried out on this area of Public Open Space without planning approval in place. This credibility would be further undermined if the protection of this area of Public Open Space is set aside to allow this development to proceed.

Yours faithfully

A large black rectangular redaction box covering the signature of Ms Dee Gates.

Ms Dee Gates





Your reference: 19/02095/FLL

Planning & Development  
Perth & Kinross Council  
Pullar House,  
35 Kinnoull Street  
Perth  
PH1 5GD

17 January 2020

Dear Development Quality Manager

We write to outline our concerns and comments in relation to Planning Application Reference 19/02095/FLL following receipt of the neighbour notification dated 13 January 2020.

We make the following comments on the planning application itself.

1. In the application form the applicant is asked to explain why work has already taken place in advance of making this application. No response has been provided by the applicant to explain this.
2. In the section of the planning application under existing use the applicant has stated that the land is vacant. However, in the Perth and Kinross Local Development Plan 2 adopted on 29 November 2019 the area the planning application relates to is noted as Public Open Space and is therefore not vacant and is protected from future development. The above mentioned development plan notes that the area of 'open space is worthy of protection, with the potential to re-establish the orchards that used to feature in the area'.
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Yours faithfully

Gary Kinniburgh & Nicola Gilray



**From:** Safeguarding  
**Sent:** Tue, 21 Jan 2020 17:15:46 +0000  
**To:** Development Management - Generic Email Account  
**Subject:** RE: Planning Application Consultation for Application No 19/02095/FLL

Your Ref: 19/02095/FLL  
Our Ref: 2020/0014/DND

Dear Sir/Madam,

**PROPOSAL:** Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access  
**LOCATION:** Land 80 Metres South West Of Unit C1, Muirhouses Grange, Errol

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

Safeguarding Team  
on behalf of Dundee Airport Limited  
c/o Highlands and Islands Airports Limited  
Head Office, Inverness Airport, Inverness IV2 7JB  
☐ 01667 464209 (DIRECT DIAL)  
0 [safeguarding@hial.co.uk](mailto:safeguarding@hial.co.uk) ☐ [www.hial.co.uk](http://www.hial.co.uk)

-----Original Message-----

**From:** [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)  
<DevelopmentManagement@pkc.gov.uk>  
**Sent:** 13 January 2020 11:53  
**To:** Safeguarding <[Safeguarding@hial.co.uk](mailto:Safeguarding@hial.co.uk)>  
**Subject:** Planning Application Consultation for Application No 19/02095/FLL

Please see attached.

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## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/02095/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin
<b>Description of Proposal</b>	Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect)		
<b>Address of site</b>	Land 80 Metres South West Of Unit C1 Muirhouses, Grange, Errol		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application 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.</p> <p>The existing land use is informal gravel hardstanding. This proposal seeks to formalise this for commercial vehicle parking and open-air storage. No buildings are to be constructed. The site is currently brownfield land and while the proposal seeks to formalise the space for parking, this will not generate a significant level of trips which would have a large impact on the transport network. On this basis in line with paragraph 6.11 of the Developer Contributions and Affordable Housing Guidance, no contribution towards transport infrastructure will be required.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Transport Infrastructure: £0</p> <p><b><u>Total:</u> £0</b></p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	23 January 2020		





# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 19/02095/FLL

Our ref LRE

Date 24 January 2020

Tel No 01738 476462

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

**19/02095/FLLRE: Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) Land 80 Metres South West of Unit C1 Muirhouses Grange Errol for Morris Leslie Ltd**

I refer to your email dated 13 January 2020 in connection with the above application and have the following comments to make on the submitted noise impact assessment.

### **Environmental Health**

#### **Recommendation**

**I have no objection in principle to the application but recommend the under noted conditions be included on any given consent.**

#### **Comments**

This Service made comment in memorandum date 17 December 2018 for refused application 18/01946/FLL for the change of use from vacant land to commercial vehicle parking and open storage.

This application is also for the change of use for commercial vehicle parking and open storage areas and the site layout in relation to noise sensitive receptors has not changed.

The site will be used to park agricultural vehicles, cars and lorries and provide storage for general construction material. Given the size of area contained within the site boundary this could accommodate many vehicles. The applicant stated previously that vehicles will only access and the site between the hours of 0730 – 1800 hours.

I would advise that this site has the potential to cause disamenity to nearby residential properties if not properly controlled, and managed and large agricultural/commercial vehicles can access to and from the site at unsociable hours of the day/night i.e. late into the evening and early in the morning.

I would therefore recommend that the undernoted condition is attached to any given consent to protect residential amenity

#### **Conditions**

- Vehicles movements on and off the site shall be restricted to between 0700 hours and 1900 hours Monday to Sundays.

**EH02(VAR)** Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Sundays.

**EH31** 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.

Your reference: 19/02095/FLL

Planning & Development  
Perth & Kinross Council  
Pullar House,  
35 Kinnoull Street  
Perth  
PH1 5GD

29 January 2020

Dear Development Quality Manager

We write to outline our concerns and comments in relation to Planning Application Reference 19/02095/FLL following receipt of the neighbour notification dated 13 January 2020.

We make the following comments on the planning application itself.

1. In the application form the applicant is asked to explain why work has already taken place in advance of making this application. No response has been provided by the applicant to explain this.
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We object to the proposal for the following reasons:

7. The proposal is contrary to the Perth and Kinross Council Local Development Plan 2 adopted on 29 November 2019 (LDP2) Policy 7A- Employment and Mixed Use Areas – Business and Industrial. The proposed open storage would have a negative visual impact on housing to the north of the road and it would not be compatible with the amenity of this adjoining land use. The loss of woodland and open space to northern section of the proposed site previously acted as a buffer to the mixed use areas behind the proposed site resulting in the mixed use area no longer having an appropriate screen buffer in place. The proposal would conflict with point (a) of Policy 7A Employment and Mixed Use Areas – Business and Industrial. We also note that the proximity of the proposed site is closer to the public road and residential areas than any of the other commercial units in the vicinity
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There is a substantial risk of a significant increase in noise and light pollution in what is a quiet residential area, particularly during unsociable hours. The proposal does not outline what intention the applicant has with regards yard lighting which would further impact on the light pollution of this facility. If the proposal's operating hours were to be restricted to business hours the impacts would still be significant and have a detrimental impact on the amenity of the adjoining land. This is contrary to policies outlined in the Local Development Plan 2 adopted in November 2019 and would have a damaging impact on the local residential area.



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Yours faithfully

Stuart & Anne Merralls





Your reference: 19/02095/FLL

Planning & Development  
Perth & Kinross Council  
Pullar House,  
35 Kinnoull Street  
Perth  
PH1 5GD

29th January 2020

Dear Development Quality Manager

Mr G Kinniburgh and Ms N Gilray have already written to you with their objection to the above Planning Application. They have kindly allowed us to use their wording since we share the same concerns. These are detailed below.

We write to outline our concerns and comments in relation to Planning Application Reference 19/02095/FLL following receipt of the neighbour notification dated 13 January 2020.

We make the following comments on the planning application itself.

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15. Fencing to the proposed site is shown as metal palisade fencing which is industrial/commercial and will have a negative visual impact on the residential housing.

There is a substantial risk of a significant increase in noise and light pollution in what is a quiet residential area, particularly during unsociable hours. The proposal does not outline what intention the applicant has with regards yard lighting which would further impact on the light pollution of this facility. If the proposal's operating hours were to be restricted to business hours the impacts would still be significant and have a detrimental impact on the amenity of the adjoining land. This is contrary to policies outlined in the Local Development Plan 2 adopted in November 2019 and would have a damaging impact on the local residential area.

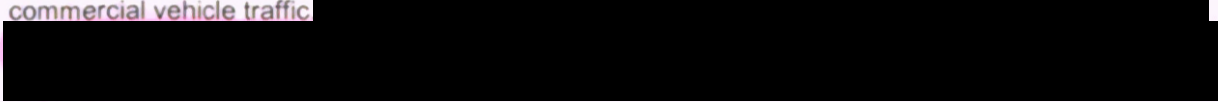
This planning application is in part retrospect and an area of protected open space has already been cleared by the applicant. This has resulted in a significant loss of a landscape buffer zone. No



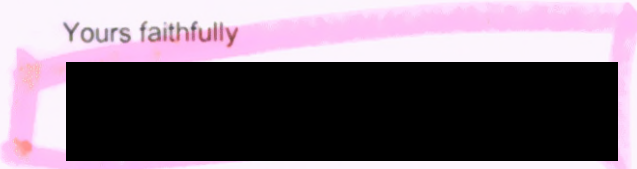
further development of this protected Open Space area should be permitted. The applicant should be made to undo the work that was done prior to the planning application being submitted and required to take steps to mitigate for the loss of planting in the protected open space area. As local residents we would volunteer our time and support an initiative to establish an orchard in this Public Open Space area, as is the intention of the Local Development Plan 2.

With reference to Planning Advice Note (PAN) 65 we note that it is the role of the planning system to protect and enhance existing open spaces. PAN 65 supports the Scottish Planning Policy (SPP) 11: Open Space and Physical Activity. As this area of Public Open Space has been identified in the local plan as being worthy of protection it is the responsibility of the planning system and indeed the Planning Authority, Perth & Kinross Council, to protect this open space. The credibility of the Planning System has already been undermined by the work carried out on this area of Public Open Space without planning approval in place. This credibility would be further undermined if the protection of this area of Public Open Space is set aside to allow this development to proceed.

In addition to the reasons for objection as detailed by Mr G Kinniburgh and Ms N Gilray, we would also like to highlight our concern that the air pollution in the area is likely to increase due to the commercial vehicle traffic.



Yours faithfully



James Stein & Claire Stein





Your reference: 19/02095/FLL

Planning & Development  
Perth & Kinross Council  
Pullar House,  
35 Kinnoull Street  
Perth  
PH1 5GD

17 January 2020

Dear Development Quality Manager

We write to outline our concerns and comments in relation to Planning Application Reference 19/02095/FLL. Although we have not received a neighbour notification, we live in close proximity to the proposed development.

We make the following comments on the planning application itself.

1. In the application form the applicant is asked to explain why work has already taken place in advance of making this application. No response has been provided by the applicant to explain this.
2. In the section of the planning application under existing use the applicant has stated that the land is vacant. However, in the Perth and Kinross Local Development Plan 2 adopted on 29 November 2019 the area the planning application relates to is noted as Public Open Space and is therefore not vacant and is protected from future development. The above mentioned development plan notes that the area of 'open space is worthy of protection, with the potential to re-establish the orchards that used to feature in the area'.
3. In the section of the planning application under Access and Parking, there is a requirement to show on drawings the position of existing and proposed parking spaces including identifying types of vehicle. This has not been addressed by the applicant as part of this planning application.
4. In the section of the planning application relating to water supply and drainage arrangements the applicant has ticked yes to confirm that the proposals will make provision for sustainable drainage of surface water. However the applicant has not provided details of the SUDS proposals as part of the application.
5. On Page 7 of the planning application there is a document checklist. At the bottom of the checklist the applicant has ticked N/A in relation to 'drainage impact assessment (including proposals for Sustainable Drainage Systems)' and 'Drainage/SUDS layout'. This is contrary to the applicant confirming previously in the application that the proposals will make provision for sustainable drainage of surface water. As noted at point 4 above, details of these provisions have not been provided which show levels of treatment required for the surface water run off or details of any surface water drainage attenuation storage that may be required or surface water discharge locations.
6. The Site/Location Plan and Landscape Plan do not show the Ordnance Survey licence number or that the applicant has permission to use the Ordnance Survey mapping.

We object to the proposal for the following reasons:

7. The proposal is contrary to the Perth and Kinross Council Local Development Plan 2 adopted on 29 November 2019 (LDP2) Policy 7A- Employment and Mixed Use Areas – Business and Industrial. The proposed open storage would have a negative visual impact



on housing to the north of the road and it would not be compatible with the amenity of this adjoining land use. The loss of woodland and open space to northern section of the proposed site previously acted as a buffer to the mixed use areas behind the proposed site resulting in the mixed use area no longer having an appropriate screen buffer in place. The proposal would conflict with point (a) of Policy 7A Employment and Mixed Use Areas – Business and Industrial. We also note that the proximity of the proposed site is closer to the public road and residential areas than any of the other commercial units in the vicinity

8. The proposal is contrary to the LDP2 Policy 14A Open Space Retention and Provision – Existing Areas. Policy 14A notes that development proposals resulting in loss of areas of open space shall not be permitted except in certain circumstances. The area subject to the proposal is noted as open space in the LDP2. The development plan notes that the open space is worthy of protection and has the potential to re-establish the orchards that used to feature in this area.

The applicant has not put forward any proposals to mitigate for the loss of this Public Open Space area as part of this planning application.

9. The proposal is contrary to the LDP2 Policy 1 Placemaking Policy 1B as the proposal does not align with point (a) of Policy 1B, which is to create a sense of identity and develop a coherent structure of streets, spaces and buildings. By removing woodland and an area listed as Public Open Space the proposal is contrary to Policy 1B point (a) of the Local Development Plan. As a result of the work undertaken in advance of the planning application being submitted, the screening previously provided to the residential properties and the main road, C484 to the north has been significantly diminished.

#### General

10. As outlined above there are a number of shortcomings within the planning application.
11. As outlined above the proposal is not in line with the Perth and Kinross Council Local Development Plan 2 adopted on 29 November 2019.
12. The planning application is for parking of commercial vehicles and open units. There are no details of the type of vehicles or information showing where the commercial vehicles will be parked or where the open units will be. Commercial vehicles are typically larger and noisier than passenger vehicles and light vans. This will have detrimental impact from both a visual and noise perspective on the surrounding residential properties. In winter when the daylight hours are shorter and the trees have lost their foliage there will be an increase in light intrusion on the residential properties from the commercial vehicles which tend to have head lights located higher, potentially at window height of the residential properties.
13. It is not clear what vehicles are envisaged but commercial vehicles could also include refrigerated vehicles being left operating overnight further increasing the noise pollution.
14. It is not clear what times of day the site is planned to operate but there is the potential for commercial vehicles accessing the site during unsociable hours, between 11pm and 7am which would cause further disruption and nuisance.
15. Fencing to the proposed site is shown as metal palisade fencing which is industrial/commercial and will have a negative visual impact on the residential housing.

There is a substantial risk of a significant increase in noise and light pollution in what is a quiet residential area, particularly during unsociable hours. The proposal does not outline what intention the applicant has with regards yard lighting which would further impact on the light pollution of this facility. If the proposal's operating hours were to be restricted to business hours the impacts would still be significant and have a detrimental impact on the amenity of the adjoining land. This is contrary to policies outlined in the Local Development Plan 2 adopted in November 2019 and would have a damaging impact on the local residential area.

This planning application is in part retrospect and an area of protected open space has already been cleared by the applicant. This has resulted in a significant loss of a landscape buffer zone. No further development of this protected Open Space area should be permitted. The applicant should be made to undo the work that was done prior to the planning application being submitted and required to take steps to mitigate for the loss of planting in the protected open space area. As local residents we would volunteer our time and support an initiative to establish an orchard in this Public Open Space area, as is the intention of the Local Development Plan 2.



With reference to Planning Advice Note (PAN) 65 we note that it is the role of the planning system to protect and enhance existing open spaces. PAN 65 supports the Scottish Planning Policy (SPP) 11: Open Space and Physical Activity. As this area of Public Open Space has been identified in the local plan as being worthy of protection it is the responsibility of the planning system and indeed the Planning Authority, Perth & Kinross Council, to protect this open space. The credibility of the Planning System has already been undermined by the work carried out on this area of Public Open Space without planning approval in place. This credibility would be further undermined if the protection of this area of Public Open Space is set aside to allow this development to proceed.

Yours faithfully

John and Pauline Hamley





Development Management  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

3 February 2020

Dear Sir / Madam,

**19/02095/FLL Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) Land 80 Metres South West Of Unit C1 Muirhouses Grange Errol**

I write, as Secretary to Errol Community Council (ECC), with regard to the subject planning application for the change of use from vacant land to commercial vehicle parking and open storage areas.

ECC objects to this application for the reasons specified in this letter.

1. The application does not demonstrate compliance with Policy 7A(b) of the Perth and Kinross Local Development Plan 2 which states:

“The local road network and connections to the national road network must be suitable for the traffic generated by the proposals.”

The application is for 50 vehicle parking spaces but does not state what type or size of vehicles will use the proposed site nor does it provide any details as to the frequency or timing of vehicle movements. The local road network is already under considerable strain from the commercial vehicle movements from other businesses located at Errol Airfield. Adding more commercial vehicle movements on to local roads must be supported by a Road Traffic Assessment.

2. The application does not demonstrate compliance with Policy 8(c) of the Perth and Kinross Local Development Plan 2 which states:

“The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.”

The location of the application is within the settlement boundary of Grange and Errol Airfield and is directly across the road from the houses of Grange. The intended use of the site is highly likely to create significant noise and disturbance and will thus have a detrimental impact on the amenity of neighbouring residential properties.

3. The application does not demonstrate compliance with Policy 14A of the Perth and Kinross Local Development Plan 2 which states:



"Areas of open space, parks, outdoor sport facilities, including sport pitches, and allotments/community growing areas, are areas of land which have value to the community for either recreational or amenity purposes; these areas are located both within and outside settlement boundaries. Development proposals resulting in the loss of these areas will not be permitted, except in (certain) circumstances...."

The location of the application is specified as "Open Space" in LDP2 and is commented on as follows: "The open space is worthy of protection, with the potential to re-establish the orchards that used to feature in this area." Approval of the application would be contrary to LDP policy.

Yours Sincerely

Gordon Miller  
Secretary  
Errol Community Council



### Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	19/02095/FLL	<b>Comments provided by</b>	Andrew de Jongh Technician – Transport Planning
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	TransportPlanning@pkc.gov.uk
<b>Description of Proposal</b>	Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access		
<b>Address of site</b>	Land 80 Metres South West of Unit C1 Muirhouses, Grange, Errol		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type E Figure 5.8 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue into the entrance for a distance of 6 metres from the boundary of the public road surface.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
<b>Recommended informative(s) for applicant</b>	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 Environmental Protection Agency.		
<b>Date comments returned</b>	03/02/2020		



# Memorandum

To: Head of Development Management From: Regulatory Services Manager

Your ref: 19/02095/FLL

Our ref: RMC

Date: 17 February 2020

Tel No: (47)6443

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

**The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc (Scotland) Act 2006**

**Consultation on an application.**

**RE: Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) Land 80 Metres South West Of Unit C1 Muirhouses Grange Errol for Morris Leslie Ltd**

I refer to your letter dated 14 January 2020 in connection with the above application and have the following comments to make.

**Contaminated Land** (assessment date – 17 February 2020)

This redevelopment site has not been or not consulted upon prior to this consultation:

## Comments

This site was previously an RAF airfield and was used during the war. As such it has inherent risks which require to be assessed by the applicant and identify any residual risks posed by the historical use. There is much literature and guidance published to aid the applicant in assessing such risks from previously developed military land and I would advise the applicant and or agent to review this information in detailing any requirements. Adjacent land under separate application has already proven to be contaminated and unfit for the purpose of the proposed end use.

## Recommendation

In view of the possibility that there may be constraints to the development due to the suspected condition of the land forming a material planning consideration, I would recommend that the applicant seeks advice from a specialist in the field of land quality and makes further investigation. This will ensure that on redevelopment the applicant will have satisfied the Planning Authority that the site will be suitable for the proposed use. I therefore recommend that the following condition is applied to any granted consent.

## Condition

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

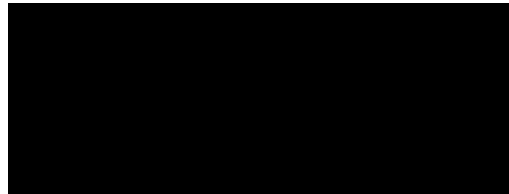
Before any ----- unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.



## Consultation Response to a Planning Application

Consultee		Planning App. Ref:	Request Date	Response Date
Paul Kettles Enforcement Officer (Trees) <a href="mailto:pkettles@pkc.gov.uk">pkettles@pkc.gov.uk</a>		19/02095/FLL	19.02.20	25.02.20
Proposed Development		19/02095/FLL Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) at Land South West of Unit C1 Muirhouses, Grange, Errol		
Site Address		Land South West of Unit C1 Muirhouses, Grange, Errol		
	Site Assessment			
	Tree Safety	The report criticises poplars as a species, pointing out that they are brittle and prone to failure, and a short-lived species.  Having examined the trees at the site, I am not of the opinion that that these trees pose a significant danger to road users.		
	Woodland History	The writer suggests that the planting was likely to have been for a quick commercial harvest. The likelihood is that the poplar woodland was probably funded through a Forestry Commission’s poplar woodland scheme in the 80/90s, to provide a shelterbelt.		
	Woodland Assessment	The poplars at this site are estimated to be approximately 30/40 years old. Poplars can grow to 200 years, which may be considered short lived in comparison to a 2000-year oak, but this copse has considerable longevity as a woodland planting.  The woodland copse does appear to have been managed insofar as it is understood thinning has been undertaken in the past.  The poplars act as an effective shelterbelt, reducing windspeed along what would be an open and exposed stretch of road.  These trees provide an exceptional visual screen to commercial buildings and disturbed land and are considered an entirely appropriate and excellent choice of tree species for this location, being heavy clay with impeded drainage, and a rural and semi industrial/commercial site. Poplars are well suited for these conditions.  The Council would have preferred to have received a report based on a silvicultural/urban forestry perspective and a woodland assessment with woodland management proposals.  The applicant has placed little value on the existing poplar woodland.  The report focuses on arboricultural aspects for a poplar woodland but fails to mention any important landscape and woodland aspects relating to the proposal.		
	Amenity Value	The woodland is considered to be of high amenity value.		

<b>Biodiversity Value</b>	No biodiversity value has been attributed to the poplars, yet they are known for their benefit for bee populations.
<b>Proposed Woodland Removal &amp; Replacement Planting</b>	<p>No information has been provided in regard to the existing ground conditions and what proprietary groundworks would be adopted to ensure successful woodland establishment within a heavy clay site.</p> <p>The Poplar woodland is an even class age monoculture planting which could have been considered differently, and it is suggested that there are better proposals rather than the phased clearance of the site.</p> <p>The opening summary that suggests the development proposal will bring a level of ownership and responsibility to manage the trees is absurd. If ownership has not changed, why are they not presently managing the existing trees responsibly but awaiting the advent of development to introduce good management of the site.</p> <p>The report appears silent on the existing soil bund within the woodland but emphasises tree protection measures. Why does the report not actually state that the bund will be removed due to its likelihood of causing the demise of the adjacent poplars through asphyxiation (irrespective of any phased planned removal).</p> <p>Much of the report includes meaningless information irrelevant to the proposal.</p> <p>The introduction of the access through the woodland will compartmentalise the linear woodland strip. The applicant fails to consider the lineal nature of the existing woodland and the habitat benefits this brings as a wildlife corridor.</p> <p>The proposed woodland species might offer increased biodiversity, however, given the applicants track record, the reality is that the successful establishment of the woodland is most unlikely without the use of formal enforcement action.</p>
<b>Conclusion</b>	<p>The proposal involves the removal of existing poplar woodland considered of exceptional amenity value, and of some biodiversity benefit.</p> <p>The proposal is contrary to Policy 40A of the adopted Local Development Plan 2, which seeks to encourage the protection of management of groups of trees of amenity value.</p> <p>The loss of screening and amenity value the existing poplar woodland provides, would not be provided by the proposed planting.</p> <p>The loss of screening, reduction in wind speed, and noise mitigation afforded by the poplars to the neighbouring residential properties, adjacent to a commercial site has not been considered.</p>
<b>Recommendations</b>	<p>Refuse the application for reasons stated above.</p> <p>Paul Kettles 28 February 2020</p>



Your reference: LRB-2020-16

Perth & Kinross Council  
Local Review Body  
Council Building  
2 High Street  
Perth  
PH1 5PH

19 May 2020

Dear Committee Support Officer

Further to your letter reference LRB-2020-16 dated 11 May 2020 in relation to:

**Town & Country Planning (Scotland) Act 1997**  
**The Town & Country Planning (Schemes of Delegation & Local Review**  
**Procedure) (Scotland) Regulations 2013**  
**Application Ref: 19/02095/FLL - Change of use from vacant land to commercial**  
**vehicle parking and open storage areas, formation of hardstanding and**  
**vehicular access (in part retrospect), land 80 metres south west of Unit C1,**  
**Muirhouses, Grange, Errol – Morris Leslie Ltd**

We write to outline our concerns and comments in relation to the application for the Perth and Kinross Local Review Body to review the above planning application decision. We have previously made representation on Planning Application Reference 19/02095/FLL and note that a copy of this representation will be passed to the Local Review Body.

We note that the Applicant has requested that there be an accompanied site visit and for councillors to hold a hearing to allow the Applicant to explain why the application is in part retrospect. As part of the Local Review Body application the Applicant advises that they have provided a letter explaining the background to the planning application.

As part of this hearing the Applicant has also requested to explore the issue surrounding the open space zoning. It is not a matter for this planning application or indeed this Local Review Body to explore the open space zoning. The area has been designated open space in the Perth and Kinross Local Development Plan 2 (2019). The appropriate time to explore this area of open space zoning was before the Development Plan was adopted in November 2019. The applicant has also stated that they were not aware of the open space zoning when they undertook work without planning approval in place. However, the area was noted as open space in the previous Perth and Kinross Development Plan adopted in February 2014.

We note, as laid out in Planning Advice Note (PAN) 65, that it is the role of the planning system to protect and enhance existing open spaces. PAN 65 supports the Scottish Planning Policy (SPP) 11: Open Space and Physical Activity. As this area of open space has been identified in the local plan as being worthy of protection it is the responsibility of the planning system and indeed the Planning Authority, Perth & Kinross Council, to protect this open space. The Credibility of the Planning System has already been undermined by the work carried out on this area of open space without planning approval in place. This credibility would be further undermined if the protection of this area of open space is set aside to allow this development to proceed.

With reference to the Report of Handling and the Decision Notice, the Planning Authority has set out the reasons why the application was refused. The Application is contrary to a number of Principal Policies within the Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019 - and these are clearly laid out in the Report of Handling and the Decision Notice.

The Applicant did not provide any material considerations to justify deviating from the Development Plan in their planning application furthermore they have failed to do so as part of their Local Review Application.

The Applicant talks about a woodland strategy, landscaping scheme and the opportunity to work collaboratively with the local community as suitable recompense for the loss of the area. However, the Applicant has developed, without appropriate approval in place, a significant area of the open space identified in the Local Development Plan. The applicant states that they are happy to develop the remaining areas of open space however what remains is a fraction of the original area of open space and does not constitute a material consideration to depart from the Local Development Plan. Indeed, as outlined in our comments on the application and in the Report of Handling the amenity of the remaining area of open space would be further diminished if the proposed development were to proceed.

The Applicant highlights proposed new housing to the south of the site, new employment opportunities and better connections between the Grange, the Airfield and Errol highlighting a new footpath from the village of Grange to Errol constructed and paid for by the Applicant. This is a requirement of the planning permission for the new sustainable settlement already approved and as such is already agreed and a requirement. It is unclear why it is mentioned as part of this Local Review application. It does not form part of this planning application and is not dependant on this planning application being successful. It appears from reading the Applicants Local Review submission that they are trying to offer, as part of this application, benefits to the community that it is already incumbent on the Applicant to provide.

Similarly, the other measures mentioned to improve pedestrian and cyclist connectivity referred to by the applicant are not relevant to this Local Review or the Planning Application. Recreational space in the Grange has been negatively impacted by the Applicant's partial development of an area of designated open space without appropriate permission in place.

The Applicant has confirmed that this Planning Application, 19/02095/FLL, was a resubmission of previous application, 18/01946/FLL. The Applicant has advised that they did not review the previous refusal of planning permission but instead looked at what could be done to offset the loss of open space with other benefits to the local community. No proposals for offsetting the loss of open space were included in Planning Application 19/02095/FLL. No local community benefits or benefits for the residents directly affected by the proposal were put forward as part of Planning Application 19/02095/FLL. As outlined in the Report of Handling the proposal has a direct and detrimental environmental and visual impact for the local residents contrary to the Perth and Kinross Local Development Plan 2 (2019)

The applicant has confirmed that trees were removed from the area in advance of securing planning permission or a felling licence. They have stated that this planting will be replaced and in a phased way and appear to be making this a condition of planning approval being granted. The Applicant has had the opportunity to undertake remedial works to the site since the refusal of the first planning application, 18/01946/FLL in January 2019 and has not done so.

The applicant also mentions the timber and brash for felled trees and excavated soil is still on site and has not been removed as all activity has now ceased. However, the applicant had construction plant operating within the site on the 24<sup>th</sup> April 2020 consisting of an excavator, 8 wheeled tipper wagons and a dump truck. This plant was removing demolition material from the site before this application for Local Review was submitted. Please refer to the attached email to Perth and Kinross Council Planning Enforcement Department. The applicant again is tying remedial work to the site on condition of the application being approved. We reiterate that the Applicant could have taken steps before now to remediate for the damage that was done in the area previously.

The Applicant talks about the difference in opinion between the Applicant's arboricultural consultant and the Council's Enforcement Officer (Trees). It should be noted that the tree survey,



commissioned and paid for by the Applicant, was undertaken after unauthorised felling was undertaken and does not represent the situation that existed prior to this. It is difficult to fully quantify what the impact has been on the area and exactly what biodiversity may already have been lost.

The Applicant confirms that it intends to rent the area to a storage and distribution company to use. The Applicant goes on to advise that it is impossible to say exactly how that company will use the land. The Applicant then states that it will accept whatever restrictions the Council sees fit to apply, whether that relates to the type of end users, or the hours of operation, and will ensure there is no noise issue created for the immediate neighbours.

It is difficult to see how the Applicant will be able to ensure there is no noise issue created when they have already confirmed that it is impossible for them to say exactly how the company will use the area. Distribution companies operate 24/7. Commercial vehicles are loud and intrusive by their nature and landscape screening will not suppress any of the noise from vehicle operations, including reversing warning sirens and the activities associated with a distribution facility. The facility will have a negative impact on the amenity of the adjoining land and neighbours contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019). The Company that will be operating out of the proposed development will be a commercial entity and may at times put commercial interests ahead of local residents. It might, therefore, become difficult to enforce the conditions that the Applicant states they would be prepared to accept. The proposed development would increase noise pollution, light pollution from headlights in the winter months and increase air pollution in an area that has not been exposed to this type of commercial activity to date and is largely residential and farmland.

The Applicant states that the Report of Handling fails to appreciate that some of the Site is identified as suitable for mixed use. This is incorrect, point 2 of the reasons to recommend refusal of the application within the Report of Handling, highlights that “the proposal is contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019) and “The loss of woodland and zoned open space that previously acted as a buffer means the zoned employment and mixed-use area no longer has an appropriate screen buffer in place”.

The Applicant suggests that development of the area noted as mixed use area will change the character of the area regardless of their application being successful or not, however this is not correct as the Local Development Plan recognises that this is a mixed use area. The subtlety that the Applicant is missing is that without the open space area and the woodland it contained there is no buffer between the mixed use area and the residential area resulting in a negative impact and loss of amenity for the neighbouring properties, Contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019”).

The Applicant then talks about Morris Leslie Ltd sustaining hundreds of local jobs at Errol Airfield and elsewhere from what is essentially storage and distribution uses. This is not relevant to this planning application or Local Review and is not a material consideration to depart from the Local Development Plan as the continued success of these operations are not dependant on this application being successful.

The Applicant also talks about the economic uplift to the local economy. This should not come at the expense of an area of designated open space. Rather, if there is a commercial and economic need for such a development then it would be better to develop an area/site already designated in the Local Development Plan as suitable for such development.

The Applicant has breached the Planning process by developing an area of open space without appropriate approval in place. The Proposed development is contrary to the Perth and Kinross Local Development Plan 2 (2019) as outlined in the letter of Decision and Report of Handling. The Applicant has not provided any material reasons which justify departing from the Local Development Plan, either as part of the original application or as part of this Local Review Application. The original planning decision to refuse this application should be upheld.

The Applicant should be made to undo the work that was done prior to the planning application being submitted and required to take steps to mitigate for the loss of planting in the protected open

space area. This will ensure that an appropriate screen buffer to the zoned employment and mixed-use area and provided by the woodland and zoned open space is reinstated. It will also help to reinstate the coherent structure of streets, spaces and buildings that has been eroded by removing woodland in an area of zoned open space.

Yours faithfully

Gary Kinniburgh  
+ Enclosures

Email chain to Planning Enforcement Officer.

Re: Enf case 20/00098/ALUNDV Alleged Unauthorised Development

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From: Edward Jordan [REDACTED]  
To: gary.kinniburgh [REDACTED]  
Cc: mbarr [REDACTED]  
Date: Monday, 27 April 2020, 11:01 BST

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Dear Mr Kinniburgh

Thank you for your response. The planning agents have confirmed their clients intention to have the planning decision reviewed. I have confirmed that development should cease until such time they have an approval in place.

It would be helpful to have some photographs of the current situation if some can be taken from the public arena but please do not put yourself at any risk. Please let me know if development continues on site.

Regards

Eddie

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**From:** [REDACTED]  
**Sent:** 27 April 2020 10:08  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Enf case 20/00098/ALUNDV Alleged Unauthorised Development

Dear Mr Jordan,

Thanks for the prompt reply on this matter. I didn't take any pictures of the work or site on Friday, There is no activity there today so could take pictures of the current situation if that would help? There was an excavator loading eight wheeler tipper trucks for the whole day and they appeared to be clearing stock piles of rubble and demolition material, that is all I witnessed.

If I can be of any more assistance please let me know, I look forward to hearing more as and when you find anything out.

Kind regards,

Gary Kinniburgh

On Friday, 24 April 2020, 18:56:29 BST, Edward Jordan [REDACTED] wrote:

Dear Mr Kinniburgh

**Town & Country Planning (Scotland) Act 1997 as amended**

**Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect) Land 80 Metres South West Of Unit C1 Muirhouses Grange Errol**

**LPA ref 19/02095/FLL**

I can confirm having opened the subject enforcement case relating to the above alleged unauthorised development.

Due to current government guidance relating to covid 19, only essential travel is recommended. In this instance, I do not consider the nature of this case essential and therefore any potential site visit will wait until the current restrictions are relaxed. I have however written to the agent for the applicant to advise of the allegation and

requested they contact me to discuss. If you could forward any photography you may have of development on the site that would be very helpful.

The enforcement officer who usually deals with the Errol area has been copied for information. Unfortunately, Mary has had to be redeployed to front line services during the crisis. Either Mary or myself will take this matter forward as some semblance of normality returns.

Please do not hesitate to contact me if you have any questions or further comment, email would be best as I am not in the office. Thank you for bringing this matter to our attention.

Regards

Eddie Jordan

Planning Enforcement Officer for Development Monitoring

Planning & Development

Directorate of Corporate & Democratic Services

Perth & Kinross Council

35 Kinnoull Street

PERTH

PH1 5GD

Direct Dial [REDACTED]

Email [REDACTED]

Web: [www.pkc.gov.uk](http://www.pkc.gov.uk)



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**From:** GARY KINNIBURGH <[REDACTED]>  
**Sent:** 24 April 2020 09:08  
**To:** TES Planning Enforcement - Generic Email Account <PlanningEnforcement@pkc.gov.uk>  
**Subject:** Plannning Application 19/02095/FLL

Dear Planning Officer,

Further to the refusal of Planning application 19/02095/FLL, I note that the applicant appears to be working in the area subject to the planning application and subsequent refusal. This morning an excavator was dropped off at the area and now tipper wagons are running in and out of the area removing what appears to be demolition arisings. The 8 wheeler tipper wagons are not able to turn into or out of the site in one manoeuvre and are holding up traffic on the main C class road. There is no traffic management in place or a banksman operating for these turning movements.

Not sure if you are aware of this activity or if the applicant has let you know that they are working in the area. However, given the history of unauthorised work being under taken in this area and the two previous planning refusals I though it prudent to make aware.

Thanks,

Gary Kinniburgh

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Your reference: LRB-2020-16

Perth & Kinross Council  
Local Review Body  
Council Building  
2 High Street  
Perth  
PH1 5PH

22 May 2020

Dear Committee Support Officer

Further to your letter reference LRB-2020-16 dated 11 May 2020 in relation to:

**Town & Country Planning (Scotland) Act 1997**  
**The Town & Country Planning (Schemes of Delegation & Local Review**  
**Procedure) (Scotland) Regulations 2013**  
**Application Ref: 19/02095/FLL - Change of use from vacant land to commercial**  
**vehicle parking and open storage areas, formation of hardstanding and**  
**vehicular access (in part retrospect), land 80 metres south west of Unit C1,**  
**Muirhouses, Grange, Errol – Morris Leslie Ltd**

We write to outline our concerns and comments in relation to the application for the Perth and Kinross Local Review Body to review the above planning application decision. We have previously made representation on Planning Application Reference 19/02095/FLL and note that a copy of this representation will be passed to the Local Review Body.

We note that the Applicant has requested that there be an accompanied site visit and for councillors to hold a hearing to allow the Applicant to explain why the application is in part retrospect. As part of the Local Review Body application the Applicant advises that they have provided a letter explaining the background to the planning application.

As part of this hearing the Applicant has also requested to explore the issue surrounding the open space zoning. It is not a matter for this planning application or indeed this Local Review Body to explore the open space zoning. The area has been designated open space in the Perth and Kinross Local Development Plan 2 (2019). The appropriate time to explore this area of open space zoning was before the Development Plan was adopted in November 2019. The applicant has also stated that they were not aware of the open space zoning when they undertook work without planning approval in place. However, the area was noted as open space in the previous Perth and Kinross Development Plan adopted in February 2014.

We note, as laid out in Planning Advice Note (PAN) 65, that it is the role of the planning system to protect and enhance existing open spaces. PAN 65 supports the Scottish Planning Policy (SPP) 11: Open Space and Physical Activity. As this area of open space has been identified in the local plan as being worthy of protection it is the responsibility of the planning system and indeed the Planning Authority, Perth & Kinross Council, to protect this open space. The Credibility of the Planning System has already been undermined by the work carried out on this area of open space without planning approval in place. This credibility would be further undermined if the protection of this area of open space is set aside to allow this development to proceed

With reference to the Report of Handling and the Decision Notice, the Planning Authority has set out the reasons why the application was refused. The Application is contrary to a number of Principal Policies within the Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019 - and these are clearly laid out in the Report of Handling and the Decision Notice.

The Applicant did not provide any material considerations to justify deviating from the Development Plan in their planning application furthermore they have failed to do so as part of their Local Review Application.

The Applicant talks about a woodland strategy, landscaping scheme and the opportunity to work collaboratively with the local community as suitable recompense for the loss of the area. However, the Applicant has developed, without appropriate approval in place, a significant area of the open space identified in the Local Development Plan. The applicant states that they are happy to develop the remaining areas of open space however what remains is a fraction of the original area of open space and does not constitute a material consideration to depart from the Local Development Plan. Indeed, as outlined in our comments on the application and in the Report of Handling the amenity of the remaining area of open space would be further diminished if the proposed development were to proceed.

The Applicant highlights proposed new housing to the south of the site, new employment opportunities and better connections between the Grange, the Airfield and Errol highlighting a new footpath from the village of Grange to Errol constructed and paid for by the Applicant. This is a requirement of the planning permission for the new sustainable settlement already approved and as such is already agreed and a requirement. It is unclear why it is mentioned as part of this Local Review application. It does not form part of this planning application and is not dependant on this planning application being successful. It appears from reading the Applicants Local Review submission that they are trying to offer, as part of this application, benefits to the community that it is already incumbent on the Applicant to provide.

Similarly, the other measures mentioned to improve pedestrian and cyclist connectivity referred to by the applicant are not relevant to this Local Review or the Planning Application. Recreational space in the Grange has been negatively impacted by the Applicant's partial development of an area of designated open space without appropriate permission in place.

The Applicant has confirmed that this Planning Application, 19/02095/FLL, was a resubmission of previous application, 18/01946/FLL. The Applicant has advised that they did not review the previous refusal of planning permission but instead looked at what could be done to offset the loss of open space with other benefits to the local community. No proposals for offsetting the loss of open space were included in Planning Application 19/02095/FLL. No local community benefits or benefits for the residents directly affected by the proposal were put forward as part of Planning Application 19/02095/FLL. As outlined in the Report of Handling the proposal has a direct and detrimental environmental and visual impact for the local residents contrary to the Perth and Kinross Local Development Plan 2 (2019)

The applicant has confirmed that trees were removed from the area in advance of securing planning permission or a felling licence. They have stated that this planting will be replaced and in a phased way and appear to be making this a condition of planning approval being granted. The Applicant has had the opportunity to undertake remedial works to the site since the refusal of the first planning application, 18/01946/FLL in January 2019 and has not done so.

The applicant also mentions the timber and brash for felled trees and excavated soil is still on site and has not been removed as all activity has now ceased. However, the applicant had construction plant operating within the site on the 24<sup>th</sup> April 2020 consisting of an excavator, 8 wheeled tipper wagons and a dump truck. This plant was removing demolition material from the site before this application for Local Review was submitted. The applicant again is tying remedial work to the site on condition of the application being approved. We reiterate that the Applicant could have taken steps before now to remediate for the damage that was done in the area previously.

The Applicant talks about the difference in opinion between the Applicant's arboricultural consultant and the Council's Enforcement Officer (Trees). It should be noted that the tree survey, commissioned and paid for by the Applicant, was undertaken after unauthorised felling was



undertaken and does not represent the situation that existed prior to this. It is difficult to fully quantify what the impact has been on the area and exactly what biodiversity may already have been lost.

The Applicant confirms that it intends to rent the area to a storage and distribution company to use. The Applicant goes on to advise that it is impossible to say exactly how that company will use the land. The Applicant then states that it will accept whatever restrictions the Council sees fit to apply, whether that relates to the type of end users, or the hours of operation, and will ensure there is no noise issue created for the immediate neighbours.

It is difficult to see how the Applicant will be able to ensure there is no noise issue created when they have already confirmed that it is impossible for them to say exactly how the company will use the area. Distribution companies operate 24/7. Commercial vehicles are loud and intrusive by their nature and landscape screening will not suppress any of the noise from vehicle operations, including reversing warning sirens and the activities associated with a distribution facility. The facility will have a negative impact on the amenity of the adjoining land and neighbours contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019). The Company that will be operating out of the proposed development will be a commercial entity and may at times put commercial interests ahead of local residents. It might, therefore, become difficult to enforce the conditions that the Applicant states they would be prepared to accept. The proposed development would increase noise pollution, light pollution from headlights in the winter months and increase air pollution in an area that has not been exposed to this type of commercial activity to date and is largely residential and farmland.

The Applicant states that the Report of Handling fails to appreciate that some of the Site is identified as suitable for mixed use. This is incorrect, point 2 of the reasons to recommend refusal of the application within the Report of Handling, highlights that "the proposal is contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019) and "The loss of woodland and zoned open space that previously acted as a buffer means the zoned employment and mixed-use area no longer has an appropriate screen buffer in place".

The Applicant suggests that development of the area noted as mixed use area will change the character of the area regardless of their application being successful or not, however this is not correct as the Local Development Plan recognises that this is a mixed use area. The subtlety that the Applicant is missing is that without the open space area and the woodland it contained there is no buffer between the mixed use area and the residential area resulting in a negative impact and loss of amenity for the neighbouring properties, Contrary to Policy 7A: Employment and Mixed Used Areas: Business and Industrial of the Perth and Kinross Local Development Plan 2 (2019)".

The Applicant then talks about Morris Leslie Ltd sustaining hundreds of local jobs at Errol Airfield and elsewhere from what is essentially storage and distribution uses. This is not relevant to this planning application or Local Review and is not a material consideration to depart from the Local Development Plan as the continued success of these operations are not dependant on this application being successful.

The Applicant also talks about the economic uplift to the local economy. This should not come at the expense of an area of designated open space. Rather, if there is a commercial and economic need for such a development then it would be better to develop an area/site already designated in the Local Development Plan as suitable for such development.

The Applicant has breached the Planning process by developing an area of open space without appropriate approval in place. The Proposed development is contrary to the Perth and Kinross Local Development Plan 2 (2019) as outlined in the letter of Decision and Report of Handling. The Applicant has not provided any material reasons which justify departing from the Local Development Plan, either as part of the original application or as part of this Local Review Application. The original planning decision to refuse this application should be upheld.

The Applicant should be made to undo the work that was done prior to the planning application being submitted and required to take steps to mitigate for the loss of planting in the protected open space area. This will ensure that an appropriate screen buffer to the zoned employment and mixed-

use area and provided by the woodland and zoned open space is reinstated. It will also help to reinstate the coherent structure of streets, spaces and buildings that has been eroded by removing woodland in an area of zoned open space.

Yours faithfully

Mr S & Mrs A Merralls

Development Management  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

24 May 2020

Dear Sir / Madam,

**Review by the Perth and Kinross Local Review Body of decision made concerning application ref: 19/02095/FLL - Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol – Morris Leslie Ltd**

Errol Community Council (ECC) continues to maintain its decision to object to this planning application for the reasons stated in its original representation submission.

In addition, ECC wishes the following matters to be taken into consideration:

The Location Plan and Site Plan (Doc 19/02095/1) shows two buildings within the application site area which are to remain. There is no information within the application as to the reasons for this. Assessment of aerial photographs available in the public domain (Google Earth) indicate these are WW2 war time buildings associated with Errol Airfield. These photographs also indicate these buildings are in a considerable state of decay and, more importantly, are likely to be constructed from materials containing significant asbestos content. There is no information in the application how these buildings are to be secured or what measures are to be taken to protect users of the vehicle parking area from potential hazards from asbestos contaminated materials.

Aerial photographs in the public domain (Google Earth) show that tree clearing in the application site area commenced prior to May 2017 and increased by June 2018. These dates are significant as the first planning application for this change of use was not submitted until November 2018 – application 18/01946/FLL (which was not approved). As this area was designated as an "open space" in LDP 2014 it is surprising that development work to convert it to commercial vehicle parking and storage was undertaken prior to an application so to do being submitted and approved. This area continues to be designated as "open space" in LDP2 2019. ECC does not condone and will not support attempts by applicants to undertake action which is contrary to planning permission prior to "change of use" applications being approved.

In conclusion, ECC submits that the applicant has breached the Planning Process by commencing to develop, for commercial use, an area which was designated as "open space" in the PKC LDP 2014 and continues to so be designated in PKC LDP2 without having approved planning consent. In addition, ECC believes the current application which is subject to the proposed review does not adequately address the considerable dangers to users of the proposed commercial vehicle parking and storage facility which may arise from asbestos materials existing in the two deteriorating WW2 buildings within the area. Errol Community Council, for the reasons stated, continues to object to this planning application.

Yours Sincerely

Gordon Miller  
Secretary  
Errol Community Council



## **CHX Planning Local Review Body - Generic Email Account**

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**From:** Paul Houghton <Paul.Houghton@dmhall.co.uk>  
**Sent:** 12 June 2020 12:12  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: LRB-2020-16

Dear Audrey,

The only comment we wish to make in response to the letters is that there has been no decision made as to the future of the buildings. This will be made depending upon the outcome of the local review.

Regards Paul



**LRB-2020-16**

**19/02095/FLL - Change of use from vacant land to commercial vehicle parking and open storage areas, formation of hardstanding and vehicular access (in part retrospect), land 80 metres south west of Unit C1, Muirhouses, Grange, Errol**

## **FURTHER INFORMATION**

- Further information from planning, dated 1 December 2020, as requested by the LRB on 13 October 2020
- Agent's response to further information from planning, date 21 December 2020





## CHX Planning Local Review Body - Generic Email Account

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**From:** John Russell  
**Sent:** 01 December 2020 11:09  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** Christine Brien; Paul Kettles  
**Subject:** FW: Errol Airfield - Planning Application Ref 19/02095/FLL - Local Review Body.

Morning Audrey,

Response to the LRB queries below.

Regards,

John Russell  
Development Management Planning Officer - Planning and Development  
Perth & Kinross Council  
Corporate and Democratic Services  
Pullar House, 35 Kinnoull St, Perth, PH1 5GD  
[REDACTED]

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**From:** Paul Kettles [REDACTED]  
**Sent:** 30 November 2020 15:16  
**To:** John Russell [REDACTED]  
**Cc:** Christine Brien [REDACTED]  
**Subject:** Errol Airfield - Planning Application Ref 19/02095/FLL - Local Review Body.

Hi John

Please see my comments in relation to the queries raised by the local review body.

**(ii) Clarification be sought on the discrepancies in assessment between the applicant's arboriculturist's survey and that of the Council's Tree Officer, with particular reference to the species of tree concerned.**

1. There are some differences in opinion concerning the nature of the Poplars occupying the site. The poplar that currently occupies the site is likely to be the hybrid poplar, western balsam, *Populus trichocarpa*.
2. The Council does not disagree with certain statements concerning the nature of hybrid poplars being brittle, and may be prone to branch failure, however, what is disputed is that the trees at this location present a real hazard to the road user, neighbouring properties, or proposed development, and should therefore be removed.
3. This woodland area which runs in an east-west direction has successfully sustained high winds, and there is little tangible evidence of resulting detrimental damage.
4. The Council would assert that there is insufficient evidence that these trees have presented a significant risk to the road user to date, and disputes that any associated risk of future branch failure with the trees in question should automatically result in their removal.
5. The use of hybrid poplar at this commercial site, which possesses heavy clay, impeded drainage, and exposure, is considered an appropriate choice of tree species, as hybrid poplar is well suited to these site circumstances.
6. The Council considers that the applicant has placed a disproportionate associated risk against the poplar trees at this site, has undervalued the contribution the poplar woodland provides, and has considered the removal of the woodland the preferred option in support of the development, and submitted statements accordingly to justify this end.

**(iii) Comment from the Development Quality and Building Standards Manager on whether or not the envisaged reduction in tree size to 10 metres would be an acceptable method of managing the trees within the application site.**

1. The reduction of the trees to a height of 10m is effectively pollarding, which is an acceptable means of regulating the height of these trees, however, it is the principle of their future removal which is objected to, and with which the writer opposes.
2. If as part of the proposed development the poplars were to be retained for their foreseeable future, the Council may have been supportive of the selective pollarding of certain specimens/rows within the site, as a management proposal.
3. The Council considers that the landscape plans showing the phased pollarding and removal of the poplars and introduction of a native woodland mix, could be considered of merit in other circumstances, however, would not support this treatment at this site, for the following reasons;
  - The existing poplar woodland is well established and provides exceptional amenity value and screening of a commercial development situated to the south. With such an asset, why would the Council condone the removal of beneficial woodland, which is nationally under such pressure from development.
  - The pollarding and future removal of the poplars would reduce/remove the effective screening which it currently affords.

- The re-establishment of native woodland at this site, may prove more difficult than advised, due to site circumstances, including soil type, drainage characteristics, exposure, which it is asserted has not been properly considered.
- The applicant does not have a track record of providing quality landscaping (in accordance with approved plans), and historically enforcement action by the local planning authority has been necessary trying to secure landscaping at other land holdings, and the reality is that achieving successful implementation, establishment and landscape maintenance, appears to be a challenge in practice.

I trust these comments answer the questions raised.

Regards

Paul

Paul Kettles  
Enforcement Officer (Trees)  
Planning & Development  
Corporate and Democratic Services  
Perth & Kinross Council  
Tel: 01738 475338 / [pkettles@pkc.gov.uk](mailto:pkettles@pkc.gov.uk) / <https://www.pkc.gov.uk/treesandtpos>

---

**From:** John Russell <[REDACTED]>  
**Sent:** 18 November 2020 10:06  
**To:** Paul Kettles [REDACTED]  
**Cc:** Christine Brien [REDACTED]  
**Subject:** FW: LRB

Hi Paul,

LRB are looking for further information on the Errol Airfiled site 19/02095/FLL, see points (ii) and (iii):-

- (ii) Clarification be sought on the discrepancies in assessment between the applicant's arboriculturist's survey and that of the Council's Tree Officer, with particular reference to the species of tree concerned.
- (iii) Comment from the Development Quality and Building Standards Manager on whether or not the envisaged reduction in tree size to 10 metres would be an acceptable method of managing the trees within the application site.

Can you respond and provide the necessary tree advice prior to the 01 December 2020?

Regards,

John Russell  
Development Management Planning Officer - Planning and Development  
Perth & Kinross Council  
Corporate and Democratic Services  
Pullar House, 35 Kinnoull St, Perth, PH1 5GD



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## CHX Planning Local Review Body - Generic Email Account

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**From:** Paul Houghton <Paul.Houghton@dmhall.co.uk>  
**Sent:** 21 December 2020 12:54  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: LRB-2020-16  
**Attachments:** Errol woodland response.docx

Dear Audrey,

Please find attached comments from the Applicant's tree consultant, Paul Hanson, which are in red, and are responding to the comments from the Enforcement Officer (Trees) included in black, with the original LRB questions in blue.

On the last point raised by the Enforcement Officer (Trees) about the Applicant's record of implementing landscaping schemes, then we would simply ask the LRB to disregard that comment. It is without foundation and the LRB can be reassured that the landscaping scheme on this site will be implemented.

Regards Paul

Paul Houghton MRTPI  
Director



M: 07786 260212 and 07780 117708

E: [Paul.Houghton@dmhall.co.uk](mailto:Paul.Houghton@dmhall.co.uk)

**(ii) Clarification be sought on the discrepancies in assessment between the applicant's arboriculturist's survey and that of the Council's Tree Officer, with particular reference to the species of tree concerned.**

1. There are some differences in opinion concerning the nature of the Poplars occupying the site.

The poplar that currently occupies the site is likely to be the hybrid poplar, western balsam, *Populus trichocarpa*.

Response to 1. There are 100's of varieties of hybrid poplar, as no specific testing or detailed identification has been exercised in this matter then it can only be accepted that the trees are in fact a hybrid variety.

2. The Council does not disagree with certain statements concerning the nature of hybrid poplars being brittle, and may be prone to branch failure, however, what is disputed is that the trees at this location present a real hazard to the road user, neighbouring properties, or proposed development, and should therefore be removed.

Response to 2. Tree branch failures have occurred within the stand, some over the adjacent road. It is not suggested that the stand needs to be removed because it is immediately dangerous. The phased removal of the whole stand is identified as a preferred position, given the accepted physical properties of poplar species, to avoid future issues of tree failure and to secure a more appropriate, sustainable, and enduring tree population.

3. This woodland area which runs in an east-west direction has successfully sustained high winds, and there is little tangible evidence of resulting detrimental damage.

Response to 3. The evidence is not of wholesale tree failure but of sporadic and occasional failure. As the trees develop it is the habit for this species to produce exceptionally long and large branches with a high wind sail and long mechanical lever arm, future failures should be expected and are likely to become more frequent with an increase in the consequence of failure as trees/limbs increase in size.

4. The Council would assert that there is insufficient evidence that these trees have presented a significant risk to the road user to date, and disputes that any associated risk of future branch failure with the trees in question should automatically result in their removal.

Response to 4. There is no suggestion that the trees should automatically be removed for any reason at all. The suggested phased removal is made to secure a more appropriate, sustainable, and enduring tree population for the long-term.

5. The use of hybrid poplar at this commercial site, which possesses heavy clay, impeded drainage, and exposure, is considered an appropriate choice of tree species, as hybrid poplar is well suited to these site circumstances.

Response to 5. The assumption of soil types and ground conditions is reasonable; however, it must be noted that there are many examples of other tree species growing equally well in the immediate vicinity, including oak, thorn, chestnut, lime sycamore.

6. The Council considers that the applicant has placed a disproportionate associated risk against the poplar trees at this site, has undervalued the contribution the poplar woodland provides, and has considered the removal of the woodland the preferred option in support of the development, and submitted statements accordingly to justify this end.



Response to 6. The independent arboricultural report was prepared without knowledge of any development proposals, other than an intention to move the access into the site and close the existing access. The site was simply considered as a small even aged, monoculture planting with advice sought on how best to manage and retain it as a woodland.

**(iii) Comment from the Development Quality and Building Standards Manager on whether or not the envisaged reduction in tree size to 10 metres would be an acceptable method of managing the trees within the application site.**

1. The reduction of the trees to a height of 10m is effectively pollarding, which is an acceptable means of regulating the height of these trees, however, it is the principle of their future removal which is objected to, and with which the writer opposes.

Response to 1. The suggestion to reduce tree height was made in the context of their temporary retention. The reduction in height would significantly reduce the presentation of tree wind sail and minimise the action of adverse weather, promoting safe retention, whilst also allowing more light into the site for the development of newly planted trees.

2. If as part of the proposed development the poplars were to be retained for their foreseeable future, the Council may have been supportive of the selective pollarding of certain specimens/rows within the site, as a management proposal.

Response to 2. Pollarding of the poplar trees in this way in respect of their long-term retention is undesirable.

3. The Council considers that the landscape plans showing the phased pollarding and removal of the poplars and introduction of a native woodland mix, could be considered of merit in other circumstances, however, would not support this treatment at this site, for the following reasons;

The existing poplar woodland is well established and provides exceptional amenity value and screening of a commercial development situated to the south. With such an asset, why would the Council condone the removal of beneficial woodland, which is nationally under such pressure from development.

First response to 3. The poplar woodland is well established and is perhaps at the mid-point of the safe useful life expectancy of hybrid poplar. We vigorously dispute the designation of exceptional amenity value and argue that the woodland merely has some amenity value in that it is a woodland; albeit an even aged monoculture, planted at commercial spacing in rows, to the exclusion of all other species.

The pollarding and future removal of the poplars would reduce/remove the effective screening which it currently affords.

Second response to 3. There is no suggestion that screening would be removed. Pollarding is identified to ensure the retention of screening during a phased removal and replacement of the current tree population over years. At worst, the screening would be reduced in height.

The re-establishment of native woodland at this site, may prove more difficult than advised, due to site circumstances, including soil type, drainage characteristics, exposure, which it is

asserted has not been properly considered.

Third response to 3. In the absence of evidence, the council has made assumptions regarding these factors and arrived at a conclusion that native tree species would be difficult to establish on the site. The presence of a wide variety of native tree species thriving in the immediate area suggests that a range of native trees are suited to the site conditions.