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Council Building  
2 High Street  
Perth  
PH1 5PH

13/02/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 22 February 2023** at **09:30**.

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

**THOMAS GLEN**  
Chief Executive

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

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

**Members:**

Councillor Ian Massie (Convener)  
Councillor Grant Stewart (Vice-Convener)  
Councillor Hugh Anderson  
Councillor Bob Brawn  
Councillor Dave Cuthbert  
Councillor Eric Drysdale  
Councillor David Illingworth  
Councillor Ian James  
Councillor Brian Leishman  
Bailie Claire McLaren  
Councillor Crawford Reid  
Councillor Richard Watters  
Bailie Mike Williamson



**Planning and Placemaking Committee**

**Wednesday, 22 February 2023**

**AGENDA**

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

- 1 WELCOME AND APOLOGIES/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF THE PLANNING AND PLACEMAKING COMMITTEE OF 25 JANUARY 2023 FOR APPROVAL** **7 - 22**  
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 22/00869/IPM - S42 APPLICATION TO MODIFY CONDITION 3 (OCCUPATION OF DWELLINGS) OF PERMISSION 17/00847/IPM, LAND 250 METRES SOUTH EAST OF WILMAREAN, LUNCARTY, PERTH** **23 - 50**  
Report of Handling by Head of Planning and Development (copy herewith 23/59)
- 5(1)(ii) 22/01158/AMM - ERECTION OF 81 DWELLINGHOUSES, A SUBSTATION AND FORMATION OF PLAY AREA, SUDS, LANDSCAPING AND ASSOCIATED WORKS (APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF 17/00088/IPM) (LDP SITE H31), LAND 90 METRES WEST OF KING STREET JUNCTION, MILL BRAE, STANLEY, PERTH** **51 - 80**  
Report of Handling by Head of Planning and Development (copy herewith 23/60)

<b>5(1)(iii)</b>	<b>22/01285/FLM - FORMATION OF A 49.9MW SOLAR FARM COMPRISING GROUND MOUNTED SOLAR ARRAYS, INVERTERS, TRANSFORMERS, A SUBSTATION, SECURITY FENCING, CCTV CAMERAS, CABLING, ACCESS TRACKS AND ASSOCIATED WORKS, LAND 130 METRES SOUTHEAST OF COUPAR ANGUS SUBSTATION, PLEASANCE ROAD, COUPAR ANGUS</b> Report of Handling by Head of Planning and Development (copy herewith 23/61)	<b>81 - 104</b>
<b>5(1)(iv)</b>	<b>22/01587/MWM - EXTENSION TO QUARRY, BALADO QUARRY, BALADO</b> Report of Handling by Head of Planning and Development (copy herewith 23/62)	<b>105 - 134</b>
<b>5(1)(v)</b>	<b>22/01827/AMM - SECTION 42 APPLICATION TO MODIFY CONDITION 10 (NOISE MITIGATION) OF PERMISSION 20/00169/AMM, MORRIS LESLIE, ERROL AIRFIELD, GRANGE, ERROL, PH2 7TB</b> Report of Handling by Head of Planning and Development (copy herewith 23/63)	<b>135 - 154</b>
<b>5(2)(</b>	<b>LOCAL APPLICATIONS</b>	
<b>5(2)(i)</b>	<b>21/00248/FLL - ERECTION OF RETAIL UNIT (CLASS 1), FORMATION OF ACCESS, CAR PARKING, ENGINEERING WORKS, LANDSCAPING AND ASSOCIATED WORKS, LAND WEST OF 4 PICKEMBERE, PITHEAVLIS, PERTH</b> Report of Handling by the Head of Planning and Development (copy herewith 23/64)	<b>155 - 186</b>
<b>5(2)(ii)</b>	<b>22/01711/FLL - ERECTION OF 27 HOLIDAY ACCOMMODATION UNITS AND ASSOCIATED WORKS, MAINS OF TAYMOUTH, KENMORE</b> Report of Handling by Head of Planning and Development (copy herewith 23/65)	<b>187 - 208</b>
<b>5(2)(iii)</b>	<b>22/01698/FLL - FORMATION OF VEHICULAR ACCESS AND HARDSTANDING, ERECTION OF FENCE AND ASSOCIATED WORKS, LAND 35 METRES SOUTH-EAST OF 11 TORLEE ROAD, BIRNAM</b> Report of Handling by Head of Planning and Development (copy herewith 23/66)	<b>209 - 224</b>
<b>5(2)(iv)</b>	<b>22/01784/FLL - FORMATION OF HARDSTANDING AREAS AND LANDSCAPING, ERECTION OF STORAGE SHED, GATES, ALTERATIONS TO FENCING AND ASSOCIATED</b>	<b>225 - 240</b>



**WORKS, KING GEORGE V PLAYING FIELD, MUIRS,  
KINROSS**

Report of Handling by Head of Planning and Development (copy  
herewith 23/67)

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| <b>5(2)(v)</b>                                 | <b>22/01816/LBC - ALTERATIONS , THE ELL SHOP, 9 THE<br/>CROSS, DUNKELD</b><br>Report of Handling by Head of Planning and Development<br>(23/68)  | <b>241 - 252</b> |
| <b>5(2)(vi)</b>                                | <b>22/01817/FLL - ALTERATIONS TO CHANGE DOOR COLOUR,<br/>THE ELL SHOP, 9 THE CROSS, DUNKELD</b><br>Report of Handling by Head of Planning and Development (copy<br>herewith 23/69)   | <b>253 - 264</b> |
| <b>5(2)(vii)</b>                               | <b>22/01924/FLL - ERECTION OF GARAGE BUILDING, 8<br/>MIDDLETON PARK, KELTYBRIDGE, KELTY</b><br>Report of Handling by Head of Planning and Development (copy<br>herewith 23/70)   | <b>265 - 276</b> |
| <b>6 PROPOSAL OF APPLICATION NOTICES (PAN)</b> |  |                  |
| <b>6(i)</b>                                    | <b>22/00025/PAN - CHANGE OF USE FROM STABLE BLOCK<br/>TO VISITOR CENTRE, INCLUDING SHOP, RESTAURANT,<br/>TICKET OFFICES AND ASSOCIATED FACILITIES,<br/>FORMATION OF ADVENTURE PLAYPARK, FOOTPATHS<br/>AND CAR PARKING, ERECTION OF PAVILION BUILDING<br/>AND GREEN HOUSES, INSTALLATION OF BIOMASS PLANT<br/>AND SOLAR MEADOW, AND ASSOCIATED<br/>INFRASTRUCTURE, SCONE PALACE, QUEEN'S DRIVE,<br/>OLD SCONE, PERTH</b><br>Pre-Application Report by Head of Planning and Development<br>(copy herewith 23/71) | <b>277 - 284</b> |

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## PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 25 January 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies C Ahern (Substituting for Councillor C Reid), C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, E Drysdale, A Forbes (Substituting for Councillor I James), D Illingworth, B Leishman and R Watters.

In Attendance: D Littlejohn, L Reid, D Salman, K Smith and P Williamson (all Communities); A Brown, C Elliott, J Guild and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors I James and C Reid.

Councillor I Massie, Convener, Presiding.

### 1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

### 2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors' Code of Conduct.

### 3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 23 November 2022, be approved.

### 4. APPLICATIONS FOR DETERMINATION

#### (1) Major Applications

- (i) **22/01071/FLM Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works, land 170 metres South of Newhouse Farm, Perth**

#### **Resolved:**

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

#### **General**

- 1. The development hereby approved must be carried out in accordance with the approved drawings and documents,

unless otherwise provided for by conditions imposed by this decision notice.

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

2. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.  
Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

### **Noise**

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

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

4. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with 'Condition 3'. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with 'Condition 3' a scheme of noise mitigation shall be submitted to the Council as Planning Authority, within 28 days of the noise assessment, for written approval, specifying timescales for the implementation of the scheme. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

5. The hours of construction activity shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no construction activity permitted on Sundays.  
Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

### **Lighting**

6. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

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

**Road Safety**

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

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

Reason – In the interests of road safety.

8. The proposed route for any abnormal loads on the trunk road network must be approved in writing prior to any such movements being undertaken. Where any abnormal loads are required to be undertaken in implementing the development hereby approved, a written program of those movements shall be submitted to the Council as Planning Authority for approval in consultation with Transport Scotland. Thereafter, any such movements shall be undertaken in accordance with the agreed program of movements, including any mitigation measures required. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved and should be included with any written program of works.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

9. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured traffic management consultant, to be approved in writing by the Council as Planning Authority for approval in consultation with Transport Scotland. The approval any such management consultant shall be agreed prior to the placement or implementation of any signage and or traffic control measures.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.

#### **External Finishes**

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

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

#### **Biodiversity and Landscaping**

11. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include

details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.  
Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

12. The conclusions and recommended action points within the supporting Preliminary Ecological Survey dated 26 November 2020, (Document 17) and Supporting Statement dated 29 November 2022, prepared by Overland Environmental Ltd, (Document 20), submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority. A written statement confirming and or setting out the physical means of compliance with these mitigation points shall be submitted to the Council as Planning Authority prior to works commencing onsite.  
Reason – In the interests enhancing biodiversity and to ensure the satisfactory implementation of mitigation measures to protect habitat onsite.

13. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, 10 bird nesting boxes and 10 bat roosting boxes shall be provided within the site as part of the approved landscape scheme, (Condition 11). The size, type and locations of the nesting and roosting boxes shall be submitted to the Council as Planning Authority for prior approval to their placement onsite. Thereafter, the agreed boxes shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.  
Reason – In the interests enhancing biodiversity and to ensure the satisfactory implementation of mitigation measures to protect habitat onsite.

**Dust**

14. Prior to the commencement of construction for the development a Dust Management Plan shall be submitted for the written approval of the Planning

Authority, in consultation with Environmental Health. The plan shall outline all construction activities that has the potential to cause dust and shall state methods and procedures to minimise the dust. Thereafter, the approved dust management plan shall be implemented in full for the duration of all construction works hereby approved.

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

### **Archaeology**

15. Development shall not commence until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

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

### **Paths**

16. The core path and right of way 34/15, located within the site access road and shown on approved drawing 22/01071/01 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

### **Facility Lifespan**

17. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, or 50 years from the date of commencement of development, whichever is sooner, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority. A reinstatement and or decommissioning plan shall be submitted to the



Council as Planning Authority for prior approval before any site reinstatement works are commenced.

Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

### **Drainage**

18. Prior to the installation of any drainage works within the development hereby approved, the final technical drainage designs shall be submitted to, and approved in writing by Council as the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and completed prior to bringing into use of the development hereby approved.

Reason – In order to safeguard any offsite drainage impacts of the development and in the interests of public safety.

19. The discharge volume and rate from the proposed onsite drainage system shall not exceed existing greenfield levels. Compliance with this condition shall be demonstrated through the provision of a drainage report in compliance with 'Condition 18'.

Reason – In order to safeguard any offsite drainage impacts of the development and in the interests of public safety.

### **Soils**

20. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby approved commencing, a Soil Management Statement shall be submitted to the Council as Planning Authority for approval in writing. This Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed Statement.

Reason – In the interests of appropriately managing prime quality soils and minimising the long-term impacts of developing the site in accordance with Policy 51 of the LDP2.

### **Justification**

The proposal is considered to comply with the Development Plan and there are no material circumstances that would justify a departure from relevant policies of the LDP2 2019.

## **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
3. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
4. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
6. As soon as practicable after the development is complete, the person who completes the development is

obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.

7. The granting of planning permission does not stop the continued right of public access along the existing core path METH 34/15 Ruthvenpark Path.
8. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.  
<https://www.pkc.gov.uk/ldp2floodrisk>.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public.
  - Printed on durable material.
11. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

## **(2) Local Applications**

- (i) **22/01043/FLL Erection of 20 dwellinghouses and associated works, land 70 metres East of 3 Losset Park, Losset Road, Alyth**

Motion (Bailie C McLaren and Councillor I Massie)

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

1. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period. Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland)

Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

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

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

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

Reason – To ensure the protection of retained trees on site.

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

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

6. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby

approved (document 40 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

8. The core path which runs along Losset Road on the immediate boundary of the site must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

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

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

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and is operating.

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

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

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

Reason – In the interests of pedestrian and traffic safety.

11. Prior to the commencement of any development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Council as Planning Authority. The CMP shall detail required mitigation measures and construction method statements, including specific measures for monitoring during construction. The CMP should include detailed pollution avoidance measures and dust control measures for all construction elements. The CMP, as approved in writing, shall be strictly adhered to for the duration of the construction phase of the development.

Reason – To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on neighbours, general public and the wider environment.

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

Reason – In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2019.

13. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented in full.

Reason – To ensure surface water drainage is adequately managed during construction operations.

14. The onsite affordable units hereby approved (Plots 17, 18, 19 and 20) shall be occupied solely for the purposes of affordable housing, as defined within the Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 and Policy 20 of the Perth and Kinross Council Local Development Plan 2 (2019), to the satisfaction of the Council as Planning Authority.

Reason – To comply with the Council's policy on affordable housing.

### **Justification**

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

### **Informatives**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk). The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for



Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. An approved Street Lighting design is required please contact Perth & Kinross Council Street Lighting department for further details.
9. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
10. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
12. The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.

Amendment (Bailie M Williamson and Councillor A Forbes)

Refuse, as the application is contrary to Policy 20 Affordable Housing of the Perth and Kinross Local Development Plan 2 (2019) and the Developer Contributions and Affordable Housing Supplementary Guidance 2020, as the design and location of Plots 17-20 are not integrated with and indistinguishable from the other houses in the development.

In terms of Standing Order 21.5, a roll call vote was taken.

6 members voted in accordance with the Motion as follows:  
Councillors B Brawn, D Illingworth, I Massie, Bailie C McLaren,  
Councillors G Stewart and R Watters.

7 members voted in accordance with the Amendment as follows:  
Bailie C Ahern, Councillors H Anderson, D Cuthbert, E Drysdale,  
A Forbes, B Leishman and Bailie M Williamson.

**Resolved:**

In accordance with the Amendment.

**6. PROPOSAL OF APPLICATION NOTICES (PAN)**

- (i) **22/00022/PAN Installation of a 49.9MW ground-mounted solar array and associated works, land 500 metres North West of East Saucher House, Kinrossie**

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

- (ii) **22/00026/PAN Formation of 30MW battery storage facility with associated access and infrastructure, land 600 metres North East of Cordon Farm, Abernethy**

Councillor Illingworth requested that due consideration is given to appropriate screening for the site, and the core path network when creating a transport plan for the site.

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

Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/59)

**PROPOSAL:** S42 application to modify condition 3 (occupation of dwellings) of permission 17/00847/IPM

**LOCATION:** Land 250 metres south east of Wilmarean, Luncarty, Perth

Ref. No: [22/00869/IPM](#)  
 Ward No: P5- Strathtay

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site benefits from planning permission in principle (PPP) for a mixed-use development (residential and employment) along with associated infrastructure, access, landscaping, drainage, SUDS and open space. Application 17/00847/IPM relates.
- 2 The site is situated along the southern boundary of Luncarty, some 4.5 miles north of Perth. The site extends to 45.6 hectares and is predominantly arable farmland. Broadleaved trees, hedgerows and tall vegetation are present along the field margins whilst a narrow burn runs to the southwest, outside the site boundary. Immediately north of the site is all residential, whilst the eastern boundary of the site fronts onto the River Tay. Immediately west of the site is the Perth to Inverness rail line and beyond this the A9 trunk road. To the south is further agricultural land which contains an overhead power line.
- 3 The site slopes from the north, from approximately 27m AOD to approximately 16m AOD, to the south/southwest representing a gradient of approximately 2%. The site is also characterised by an upper and lower plateau, both of which are generally flat, but divided by a transition slope with a steeper gradient varying between 10% and 15%. Within the upper plateau there are two areas of higher ground in the form of rounded hills.
- 4 The site is currently accessed off the B9099 via Scarth Road and a minor private road runs along the majority of the northern boundary of the site which serves several properties, from which a road runs south connecting with the road which crosses the site centrally from east to west up to the boundary/banks of the River Tay. The road running north-south also provides

access to Denmarkfield, before again accessing the A9 over a railway bridge. Core paths run along these routes, connecting into the wider area and the path that runs parallel with the River Tay. Overhead power lines run north/south within the western part of the site and also parallel with the southern boundary, however, are outwith the site.

- 5 The site forms the majority (70%) of an allocated site (MU27) of 64 hectares in the Perth and Kinross Local Development Plan (LDP2) for both residential and employment use. The remainder of the allocation is under separate ownership (Wedge Homes Ltd). It is noted that since the original planning permission approval there has been a change to the Development Plan through LDP2 in 2019.
- 6 Section 42 of the Act (Town and Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission to develop land which depart from conditions attached to an existing permission. The effect of granting permission via a Section 42 (S42) application is therefore such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application.
- 7 The primary purpose of this S42 application seeks to vary condition 3 of the extant planning permission 17/00847/IPM. The MU27 allocation and associated site-specific requirements, as well as condition 3 of application 17/00847/IPM, recognise there is a need for an appropriate trigger to consider potential additional transport infrastructure requirements for the site. The key matter for this application concerns the timing under which this trigger for potential additional transport infrastructure should be considered.
- 8 The original wording of Condition 3 states: *Notwithstanding the terms of Condition 2, the maximum number of dwellings permitted to be occupied by 2024 is 300 dwellings. Furthermore, no more than 300 dwellings and 5 hectares of employment land, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new road infrastructure solutions to distribute traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority. These solutions may take the form of one or a combination of: a vehicular connection to the A9 Trunk Road, a vehicular connection to the Cross Tay Link Road (CTLR) or alternative measures. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units and include the timing for the delivery for the infrastructure improvements.*

*Reason: In compliance with the allocation H27 of the Perth and Kinross Local Development Plan (2014); in the interests of local and trunk road traffic safety; and enhancing connectivity and integration with Luncarty and the wider area, all in the interests of good placemaking.*

### **Pre-Application Consultation**

- 9 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 17/00847/IPM and there is no further PAC needed procedurally in relation to this S42 application.

### **National Policy and Guidance**

- 10 The Scottish Government expresses its planning policies through The National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework 4**

- 11 The revised draft 4 National Planning Statement was published on 8 November 2022 and approved at Parliament on 11 January 2023. In this instance the primary policies relevant seek to encourage, promote and facilitate an infrastructure first approach to land use planning. The survey work to date shows that the 520 units can be absorbed utilising existing infrastructure. This development proposal, therefore, accords with the principal intentions of this document.

### **Planning Advice Notes**

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

### **Creating Places 2013**

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

### **Designing Streets 2010**

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

## **National Roads Development Guide 2014**

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

## **Development Plan**

- 16 The Development Plan for the area comprises the Perth and Kinross Local Development Plan 2019.

## **Perth and Kinross Local Development Plan 2**

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

- 18 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1C: Placemaking
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **LDP2 Allocation MU27 Luncarty South (Residential 589-760 with 5ha of employment land)**

- 19 Site-Specific Developer Requirements

- A comprehensive Masterplan submitted at the time of any planning application to provide detailed information regarding the phasing the housing and economic development land.
- The open space/landscape buffer which abuts the River Tay must be defined by a Flood Risk Assessment and protected from built development.
- An updated full Transport Assessment that demonstrates the following:
  - The design of the road network will ensure multiple connections of the local road network.
  - No more than 350 units will be permitted to be occupied during this plan and until the impact on the local and strategic road network has been assessed which considers the southern connection to the A9 and Cross Tay Link Road and or further alternative measures to distribute traffic via the local network.
  - All access proposals are to the satisfaction of the Perth and Kinross Roads Authority.
  - Cycle paths, core paths and rights of way incorporated into masterplan and designed to improve active transport links between Luncarty and Perth.

- Enhancement of biodiversity and protection of riverbank habitats enhancing connectivity into the Green Network.
- Developer requirements for the enhancement of core paths and pedestrian connections into Luncarty and the wider network.
- Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources.
- Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC.
- Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC.
- A desk based archaeological assessment of the site with a subsequent more detailed investigation if justified.
- An assessment of any commercially available mineral resource together with proposals to remove or protect from sterilisation by built development.

## **Other Policies**

### **Placemaking Supplementary Guidance March 2020**

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

## **Site History**

- 21 The following history is of relevance.
- 22 **97/00614/FUL** Residential development (in outline). Refused 8 August 1997.
- 23 [14/00009/PAN](#) Residential development. Content of PAN Agreed 5 November 2014.
- 24 [15/00419/SCRN](#) Screening Opinion for mixed use development. Screening Opinion provided 24 March 2015 – EIA required.
- 25 [15/00511/SCOP](#) EIA Scoping Request for residential development. Scoping Opinion provided 30 April 2015.
- 26 [17/00847/IPM](#) Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works. Approved 30 August 2019.
- 27 [21/01908/SCRN](#) Screening Opinion for proposed residential development. Screening Opinion provided 29 November 2021 – EIA required.

- 28 [22/00009/PAN](#) Residential development, access, landscaping, SUDS and associated works (allocated site MU27). Content of PAN agreed 10 March 2022.
- 29 [22/00727/SCOP](#) EIA Scoping Request for residential development. Scoping Opinion provided 26 May 2022.

## **CONSULTATIONS**

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

### **External**

- 31 **Luncarty, Redgorton and Moneydie Community Council:** Object to the proposal on the basis that the revised traffic survey undertaken in April 2022, was taken at a post Covid time, and is, therefore, not representative of the true picture as it was done at a time when the population are still in a state of flux regarding working practices.
- 32 **Transport Scotland:** No objection subject to condition.

### **Internal**

- 33 **Transport Planning:** No objection provided specific conditions are applied to address transport and pedestrian safety requirements.
- 34 **Environmental Health (Contaminated Land):** No objections.
- 35 **Planning and Housing Strategy:** Any proposal to alter condition 3 should reflect the LDP2 site requirement on limiting the occupation of the site to 350 units within the lifetime of the plan.
- 36 **Contributions Officer:** The current Section 75 requires to be updated as the agreement does not have a “future proofing” clause to accommodate for subsequent changes to the development, covering Section 42 applications or renewal of permission and other related planning changes. A minute of variation requires to be undertaken to include this clause within the agreement.

## **Representations**

- 37 Eight representations were received. The main issues raised within the representations are:
1. Contrary to Development Plan Policy
  2. Road Safety
  3. Traffic Congestion
  4. Loss of Trees
  5. Over Intensive Development
  6. Inappropriate Housing Density



7. Inappropriate Land Use
8. Noise Pollution
9. Out of Character with the Area

38 Points 1-3 are issues which are addressed in the Appraisal section of the report. Points 4-9, however, are not issues which are relevant to this application as the principle of large scale residential and employment development has been established through the approval of the extant planning permission (17/00847/IPM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application.

## **ADDITIONAL STATEMENTS**

39

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Transport Review</li> </ul>

## **APPRAISAL**

40 Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.

41 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:

- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
- (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

42 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves national policy and guidance, the Council's other approved policies,

supplementary guidance, statutory consultees and additional statements submitted.

### **Principle**

- 43 The principle of large scale residential and employment development has been established through its allocation (MU27) in the LDP2 and through the approval of the extant planning permission (17/00847/IPM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. It is noted that since the original planning permission approval there has been a change to the Development Plan through TAYplan 2016 and LDP2 in 2019. The changes of most relevance to this application within the Development Plan are:
- No more than 350 units will be permitted to be occupied during this plan and until the impact on the local and strategic road network has been assessed which considered the southern connection to the A9 and Cross Tay Link Road and or further alternative measures to distribute traffic via the local network.
- 44 For a point of clarity, the change in LDP2 specifies the maximum number of dwellinghouses to be occupied during this plan (2029) has been increased to 350 dwellings whereas the previous LDP (2014) specified a maximum number of 300 dwellinghouses.

### **Condition 3**

- 45 The applicant's desire is to increase the permissible development threshold to 650 units in advance of a scheme for new road infrastructure solutions to distribute traffic from further development via transport networks. There has been an ongoing dialogue between the applicant's, their agents and the Planning Authority regarding the proposal to increase the threshold to 650 units.
- 46 As per the PPP application, a new Primary Access Road constructed near the existing junction of the B9099 /Scarth Road is proposed to access the site. This will involve the realignment and improvement of the initial section of Scarth Road (which will form part of the new Primary Access Road). An assessment of the B9099/ New Primary Access Road was undertaken as part of the Transport Assessment (TA) and it indicated that it would operate near its theoretical maximum capacity with 650 dwellings.
- 47 To provide a background to the 300 unit threshold, as specified in condition 3 of the extant consent, Transport Planning's assessment of the TA and Employment Land Sensitivity Test was that in terms of junction modelling, a Ratio of Flow to Capacity (RFC) of 0.85 was considered to be the upper limit of acceptable junction performance. At an RFC of 0.85 or above, the junction operation would be compromised. The report concluded that the traffic flow from 650 housing units and 5ha of employment land on the B9099/Primary Access Road junction was above an RFC of 0.85 and thus the junction could not accommodate this additional traffic generation of the original proposal

- 48 The TA recommended 630 housing units with 5ha of employment land (Office – 2500m<sup>2</sup>, Industrial – 5000m<sup>2</sup> and Storage – 5000m<sup>2</sup>), resulting in an RFC of 0.848 (AM peak period). This showed the B9099/Primary Access Road junction operating at the upper limit of capacity. It also shown that between the 08:45 – 09:15 periods there would be 5 vehicles queuing at this junction. No assessment of this impact on the new junction with Scarth Road was provided. Given its close proximity to the southbound slip road onto the A9, Transport Planning considered there would be potential for conflict. The junction assessment also highlighted the potential for major road arm blocking to occur, thereby further compromising the operation of the new junction.
- 49 The assessment of the PPP application went on to say that any additional development (either additional residential or business) traffic would result in the junction operating above capacity and that there is also the matter of future traffic growth beyond the LDP limit of 300 dwellings, which would see the junction over capacity within a short period of time (informed from the stated RFC in the TA of 0.848 at completion year of 2033). For further development beyond the 300 to be acceptable a link south to the proposed Cross Tay Link Road (CTLR) or A9 would likely be required.
- 50 The site was originally reviewed and found to be acceptable by Transport Scotland and PKC Transport Planning with conditional control in the extant PPP limiting the number of dwellinghouses to 300 units and 5 hectares of employment land in advance of a scheme for new road infrastructure solutions to distribute traffic from further development via transport networks being submitted and agreed in writing by the Planning Authority.

### **Roads and Access**

- 51 In progressing this S42 application, a methodology for a transport review to support the assessment of any increased threshold to assess impacts on local roads (B9099) as well as the strategic routes of Inveralmond roundabout was submitted. A revised traffic assessment was undertaken to identify the impact of the Covid pandemic and opening of the A9 dualling between Luncarty and Pass of Birnam. The assessment identified that traffic volumes through Luncarty have decreased significantly and that the proposed Main Road/Development Access junction could support the development of 650 dwellinghouses and 5ha of employment land while operating well within capacity.
- 52 It is noted within the objections received, comments in relation to the potential long lasting impact of Covid-19 on travel patterns and traffic generation. The Council's Transport Planning team have provided comments in agreement with this insofar as such behaviour change has yet to be established in the long term or indeed of its permanent nature at current observed levels. At this time, the data to make such predications, sustaining such behaviour change at its current level to 2033, is not of a sufficiently robust nature and could lead to the B9099/Scarth Road junction performing poorly due to capacity issues caused by the development of 650 dwellings and 5 hectares of employment land. As such, the Council's Transport Planning team commissioned a study

to review the capacity of the junction in relation to the impact of the development and previous, existing, and forecasted traffic patterns.

- 53 Observed pre Covid-19 traffic flows from 2016 were used as a base year and industry standard traffic growth applied up to 2033. The assessment also utilised a 6-metre wide (new primary access to the development) minor arm road onto the B9099 to assess junction capacity.
- 54 The assessment concluded that the existing junction, with appropriate upgrades, would support an upper limit of 520 dwellings and 5ha of employment land. This is less than the 650 dwellings sought through the S42 application.
- 55 Comments have also been submitted on behalf of the landowner of the remaining part of the site. The response raises how the determination of this application could impact on the development of the remainder of the site and that the issue of phasing of any additional transport infrastructure mitigatory measures should be considered as a site-wide issue.
- 56 Notwithstanding the technical capacity of the junction to serve the development, the phasing/timing and associated delivery mechanism(s) of any additional transport infrastructure mitigatory measures is also an important consideration. This is particularly the case where the site has split ownership and the development parcels are being progressed separately. Most of the allocation falls under the remit of this application. The additional section of land under separate ownership is currently being progressed separately (see 22/00727/SCOP & 22/00009/PAN).
- 57 In terms of dwelling numbers, the application site has permission for an upper limit of 650 dwellings with the remainder of the site's capacity (as identified in LDP2) of 760 to be delivered in the other part of the site, indicatively up to 110 dwellings and subject to detailed assessment at the planning application stage.
- 58 The Council's Strategy and Policy Team have provided comments which are of important note. The response comments that if the current consented area was allowed to proceed on the basis of 650 units without the need for further additional transport mitigatory measures this could result in adverse impacts for the delivery of the wider MU27 site. Shifting the burden of any additional transport mitigatory measures wholly on to the remainder of the site (controlled by the other landowner) would potentially render this part of the site unviable. In addition, due to the location/layout of the site and the existing transport network, the area of the site under separate ownership is required to connect into the applicant's development to access the public road network. As such, there is no obvious additional link in from this part of the site into the existing road network to the north. Any additional road access connecting the site in to the A9/CTLR roundabout(s) to the south would therefore be outwith the control of the other landowner, as far as practically known.
- 59 The response further comments that additional transport mitigatory measures that would benefit the connectivity of the site and help to mitigate the impact

of the development on the local area is a site-wide issue, with resultant costs likely to be high. Therefore, a joint approach to deliver infrastructure requirements associated with the entirety of MU27 is advocated in line with the comprehensive masterplanning approach required by LDP2. To consider the site as individual developments runs the risk of not being able to deliver the required transport infrastructure measures for the wider site with an over-reliance on the primary access route at the north.

- 60 Taking into consideration the information submitted by the applicant and also the views of PKC Transport Planning and Strategy and Policy there are a lot of unknowns in respect of Covid recovery, the A9 dualling and the CTRL. As such it is considered that a pause and review is required to allow for further modelling and traffic counts to be undertaken to assess the impact on the local road network and strategic network.
- 61 In view of this and in order to progress the application, PKC Transport Planning team do not object to the proposal subject to the condition no more than 520 dwellings and 5 hectares of employment land as may be approved by Matters Specified in Conditions application(s) shall be occupied in advance of a scheme for new transport infrastructure solutions to distribute and/or reduce traffic from further development via transport networks, has been submitted and agreed in writing by the Planning Authority (condition 3). This is less than the 650 dwellings sought through the S42 application, however, for reasons mentioned above is considered to be the most in which the Planning Authority can offer support.
- 62 Furthermore, limiting the occupation of the site to 350 units within the lifetime of the plan reflects the LDP2 site requirement. The applicants and their agent have been advised of this.

### **Developer Contributions**

- 63 No change to developer contributions through amending Condition 3 of planning permission 22/00869/IPM. The terms of S75 and associated contributions will not change.

### **Economic Impact**

- 64 The economic impact from this proposal is anticipated to be limited.

### **LEGAL AGREEMENTS**

- 65 The current Section 75 requires to be updated as the agreement does not have a “future proofing” clause to accommodate for subsequent changes to the development, covering Section 42 applications or renewal of permission and other related planning changes. A minute of variation requires to be undertaken to include this clause within the agreement.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

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

## **A RECOMMENDATION**

**Approve the application subject to the following direction and conditions:**

### **Direction**

1. Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (22/00869/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 20 years.

### **Conditions and Reasons for Recommendation**

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
  - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

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

2. The submitted masterplan, site layout plan and indicated scale of development, of up to 650 dwellings and 5 hectares of employment land, are purely indicative and are hereby not approved.

Reason: The application is for planning permission in principle only at this stage and an appropriate level of development, layout and design shall be determined through applications for the Approval of Matters Specified in Conditions.

3. Notwithstanding the terms of Condition 2, the maximum number of dwellings permitted to be occupied by 2029 is 350 dwellings. Furthermore, no more than 520 dwellings and 5 hectares of employment land, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new transport infrastructure solutions to distribute and/or reduce traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority. The solution may be a vehicular connection to the Cross Tay Link Road (CTLR) or an alternative measure. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units and include the timing for the delivery for the infrastructure improvements.

Reason: In compliance with the allocation MU27 of the Perth and Kinross Local Development Plan 2 (2019); in the interests of local and trunk road traffic safety; and enhancing connectivity and integration with Luncarty and the wider area, all in the interests of good placemaking.

4. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:

- (i) a detailed phasing plan;
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
- (v) details of any screen walls/fencing to be provided (including any acoustic barriers);

- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vi) details of all landscaping, structure planting and screening associated with the development of each site;
- (vii) the lighting of all streets and footpaths;
- (viii) the layout of play areas and the equipment to be installed;
- (ix) full details of the proposed means of disposal of foul and surface water from the development;
- (x) details of car charging points to be provided within the development; and
- (xi) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.

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

5. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4(i), a phasing strategy (supported by appropriate plans) shall be submitted to and approved in writing by the Planning Authority. The phasing strategy shall have regard to the requirements of Condition 3 and include and demonstrate the following details:

- (i) The timing and number of dwellings to be developed in each phase;
- (ii) The timing of delivery of infrastructure, open space and landscaping;
- (iii) When the first 2 hectares of employment land will be fully serviced; and
- (iv) When the remaining 3 hectares of employment land will be fully serviced.

For the avoidance of doubt "fully serviced" is land subdivided ready for building by individual occupiers. The individual plots shall be served by surfaced roads and footpaths, surface and foul drainage (with connecting tails into the curtilage of each plot), and water, gas/electricity and telecom ducting to the edge of (or in footpath next to) individual plots.

Reason: To ensure the implementation and completion of the employment land component of the proposal as this is the element of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.

6. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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



7. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

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

Reason: In the interest of protecting archaeological interest within the site.

9. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 4, a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account mitigation from any acoustic barriers or other such mitigation proposed.

Reason: In the interests of residential amenity.

10. Prior to the commencement of development of each phase an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

11. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

Reason: In the interests of residential amenity.

12. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

13. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme shall be submitted to the Planning Authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

14. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 4 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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

15. The conclusions and recommended action points within the supporting Environmental Impact Assessment (EIA) and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason: In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species.

16. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Planning Authority prior to commencement of works.

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

17. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be submitted for the written approval of the Planning Authority. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day. Thereafter, the approved scheme

shall be implemented for the duration of the construction works of the development hereby approved.

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

18. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

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

19. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the development shall be completed in accordance with the approved scheme.

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

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

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

21. As part of the first application for the Approval of Matters Specified in Condition an updated District Heating Feasibility Study for the whole site shall be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

22. Prior to the occupation of the first dwelling all matters regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads

Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

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

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

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

Reason: In the interests of road safety.

24. As part of any application for the Approval of Matters Specified in Condition, all schemes of hard and soft landscaping works shall be submitted to the Local Planning Authority.

Details of the schemes shall include:

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

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

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

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

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

26. As part of any application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: In the interests of best practice surface water management; to avoid undue risks to public safety and flood risk.

27. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.

Reason: To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan policy and Supplementary Guidance.

28. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.

Reason: To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan policy and Supplementary Guidance.

29. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to transport infrastructure.

Reason: To ensure that the development approved makes a contribution towards improvements of transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

30. Prior to the commencement of development mitigation measures for the full length of Scarth Road are to be submitted and agreed to the satisfaction of the Planning Authority to accommodate additional traffic generation. The agreed detail shall thereafter be implemented prior to the completion of development.

Reason: In the interests of road safety and residential amenity.

31. Scarth Road and Fairview are not to be used for construction traffic. Construction access to be taken from the new Primary Access Road, which will require to be developed first.

Reason: In the interests of road safety and residential amenity.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

The existing Section 75 tied to planning permission 17/00847/IPM is required to be updated and/or modified as the agreement does not have a “future proofing” clause to accommodate for subsequent changes to the development, covering Section 42 applications or renewal of permission and other related planning changes. Consent shall not be issued until the Section 75 Agreement has been modified, signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

1. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
5. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water’s assets. The applicant must make

a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
8. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
9. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
10. The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
11. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
12. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
13. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
14. Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.



15. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
16. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
17. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477027.
18. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
19. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
20. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
21. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
22. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
23. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Background Papers: 8 letters of representation  
Contact Officer: Gillian Peebles  
Date: 10 February 2023

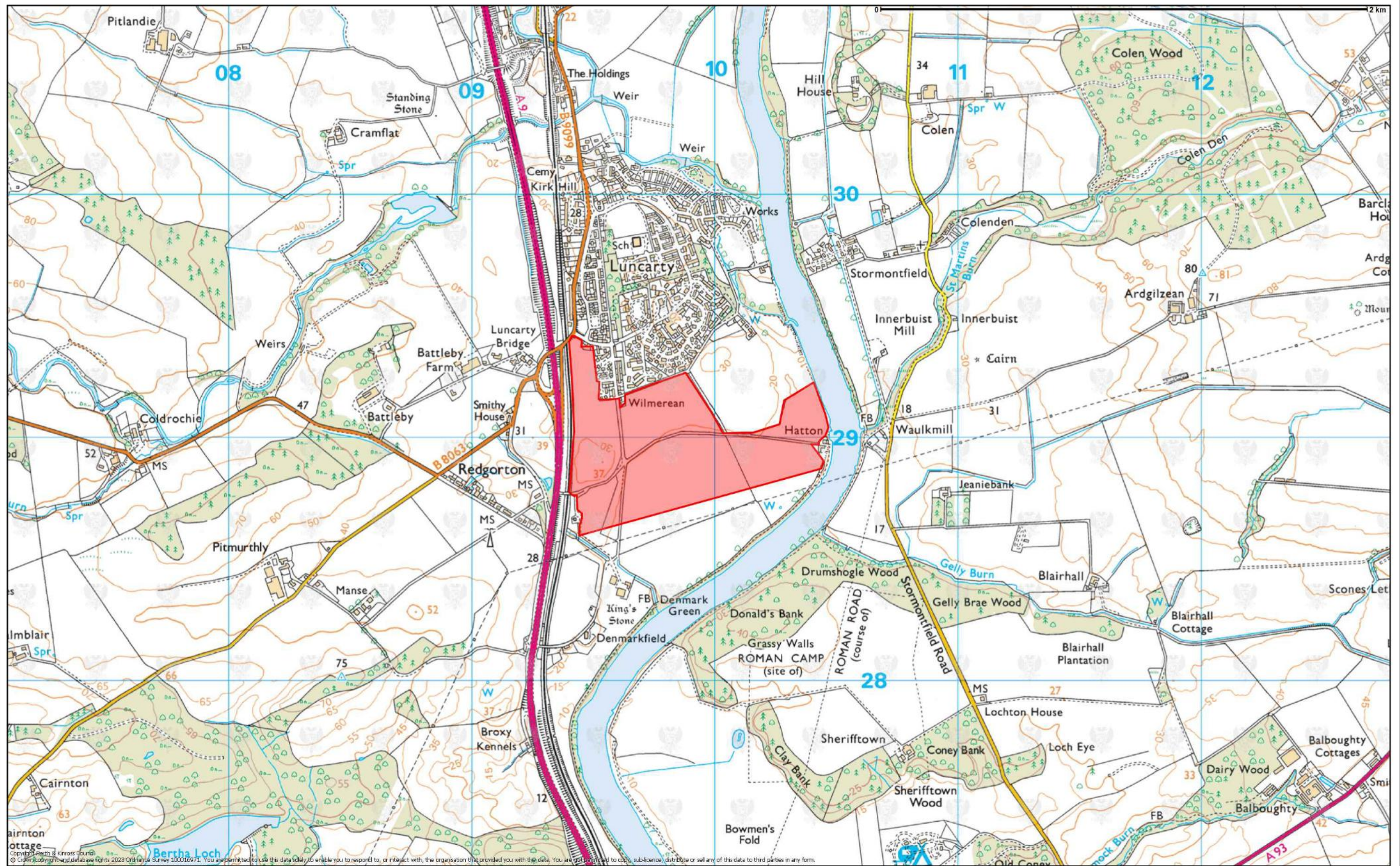
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Planning and Placemaking Committee 22 February 2023

Scale 1:15000



22/00869/IPM

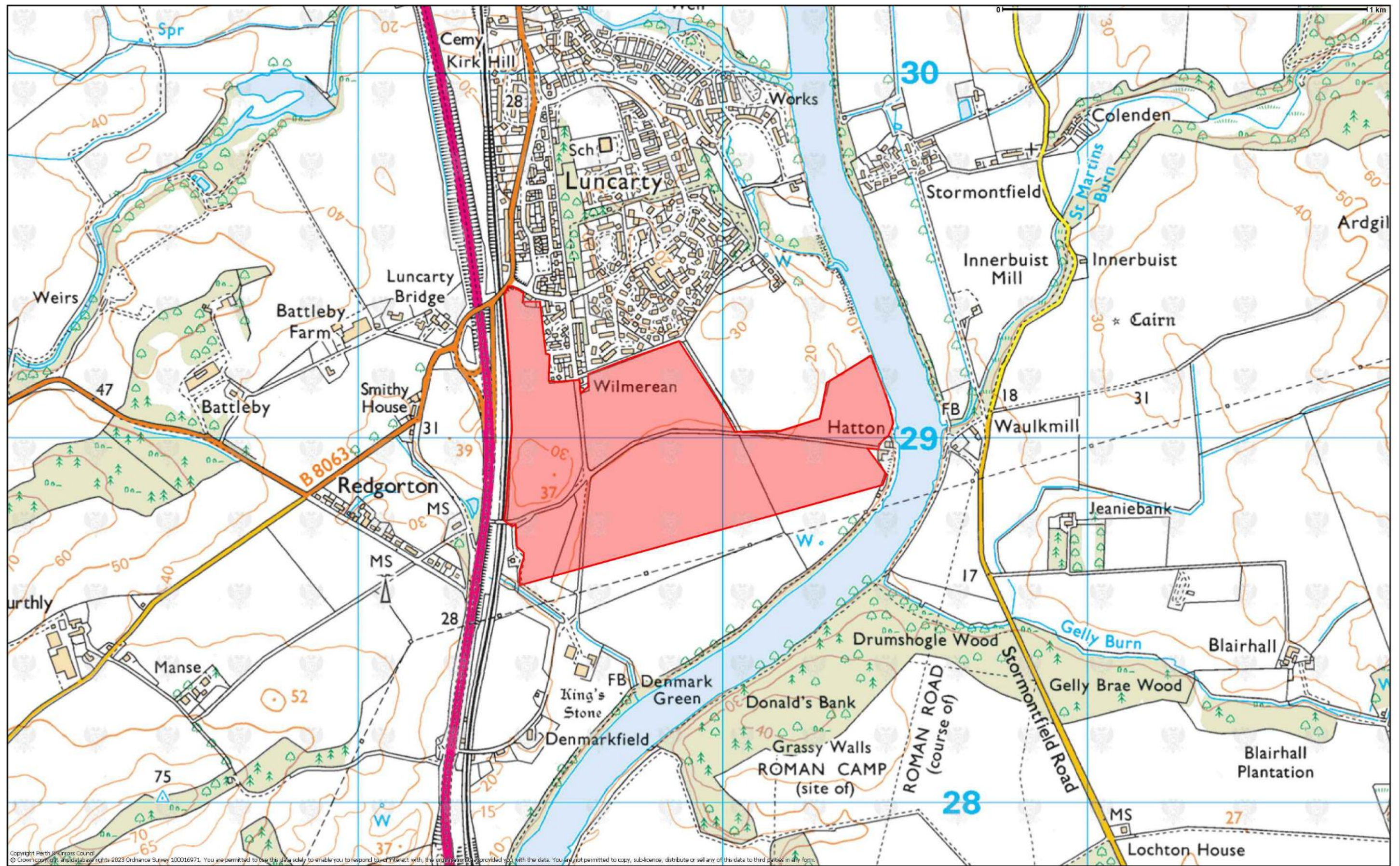
S42 application to modify condition 3 (occupation of dwellings) of permission 17/00847/IPM at Land 250 Metres South East Of Wilmerean Luncarty











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Planning and Placemaking  
Committee 22 February 2023

Scale 1:10000



22/00869/IPM

S42 application to modify condition 3 (occupation of dwellings) of permission  
17/00847/IPM at Land 250 Metres South East Of Wilmerean Luncarty







Perth and Kinross Council  
 Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/60)

**PROPOSAL:** Erection of 81 dwellinghouses, a substation and formation of play area, SUDS, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (LDP site H31)

**LOCATION:** Land 90 Metres West Of King Street Junction, Mill Brae, Stanley, Perth

Ref. No: [22/01158/AMM](#)

Ward No: P5- Strathtay

### Summary

This report recommends approval of the application, subject to conditions. It proposes the erection of 81 dwellinghouses, a substation and formation of play area, SUDS, landscaping and associated works.

The proposal is considered as a minor departure to the Development Plan with there being material considerations in this case which justify such a departure from the relevant policy.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is allocated in the Perth and Kinross Local Development Plan (2019) (LDP2) as H31. The allocation forms part of a wider masterplan and allocation for residential development across Stanley comprising of five site allocations (H30-H34). Cumulatively, the LDP2 allocations total an area of 25.7 hectares (ha), with the indicative range of 248-387 residential units, of which only 280 units can be built by 2024.
- 2 Planning Permission in Principle (PPP) was granted as part of one application across the entire H30-H34 allocation in August 2018 (Ref: 17/00088/IPM), which was subject to a Section 75 legal agreement and planning conditions, including an Approval of Matters Specified by Condition (AMSC) requiring detailed layout and design details for all sites by August 2032. A masterplan and indicative layout plan were submitted with the PPP application indicating 465 units in total for all sites.
- 3 The H31 site is located to the south-east corner of Stanley and northwest of Stanley Mill. The site covers an area of approximately 4.7 ha and is contained to the south, east and west by existing woodland. There is existing housing to the north which overlooks the site.

- 4 This site has extant planning permission (09/01788/FUL) for 34 dwellings (the site area above includes this application site). Work commenced on site in June 2017 but has not continued. The masterplan and indicative layout plan for the PPP application shown an indicative number of 40 additional dwellings. The scale of development proposed here for this site is 81 dwellinghouses which is more than that indicated previously, however, that figure was indicative as highlighted by Condition 2 of the PPP and is not binding. Condition 7 of the PPP, however, does limit the permission to 431 residential units across the H30-H34 allocations in addition to the 69 units previously consented (09/01788/FUL – H31 and 14/01365/FUL – H33). At the time of writing, allocations H32 and H34 are yet to submit detailed applications.
- 5 A core path is proposed to encircle the proposed dwellings and connect up with the existing core path network. Access is proposed from the north-western corner of the site. A SUDs pond is proposed to be located to the south alongside a play area with open space and retained woodland planting, also to the south and west.
- 6 This application seeks AMSC and proposes the following development:

#### Open Market

- 21 x 4-bedroom 2 storey dwellinghouse
  - 36 x 3-bedroom 2 storey dwellinghouse
  - 4 x 2-bedroom 2 storey dwellinghouse
- Total = 61

#### Affordable Housing

- 2 x 2-bedroom bungalow
  - 9 x 2-bedroom 2 storey dwellinghouse
  - 1 x 3-bedroom bungalow
  - 6 x 3-bedroom 2 storey dwellinghouse
  - 2 x 4 bedroom 2 storey dwellinghouse
- Total = 20

#### Associated Infrastructure

- Vehicle access from Mill Brae;
- Core path connection and upgrade
- Accessible paths, with links to core path;
- Open space provision;
- Play area provision;
- Sustainable Urban Drainage Systems (SUDs) basin;
- Retained and enhanced woodland.

#### **Environmental Impact Assessment (EIA)**

- 7 The PPP application was EIA screened (16/01867/SCRN) and determined that an EIA is not required. No further EIA procedure is required for this AMSC application.



## **Pre-Application Consultation**

- 8 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, however, as the proposal is an AMSC application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for the in-principle (PPP) application.

## **National Policy and Guidance**

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

## **National Planning Framework 4 2022**

- 10 The revised draft 4 National Planning Statement was published on 8 November 2022 and approved at Parliament on 11 January 2023. In this instance the primary policies relevant seek to encourage, promote and facilitate development that meet with the six overarching spatial principles, which include: local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.

## **Planning Advice Notes**

- 11 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage
  - PAN 83 Masterplanning

## **Creating Places 2013**

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

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

### **Designing Streets 2010**

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

### **National Roads Development Guide 2014**

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

### **Development Plan**

- 15 The Development Plan for the area comprises the Perth and Kinross Local Development Plan 2 (2019).

### **Perth and Kinross Local Development Plan 2 (2019) (LDP2)**

- 16 The Perth and Kinross LDP 2 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 17 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 25: Housing Mix
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
  - Policy 27A: Listed Buildings
  - Policy 38A: Environment and Conservation: International Nature Conservation Sites

- Policy 39: Landscape
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

#### **LDP2 Allocation – Site References H30-H34: Stanley**

- 18 Five sites covering an area of 25.7ha are allocated for an indicative capacity of 248-387 residential units. The Site-Specific Developer Requirements relative to H31 are:
- Development phased to ensure that there is adequate infrastructure to accommodate it;
  - The identification and provision of 1ha of employment land;
  - Flood Risk Assessment required for site H31 which must consider risk of flooding from adjacent reservoir;
  - Cycle paths, core paths and pedestrian routes incorporated into masterplan;
  - The development of a comprehensive landscape masterplan for the village creating a robust landscape framework maximising the potential to enhance biodiversity and protection of habitats;
  - Contributions to enhanced community facilities; and
  - Retain ancient semi-natural woodland at allocation H31.

#### **Other Policies**

- 19 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Placemaking Supplementary Guidance July 2020
  - Developer Contributions and Affordable Housing Supplementary Guidance July 2020.
  - Flood Risk and Flood Risk Assessments – Developer Supplementary Guidance January 2021

## Site History

- 20 [09/01788/FLL](#) Erection of 34 dwellinghouses and associated infrastructure and landscaping. Approved June 2014.
- 21 [11/01109/FLL](#) Formations of SUDS area and associated works. Approved September 2011.
- 22 [14/01536/FLL](#) Renewal of permission (11/01109/FLL) for formation of SUDS area and associated works. Approved October 2014.
- 23 [15/00010/PAN](#) A Proposal of Application Notice (PoAN) relating to a Proposed masterplan for village expansion was considered sufficient in June 2015.
- 24 [16/01867/SCRN](#) EIA Screening Opinion for expansion of Stanley Village. EIA not required January 2017.
- 25 [17/00088/IPM](#) Mixed use development (in principle). Approved August 2018.

## CONSULTATIONS

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

### External

- 27 **Perth And Kinross Heritage Trust:** No objection.
- 28 **Historic Environment Scotland:** No comments.
- 29 **RSPB:** No comments.
- 30 **Stanley and District Community Council:** No comments.
- 31 **Stanley Development Trust:** No comments.
- 32 **Sport Scotland:** No comments.
- 33 **NatureScot:** No comments.
- 34 **Scottish Water:** No objections. Advise of water and wastewater capacity in the area and that Scottish Water will review the availability of capacity at the time a formal connection application is submitted to Scottish Water. Scottish Water records indicate that there is live infrastructure in the proximity of the development, therefore, the applicant must contact Scottish Water for an appraisal of the proposals.
- 35 **Transport Scotland:** No objections.

## Internal

- 36 **Environmental Health (Noise Odour):** No objection on noise or air quality grounds, related standard condition recommended for noise.
- 37 **Environmental Health (Contaminated Land):** No comments.
- 38 **Biodiversity/Tree Officer:** No objections subject to condition.
- 39 **Planning and Housing Strategy:** No objection subject to condition.
- 40 **Development Contributions Officer:** Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments.
- 41 **Affordable Housing Enabler:** No comments.
- 42 **Community Greenspace:** No objection.
- 43 **Transport Planning:** No objections subject to conditions.
- 44 **Structures and Flooding:** No objections subject to conditions.
- 45 **Community Waste Advisor:** No objection but provide detailed advice on the requirements for bin provision, vehicle and operative access, road specifications and vehicle turning requirements.
- 46 **Conservation Team:** No objections.
- 47 **Scottish Environment Protection Agency:** No objections.

## Representations

- 48 One representation was received. The main issues raised within the representations are:
- Visual amenity
  - Inappropriate land use
  - Loss of Trees
  - Noise Pollution
  - Overlooking
- 49 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

50

Screening Opinion	Screened (16/01867/SCRN). EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required

Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Pre Application Consultation Report Arboricultural Impact Assessment Drainage Statement Transport Statement Preliminary Ecological Appraisal Bat Roost Assessment Air Quality Assessment Flood Risk Assessment

## APPRAISAL

- 51 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### Principle

- 52 The principle of residential development on the site is well established through the allocation in LDP2 (and previous Local Development Plan) and by virtue that the site forms part of PPP (Ref: 17/00088/IPM) granted in August 2018.
- 53 The principle of residential development is thus established. It is, however, necessary to undertake an assessment of the detail of this proposal. In terms of the number of dwellinghouses proposed versus those indicated in the PPP, this application is further assessed below.

### Density, Design and Layout

- 54 The applicant has submitted a supporting Design and Access Statement, as required for an allocated site under LDP2 and a Supporting Planning Statement.
- 55 The matters specified in Condition 3 of the PPP sets the required detail in respect of the layout and design consideration: phasing, levels, the siting, design and height and external materials in respect of fencing, landscaping and other technical matters. Several other related planning conditions support these specified matters, which are addressed here or in the other sections below, as appropriate. LDP2 Policy 1: Placemaking is relevant in considering these matters.

## Density

- 56 The site capacity range of 248-387 units for sites H30-H34 covers the five sites approved under the PPP without identifying a capacity range for neither all sites collectively, nor individual sites. The Site-Specific Developer Requirements does identify H31 as requiring a Flood Risk Assessment for the site due to a risk of flooding from an adjacent reservoir and for the retention of the ancient semi-natural woodland.
- 57 The applicant has taken account of some initial feedback following submission regarding the car dominated street frontages, parking provision for 2 bed properties and garden sizes for 2 and 3 bed properties and has provided the Council with an updated site layout which has reduced the number of dwellinghouses proposed from 89 to 81.
- 58 The scale of development proposed here is for 81 dwellinghouses. This is more than the combined 74 units, 34 dwellings approved in the extant consent (09/01788/FUL) and additional 40 units indicated in the PPP stage. Nonetheless, that figure was indicative as highlighted by condition 2 of the PPP and is not binding.
- 59 The proposed number of units can be physically accommodated within the site, along with retained woodland, enhanced core path provision, a SUDs pond, open space and a play area that can be enjoyed by all residents in the area, further demonstrating the sites capacity for the number of dwellings proposed. A good level of rear private amenity space will be provided along with landscaped frontages. The scale of development for this site is acceptable.
- 60 Whilst it is not a matter for this application, it is noted that, should similar densities be sought for the remaining sites approved under the PPP (Sites H32 and H34) this may result in the cumulative capacity range (248-387) and the PPP limit of 431 residential units being reached before all sites have detailed approval. This may result in the need to seek planning permission for an increased range on the other Stanley sites.

## Design and Layout

- 61 In terms of housing mix, the development proposes a mix of 2-4-bedroom properties. The revised proposals have resulted in the reduction of the number of 2-bedroom mainstream properties from 8 to 4, as a result of design & layout changes sought by the case officer in relation to garden size, parking provision and garden frontages. This is less than 10%, as prescribed by Policy 25, and whilst this results in a minor departure from policy, this reduction accommodates better parking solutions together with improved rear garden sizes and greatly improves the green frontages, overall contributing positively to the streetscape and providing a more balanced approach in terms of plot density, parking and green frontage.

- 62 The proposed rear gardens are in excess of the Council's minimum standards and will not compromise daylight or privacy of each other or any of the existing dwellings immediately adjacent to the site boundary.
- 63 The proposed layout has been dictated by the existing woodland to the south and west which requires to be retained. It provides an acceptable design solution for the site with development focussed on the northern and central parts of the site with open space located to the south, including a play area and SUDs. The topography of the woodland area of the site falls steeply towards the southeast boundary and as such is the best location for the SUDs. Path linkages are proposed throughout creating a strong connection between the core path to the north and the woodland to the south.
- 64 In terms of the proposed design of each house type, there is an acceptable range of design and materials reflective of recent developments elsewhere in Stanley. All house types have a focal entrance feature. Feature panels of timber cladding, facing brick or roughcast are incorporated to break up large areas of singular material. Finishing materials comprise of random coursed stone (buff and grey), roughcast (buff and grey), precast (buff and grey), anthracite cladding and concrete roof tiles. Windows will be double glazed upvc finished in anthracite grey and doors/side screens will also be anthracite as will garage doors.
- 65 A phasing plan has been submitted, as per condition 3 of PPP 17/00088/IPM, with the application and the intention is to build out as 3 phases. Phase 1 being the northern part of the site, phase 2 being central and phase 3 being the southern part of the site. The site has been well laid out and designed, taking into account the key constraints and opportunities of the site including incorporating the development in relation to the existing ancient semi-natural woodland. The site provides good connectivity, both within the development and with the surrounding area, including providing access to existing core path provision. The Design & Access Statement has provided a sound justification for the design and layout of the site, considering a range of key design parameters such as hierarchy of streets, broad development parameters of the site, connectivity, use of landscaping, surface & external finishes, etc. The site also incorporates a range of 2–4-bedroom units, with the affordable housing units well interspersed within the site. The site also mixes the size range of properties across the development. Overall, the general layout, house designs and materials proposed are acceptable and in accordance with LDP2 Policy 1 – Placemaking.

#### Open space and Landscaping

- 66 The LDP2 requires the “identification and provision of suitable open space” to support the expanded requirements of the village. This site provides an area of open space that will benefit the local community. It is positive to see that the ancient semi-natural woodland is being retained, enclosing the development. To integrate the site into the wider context, however, and to provide better connections with the surrounding residential buildings it was suggested that a footpath link be introduced on the western boundary leading down towards Stanley Mills. This was explored by the applicant, however, due



to the topography of the site and extent of excavation required to install steps, it would have regrettably resulted in a significant loss of trees, contrary to the Site-Specific Developer Requirements which requires the retention of the ancient semi-natural woodland.

- 67 The PPP requires landscaping to be addressed, together with a landscaping specification. The proposal sees tree planting throughout the development including mixed native hedging and ornamental shrub planting as well as other soft landscaping which will assist in breaking up views and integrating the proposal into the landscape. Over time the proposed development will blend in with the existing urban environment of Stanley. Subject to ongoing maintenance, which can be secured through condition, the proposal complies with LDP2 Policy 42 (Condition 10).

#### Play Area

- 68 The play area is to be located together with the SUDs and open space at the southern edge of the site in an area which will benefit from natural surveillance through the houses which are orientated to face towards the open space. A condition will be required to ensure its delivery (Condition 22).
- 69 Overall the design and layout of the scheme is considered to be appropriate when assessed against the relevant matters specified in the PPP and LDP2 Policy 1.

#### Landscape and Visual Amenity

- 70 In terms of the impact on visual amenity of the area, a residential development will inevitably change the visual appearance of the area, however, the application site has been identified for residential use in the LDP, therefore this degree of change was envisaged in the site allocation and permission granted under the PPP. The design and layout of the site, along with the proposed landscaping and retention of the ancient semi-natural woodland enclosing the development is considered to be acceptable in landscape terms and will not cause any unacceptable visual impacts. The proposal accords with the provisions of PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B with delivery of landscaping being secured as detailed above.

#### **Residential Amenity**

- 71 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas.

#### Existing Residential Amenity

- 72 The location of the proposed dwellinghouses relevant to existing residential properties is such that there will be no loss of privacy or loss of daylight or overshadowing. Similarly, the new properties are adequately spaced out to prevent any impact on amenity in terms of loss of privacy, daylight or overshadowing. The proposal is therefore considered to comply with Policy 17

– Residential Areas as the proposed use and impact is considered acceptable.

- 73 Specific LDP2 policies consider noise and air quality; Policy 56 and 57 respectively.

#### Air Quality/Dust

- 74 Air quality was assessed at in principle stage and concluded as negligible significance for both nitrogen dioxide and particulates, however consideration was required for dust management during the construction phase and as such condition 25 of 17/00088/IPM requires that a Dust Management Plan be prepared and submitted prior to commencement of works. Following comments received from Environmental Health a Dust Management Plan was submitted. This has since been reviewed by Environmental Health and found to be acceptable, therefore, the proposal complies with LDP2 Policy 57.

#### Noise

- 75 Condition 26 of 17/00088/IPM asks that noise be reassessed at the detailed planning stage for each site to ensure that a suitable level of residential amenity can be achieved. It is noted however, that given the location of H31 in relation to proximity to the road and railway, this site was scoped out of the noise impact assessment undertaken by CSP Acoustics LLP and therefore reassessment is not required for this site. The applicant should however ensure that noise from the proposed substation does not impact on the residential amenity of any existing or proposed residential receptors. There are therefore no conflicts with LDP2 Policy 56, subject to condition (Condition 6).

#### **Roads and Access**

- 76 A Transport Statement has been submitted in support of the application and has been assessed by both Transport Scotland and the Council's Transport Planning team.
- 77 The access into the site is proposed from the north west corner on Mill Brae forming a staggered junction with King Street. Concerns noted within the representation relate to the location of the access with a suggestion that the entrance be located further north at the top of Mill Brae where it joins with Mill Street, utilising the existing access into the field. Whilst using this existing access would seem logical and would prevent a large section of the stone wall from being demolished alongside the requirement to fell trees, the existing access into the field is not deemed to be the best location for access and egress. The bell-mouth proposed has been off-set from the existing road junction to improve road safety. Whilst an opening within the wall will be required for the new access and will require the removal of trees, the stone wall, albeit a historic feature within the area, is neither listed nor in a conservation area. A primary road will follow on from the access point forming an internal loop. A footpath will connect the core path at the northern boundary to the landscape/open space at the southern boundary.

## Parking

- 78 The original drawings generally designed parking to be located at the front of dwellings creating car dominated frontages. Perth and Kinross Council Placemaking Guide 2020, page 39 specifies for off-street parking that parking within the plot should not dominate the front garden of houses. Similarly Designing Streets specifies that car parking should be level with, or behind the main building line which is more aesthetically pleasing in streetscape terms. It further references that parking within the front curtilage should generally be avoided as it breaks up the frontage, can be unsightly and restricts informal surveillance. To positively improve the placemaking quality of the site, some terraced rows were divided into 2 semi-detached properties to allow parking provision to be included down the side of houses allowing the frontage to provide a greater level of amenity. This is further enhanced by border planting which helps create a streetscape that is designed for people rather than cars.
- 79 Proposed electric vehicle charging points are also welcomed within the site. (Condition 21).
- 80 Overall, the proposal accords with LDP2 Policies 1 and 60 by creating a coherent structure of streets and spaces that are accessible for all, especially those on foot, bicycle and public transport subject to planning conditions (Conditions 18-21).

## **Drainage and Flooding**

### Flood Risk

- 81 The PPP (Condition 13) required the submission of a Flood Risk Assessment (FRA). This has been submitted and assessed by both SEPA and the Council's Structures and Flooding team. No objections have been received, therefore the proposal is compliant with LDP2 Policy 52 – New Development and Flooding.

### Drainage

#### *Foul Drainage*

- 82 Scottish Water have advised that there is insufficient capacity in the Stanley Waste Water Treatment Works to service the development. They further advise, however, that they are committed to supporting development through their investment programme. The developer will be required to undertake a separate consenting process with Scottish Water before development can commence on the site.

#### *Surface Water Drainage*

- 83 The PPP (condition 12) requires the final drainage calculations and details of the SUDs pond to be submitted with any AMSC application. SEPA expect surface water to be treated by SUDs in line with Scottish Planning Policy

(paragraph 268) and in development of this scale, the requirements of the Water Environment Controlled Activities Regulations (CAR). SUDs help to protect water quality and reduce potential from surface water flood risk. Additional information will be required to inform the detailed design stage. This requirement is requested by Condition 4.

### **Waste Collection**

- 84 Condition 30 of PPP requires a plan specifying the bin storage areas and kerbside collection points be submitted with each AMSC application. These details have not been included in the submitted plans, therefore, this requirement is requested by Condition 13.

### **Conservation Considerations**

- 85 The proposed development is to the north-west of the historic building group at Stanley Mills, including a number of category A and B listed buildings and structures.
- 86 While the development is on elevated ground on the approach to the mill complex, due to the substantial retention of mature trees and woodland along the south-west and south-east boundaries of the site, the setting of the listed buildings is protected. The proposed development, therefore, complies with Policy 27A of LDP2.

### **Natural Heritage and Biodiversity**

- 87 The consideration of natural heritage and biodiversity is integral to the layout, design and landscaping detail required by the PPP. LDP2 Policies 38, 40 and 41 are also relevant considerations. The PPP requires a Woodland Management Plan, an updated Ecological Survey and a Protected Species Survey, all of which have been submitted.
- 88 These surveys and the detailed landscape proposals have been assessed by the Council's Biodiversity Officer. Following an update to the plans to provide more information the details are considered acceptable in terms of landscape and biodiversity value. It is concluded that, within the site, the proposal adequately provides biodiversity provision and thereby complies with LDP2 Policies 38, 40 and 41.

### **Trees/Woodland**

- 89 The Council supports proposals which protect existing woodland and trees, especially those with high natural, historic and cultural heritage value. In this regard the site contains an ancient semi-natural woodland which requires to be retained as per the Site Specific-Developer Requirements noted in the LDP2.
- 90 The applicant's Woodland Management Plan and detailed Landscaping Plan has been reviewed by the Council's Biodiversity Officer and found to be satisfactory. The proposal will deliver multiple benefits to biodiversity and

create a more interesting and diverse area for people to live. Overall, the proposal is considered to meet the objectives of LDP2 Policy 40B.

### Protected Species

- 91 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.
- 92 The Biodiversity Enhancement Plan is welcomed as a proactive approach to incorporating biodiversity into this proposed development. In particular, the ecological enhancements to the SUDs and inclusion of swift bricks are welcomed as Stanley is a known swift hotspot and swifts are a Tayside Local Biodiversity Action Plan and Scottish Government Priority species.
- 93 Planning conditions are proposed to ensure appropriate protection or mitigation of habitats and species during and post-construction (Conditions 14-17). During the construction phase, a Construction Environmental Management Plan (CEMP) is required to ensure adequate controls are in place to preserve environmental quality and biodiversity (Condition 18).

### **Sustainability**

- 94 LDP2 Policy 32 requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology. It is noted that solar panels and passive energy efficiency measures are to be incorporated across the development which is welcomed. However, the specific requirements of Policy 32 have not been formally addressed in terms of the 10% requirement for the deployment of Low and Zero Carbon Generating Technology in New Development (LZCGT). As required under Policy 32 the applicant will need to demonstrate compliance in terms of what LZCGTs will be deployed. As such a condition shall be imposed to ensure this requirement is met. (Condition 7).
- 95 In terms of Policy 34 and in line with condition 15 of application ref: 17/00088/IPM, a heat network feasibility study has been submitted in consideration of the potential for a heat network to support the site. The study outlines that it is not currently viable to develop a heat network at the site, with particular emphasis on the residential nature of the proposal and the number of units involved. Furthermore, the study indicates that there is the ability for safeguarding including potential space for a future energy centre if this is required in the future (details of which would need to be subject to approval at that time). As such, a condition requiring that the site is futureproofed for district heating infrastructure will be required (Condition 8). This satisfies the PPP requirements and that of LDP2 Policy 34.

## **Developer Contributions**

- 96 LDP2 Policy 5 – Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.

## **Affordable Housing**

- 97 LDP2 Policy 20 requires an Affordable Housing contribution equivalent to 25% of the units being developed. The application provides 20 affordable housing units (out of 81 units) which is slightly under 25% of the total units proposed for the site. The shortfall will be made up by way of a contribution, secured under a new S75.

## **Primary Education**

- 98 Primary Education is not required in this instance as there are no capacity issues in Stanley Primary School.

## **Legal Agreement**

- 99 A draft Heads of Terms is being agreed with the applicants and a Section 75 Legal Agreement is in the process of being prepared and will assess the following matters;
- Affordable Housing provision
  - Transport Infrastructure contribution
  - Open Space Provision and Maintenance
  - Play Area Maintenance
  - Contribution to Sports Pitch Provision/Improvement
  - Contribution to Community Sports Hub development

## **Economic Impact**

- 100 The impact to the local economy both during construction and occupation will be reasonably significant with additional available expenditure on local facilities and services.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 101 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to reduce car dominated street frontages, increase parking provision for 2 bed properties and increase garden sizes for 2 and 3 bed properties which has reduced the overall number of dwellinghouses proposed to 81.

## **LEGAL AGREEMENTS**

- 102 A legal agreement is required to secure infrastructure contributions. A Draft Heads of Terms is being agreed with the applicant and a S75 will be required to be finalised before the decision notice can be issued.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 104 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered a minor departure from the Development Plan, specifically Policy 25 of the adopted Local Development Plan 2 (2019). However, material considerations allow this to be outweighed in this instance and justify an approval recommendation.
- 105 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

#### **General**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period.  
  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

## **Drainage and Flooding**

3. Prior to the commencement of any works, a feasibility study with regards to de-culverting the watercourse to restore it to its natural state must be submitted for the approval of the Planning Authority in consultation with SEPA.

Reason - To prevent flood risk.

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

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

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

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

## **Residential Amenity**

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

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

## **Sustainability**

7. Prior to the commencement of development, a scheme, including a layout plan and cross sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within



the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow for future potential district heating infrastructure to be incorporated within the site at a future date.

8. Development shall not commence until specifying measures for each residential unit to maximise environmental sustainability through design, orientation and planting or any other means has been submitted for the written agreement of the Council as Planning Authority. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance. All works shall be carried out in accordance with the agreed scheme and be operational prior to the occupation of each residential unit.

Reason - In the interest of protecting the environment and sustainability.

### **Core Paths**

9. All existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases.

Reason - In the interest of sustainable transportation.

### **Trees and Landscape**

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

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

11. All landscaped areas outwith the curtilages of the dwellings and shown on the approved drawings shall be permanently retained as such and shall at no time be used as private garden ground nor incorporated within the curtilage of any of the dwellings hereby approved without the express grant of planning permission by the Planning Authority,

Reason - In the interests of the character and appearance of the development.

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

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

### **Waste Collection**

13. For each phase of the development, a site-specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: in the interests of the sustainable disposal of waste.

### **Biodiversity**

14. The conclusions and recommended action points within the supporting preliminary ecological appraisal, woodland management plan and biodiversity enhancement plan submitted and hereby approved (document(s) 22/01158/103, 22/01158/109 and 22/01158/119 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

15. Prior to the commencement of the development hereby approved, an Invasive Non-Native Species Control Plan shall be provided for the written approval of the Council as Planning Authority. The plan shall contain measures to eradicate and control invasive non-native species. Thereafter, the agreed scheme shall be implemented in full accordance during the construction phase.

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

16. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, hedgehog highways shall be created by providing access gaps in wooden fences on each plot at least 13cm x 13cm at ground level, to allow for the free movement of hedgehogs. Thereafter, the hedgehog highways shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

17. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by

edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day

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

18. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the agreed CEMP shall be adhered to at all times during the construction period.

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

### **Roads**

19. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
  - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
  - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - (i) details of information signs to inform other road users of construction traffic;

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interests of road safety

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

Reason - in the interests of sustainable transport.

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

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

### **Play Area**

22. The approved children's play area on plan reference 22/01158/44 (drawing number SC14594-01) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play provision within six

months of the occupation of the first dwelling. The play area and its facilities/equipment shall thereafter be maintained.

Reason – In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

## **B JUSTIFICATION**

The proposal is considered as a minor departure to the Development Plan as there are material circumstances that would justify a departure from the relevant policy 25 of the LDP2.

## **C PROCEDURAL NOTES**

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

## **D INFORMATIVES**

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public

- Printed on durable material.
5. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
  6. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
  7. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  8. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  9. No work shall be commenced until an application for building warrant has been submitted and approved.
  10. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
  11. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to reduce number of dwellinghouses and revise layout.
  12. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
  13. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>

14. An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
15. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
16. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
17. The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.
18. In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.
19. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
20. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
21. The applicant is reminded to discuss with the Council's Transport Unit the supply of a bus service and public transport infrastructure to ensure an adequate public transport provision for the site.

22. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.

Background Papers: 1 letter of representation  
Contact Officer: Gillian Peebles  
Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Planning and Placemaking  
Committee 22 February 2023

Scale 1:10000



22/01158/AMM

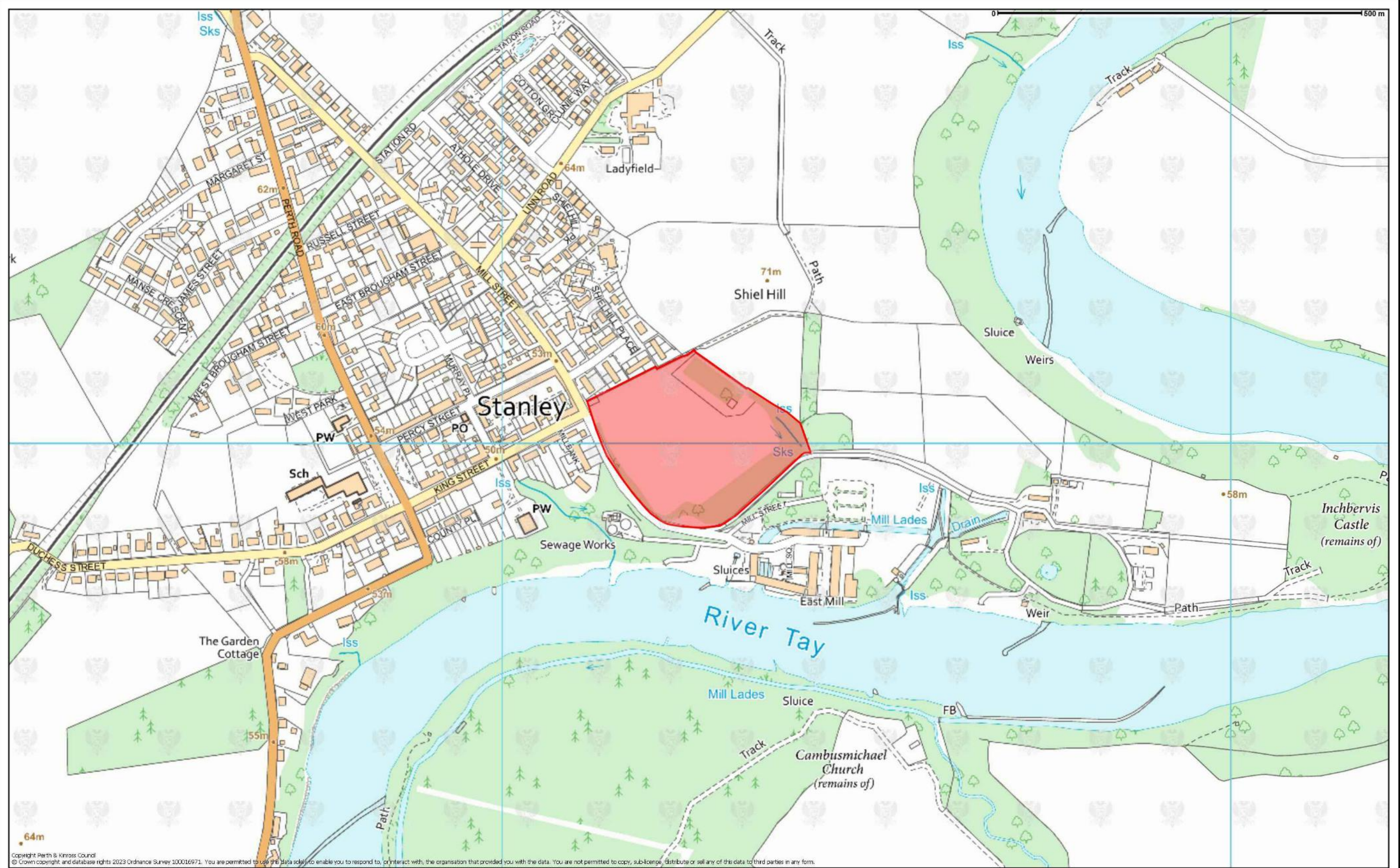
Erection of 81 dwellings, a substation and formation of play area, SUDS, landscaping and associated works (approval of matters specified in conditions of 17/00088/IPM) (LDP site H31) at Land 90 Metres West Of King Street Junction Mill Brae Stanley













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Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/61)

**PROPOSAL:** Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works

**LOCATION:** Land 130 Metres southeast of Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [22/01285/FLM](#)

Ward No: P2- Strathmore

### Summary

This report recommends refusal of the application which proposes the formation of a 49.9MW solar farm comprising: ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works all on land 130 Metres southeast of Coupar Angus Substation, Pleasance Road, Coupar Angus. The report concludes that the proposal does not comply with the provisions of the Development Plan, namely Policies 1A, 1B, 39 and 50 of the Perth and Kinross Local Development Plan 2, nor does it comply with Policy 11 of the National Planning Framework 4, and there are no material considerations apparent which outweigh the Development Plan in this instance.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site, referred to as 'Markethill Solar Farm,' is c.90.6 Hectares (ha) in area, and located approximately 650m south from the centre of Coupar Angus. Although not directly bordering, the site will be clearly visible from the northwest and northeast by the A923 and A94 public roads particularly on approach into Coupar Angus. The southern and south-eastern site boundaries are defined by Wester Balgersho and Pleasance Road. The Site is located approximately 2.5 km northwest of the 'Sidlaw Hills' Special Landscape Area and approximately 900 m south of the 'River Tay' Special Area of Conservation (SAC). The 'Coupar Angus' Conservation Area is located 245 m to the north (at the nearest point) and the Category C Listed Building 'Pleasance Farmhouse' and the Category B Listed Building 'Balgersho House' are located approximately 200 m north and 100 m southeast. The 'Coupar Angus Abbey precinct' and 'Coupar Angus Abbey gatehouse,' both Scheduled Monuments are located 290 m and 390 m north.
- 2 There are no Core Paths affected by proposed development, however Pleasance Road, which is used by the public as a footpath and walking route (non-designated), bisects the eastern area on a northwest to southeast angle.

There are several other Core Paths in the vicinity, including the A923 footway (COUP/121) - located near to the north-eastern boundary of the site and the A94 footway (COUP/139) - located near the north-western boundary of the site.

- 3 In physical terms the design and layout submitted is partially indicative, as the exact type and model of solar panels are not confirmed, and further pre-commencement surveys may indicate a need for micro siting of panels. However, in broad terms the development would consist of rows or 'strings' of solar photovoltaic (PV) panels occupying approximately 70 of the 90.6ha area. The panels would comprise photovoltaic cells (typically 60 to 72 cells per module) which are dark coloured and designed to maximise the absorbency of the sun's rays and minimise solar glare. Each string of panels would be mounted on a metal frame and supports, pile driven into the ground to a depth of approximately 1 to 2 m or on concrete footings. Fixing details will be confirmed after pre-construction surveys. Between each frame there would be a distance of between 3 m - 6 m, to avoid inter-panel shading and provide suitable access. Panels would be tilted at typically 15 to 30 degrees from the horizontal and orientated to face south. Panels would sit approximately 0.8 m from the ground at the lowest point (the southern edge) rising to approximately 3 m at the highest point (the northern edge).
- 4 Further associated infrastructure will comprise: electrical equipment, inverters and transformers, housed inside a container (c.7 m x 2.5 m x 3 m); a substation compound and two buildings (c.10 m x 6 m x 3 m and 18 m x 6 m x 3 m); a temporary construction compound to store equipment and a site office (indicated on Drawing 08); a 2.4 m high perimeter/ deer fence; 4 m wide access tracks as indicated on the site layout Drawing 04 as well as landscape planting indicated on Drawing 09.
- 5 It is assessed that the development will have an immediate and extended negative impacts on the landscape character and visual amenity within two kilometres of the development and on residents within Coupar Angus, owing to its size, form and location. This is discussed in more detail within the appraisal of this report (Paras: 52- 56).

## **Environmental Impact Assessment**

- 6 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.

- 8 An EIA screening has previously been undertaken for a development of similar scale and type to that now set out, (Reference 21/02234/SCRN), concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of archaeological, flooding/drainage, noise, ecology, traffic and transport, landscape visual impact and a risk management of development near to major gas pipelines was required to support any planning application.

### **Pre application Consultation**

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to size and scale. The applicant was therefore required to undertake formal pre-application consultation with the local community. Significant feedback resulted with the principle issues raised being: concerns over landscape and visual amenity; if there were any community and or economic benefits; impacts to recreation in the area and/or if there would be any benefits resulting from the development, such as community paths of recreation areas; concerns over the site selection and the use of prime agricultural land; impacts from artificial light and safety equipment; foundation design and impacts to archaeology; and impacts on the gas pipeline running through the site.
- 10 The Pre-Application Consultation (PAC) Report submitted with this application noted that two webinars or online events were held on 23 March and 2 of April 2022. The content and coverage of the community consultation exercise was considered sufficient and proportionate and in line with the aforementioned regulations, including the emergency provisions in place at the time due to the pandemic. Notwithstanding the approach taken aligns with the relevant regulations significant concern has been raised that the two online events were inadequate given the scale of development proposed and relaying that many residents in Coupar Angus were elderly and did not have adequate access to the consultation events.

### **National Policy and Guidance**

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

### **National Planning Framework 4**

- 12 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023, and was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. NPF4 itself is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. This is a statutory document and material consideration in any planning application. In this case policies

encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Whilst recognising that significant landscape and visual impacts can be expected by energy developments, it must be demonstrated that any impacts are localised and or employ appropriate design mitigation. It is assessed in this case that those impacts cannot be appropriately mitigated due to the size, location and scale of the development which will have immediate and enduring impacts on Coupar Angus and the surrounding landscape.

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

### **Perth and Kinross Local Development Plan 2**

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

The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 6: Settlement Boundaries
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
- Policy 35:
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape



- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Artificial Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

### **Other Policies**

- Perth & Kinross Council [Supplementary guidance on Flood Risk and Flood Risk Assessments, March 2021](#).
- Landscape Supplementary Guidance, February 2020.
- Placemaking Supplementary Guidance, February 2020.
- Planning for Nature – Development Management and Wildlife Supplementary Guidance, April 2022.
- Renewable & Low Carbon Energy Supplementary Guidance (Draft).

### **Site History**

#### **History pertaining to adjoining Land**

- 15 [18/00016/PAN](#) A proposal of application notice was submitted on 6 February 2019 seeking the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works
- 16 [19/00513/FLM](#) Full Planning Permission was approved on 24 September 2019 for the formation of a battery storage facility, vehicular access and associated works. This development was commenced in 2021. However, following design changes work stopped to allow for communications with the Council which eventually resulted in the submission of a revised application. (Planning Permission 22/00195/FLM).
- 17 [21/00015/PAN](#) a proposal of application notice was submitted on 18 November 2021 seeking the formation of a 49.9MW battery energy storage system with associated work and infrastructure. This proposal notice sought a materially different layout to that previously approved for this site.
- 18 [22/00195/FLM](#) Planning Permission was approved on 1 June 2022 authorising the formation of a 49.9MW battery energy storage system with

associated work and infrastructure. This permission is currently being implemented.

### **History pertaining to the application site**

- 19 [21/02234/SCRN](#) An Environmental Screening Opinion was sought from the Planning Authority on 1 February 2022 for a ground mounted solar photovoltaic array development similar to that proposed by this application. It was determined that the development would have localised impacts but that the development was not EIA Development in accordance with the regulations.
- 20 [22/00006/PAN](#) A proposal of application notice was submitted on 25 February 2022 for the Installation of a 49.9MW ground-mounted solar array and associated works. The details of any pre application consultation are included within the Pre-Application Report submitted with this application.

### **CONSULTATIONS**

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

#### **External**

- 22 **Scottish and Southern Energy (SSE):** No Objection. Initial concerns raised in respect of thermal radiation and earthworks impacting on SSE existing infrastructure. However, clarifications have seen these concerns addressed.
- 23 **Historic Environment Scotland:** No Objection. HES confirm the solar farm will have a visual impact on the wider countryside and setting of Scheduled Monuments SM5772 – Coupar Angus Abbey prescient and SM7250 – Lintrose House, but that any impacts will not detract in a way which impacts experience and appreciation.
- 24 **Transport Scotland:** No objection. Conditions are recommended to secure further consultation with TS in the event that any abnormal loads and or temporary traffic signage are required.
- 25 **Scottish Water:** No objection. The applicant will be required to consult with Scottish Water regarding any required water connections.
- 26 **Scottish Environment Protection Agency:** No Objection. No land raising is proposed and based on the land use vulnerability identified by this development no concerns are raised.
- 27 **National Grid Plant Protection Team:** No Objection. The applicant is advised they must consult National Grid prior to works starting.
- 28 **Dundee Airport Ltd:** No objection. No comments offered.
- 29 **Blairgowrie and Rattray Community Council:** No response.

- 30 **Kettins Parish Community Council:** Object. Significant concerns raised in terms of landscape and visual impacts, impacts on walking and cycling in the area and industrialised use of prime agricultural land.

### **Internal**

- 31 **Structures and Flooding:** Objection / Incomplete information. Further flood modelling of the site is required. The details provided for the flood modeller extents do not at this stage justify the significant difference between its output and that produced by the SEPA flood maps. No details appear to have been provided for existing land drains. Details pertaining to the functioning of existing drainage and any mitigation caused by piling to install the panels.
- 32 **Environmental Health (Noise, Glint and Glare):** No Objections, subject to conditions. In terms of 'Glint and Glare' modelling predicts significant impacts upon road users travelling along a section of the A94 and for two dwellinghouses: 9 Wester Balgersho Farm and dwelling 53 Easter Balgersho and, therefore there is a requirement for mitigation. Screening mitigation in line with that proposed is recommended. Noise impacts are identified from construction work and conditions are recommended to control plant equipment operations and that an appropriate complaint procedure is secured.
- 33 **Transport Planning:** No Objection subject to conditions related to an upgraded vehicle access and visibility splays, a construction traffic management plan and the provision of passing places on the C443 Road (Pleasence Road).
- 34 **Development Contributions Officer:** Consulted in error.
- 35 **Biodiversity/Tree Officer:** No Objections subject to conditions, namely: the provision of protection for existing trees onsite; the implementation of the planting and landscape plan submitted; the implementation of the mitigation identified within the biodiversity survey submitted; an updated ecological survey prior to the commencement of works; and the provision of a biodiversity action plan for agreement prior to development commencing.
- 36 **NatureScot:** No comments.
- 37 **Community Greenspace:** No comments.
- 38 **Perth and Kinross Heritage Trust:** No Objection, subject to an archaeological watching brief condition, as the site is within an area of Archaeological interest and due to the undeveloped nature of this site, there remains the possibility of buried remains still existing.
- 39 **Development Plan Team/Strategy and Housing:** No objection, subject to conditions regarding: the decommissioning of the development at the end of its life; and a soil management plan. The general principle of the development is broadly supported by LDP2. However, the renewable energy considerations must be balanced against any landscape impacts.

## Representations

- 40 164 representations were received, 145 objecting and 11 in support. In addition, a number of late comments in support of the development were received but being received after the statutory consultation period had ended, these have not been included in the total number of representations.
- 41 The main reoccurring reasons for objection are:
- Adverse effects on Visual Amenity
  - Inappropriate land use
  - Out of character for area
  - Light Pollution (this takes into consideration comments relating to the glare and light pollution from operation of the solar farm)
  - Ecology and Wildlife
  - Affects to walking and cycling
  - Road Safety and Traffic congestion
  - Noise Pollution
  - Over Intensive Development
  - Flood Risk
  - Inadequate landscape proposals
- 42 The principal reasons for support cited are:
- The climate emergency and the need to de-carbonise the economy
  - Positive economic benefits
  - Security of electricity supply

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

## ADDITIONAL STATEMENTS

43

Screening Opinion	Issued – The development is not EIA Development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal completed - addressed within supporting statement
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Landscape and Visual Impact Assessment Glint and Glare Study Ecological Impact Assessment Biodiversity Metric Assessment Sequential Site Selection Test Analysis Flood Risk Assessment

	Transport Statement Land Capability Classification Pre-Application Consultation (PAC) Report Design and Access Statement Heritage Impact Assessment
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## APPRAISAL

- 44 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Placemaking Guide, Flood Risks and Flood Assessment and Planning for Nature and Wildlife.

### Principle

- 45 The key determining policy issues for this specific proposal at this location include: the principle of the development and its contribution towards renewable generation targets/net zero agenda, (Policies 33 and 35 of the LDP2 and Policies 1 and 11 of the NPF 4), landscape/visual impact and recreational interests/access, (Policies 15 and 39 of the LDP2 and Policy 21 of the NPF4), impacts on prime agricultural land (Policy 50 of the LDP2 and Policy 5 of the NPF 4)), impacts on/from flooding and the water environment (Policies 52 and 53A of the LDP2 and Policy 22 of the NPF4), residential amenity (Policies 1A and 1B), cultural heritage & historic environment (Policies 26A, 26B, 27A of the LDP2 and Policy 7 of the NPF4), biodiversity/ecological impact (Policies 40 and 41 of the LDP2 and Policy 3 of the NPF4), pipeline and airfield safeguarding (Policies 54 and 61 of the LDP2), and transport (Policy 60A of the LDP2 and Policy 13 of the NPF4).
- 46 Policy 33 of the LDP2 generally provides support for the development of renewable and low carbon energy and associated infrastructure, subject to detailed assessment against various environmental and other planning issues. This is also reflected in Policies 1 and 11 of the NPF4, however, stronger emphasis is placed over the contribution of the proposal to renewable energy generations targets than to other landscape and or amenity impacts. Justification for the development in relation to the net zero agenda is detailed in the submitted Planning, Design & Access Statement. In this case the proposal is a 49.9MW solar farm and associated infrastructure/works which would generate renewably sourced electricity into the national grid, via the Coupar Angus sub-station. It is indicated that this would be the equivalent to providing energy that could power approximately 11,000 homes. Notwithstanding any environmental or other planning issues, the proposal would provide a substantial contribution towards renewable energy generation

to support national and local objectives in relation to net zero and carbon emission reduction.

- 47 Policy 35 of the LDP2 also supports the development of electricity transmission infrastructure, where this is sensitively designed, and suitable mitigation is ensured. In this case it is not considered that the development is sensitively designed or that suitable mitigation is offered. The development proposed raises significant landscape and visual amenity concerns being of a scale, form and location which will dominate the immediately adjoining settlement of Coupar Angus. It is considered that its visually prominent location, situated on elevated ground between both main approach roads into Coupar Angus from Perth and Dundee, will greatly alter the character and appearance of this location, at odds with the wider agricultural setting in which it is located. Overall, it is considered that the proposal does not contribute positively to its setting and is contrary to Policies 1A and 1B of the LDP2 and the Council's Placemaking Supplementary Guidance.

### **Design and Layout**

- 48 The design and layout essentially reflect the physical and engineering requirements for this type of development, taking into account environmental and technical standards. In physical terms all development will not exceed 4m in height with the tallest being the CCTV poles at 4m high. The remaining visual elements are the solar panels, being 3m at their tallest, the storage and or electoral equipment containers at approximately 3m and the security fence at 2.4m.
- 49 In this case horizontal impacts of built development, in terms of the expansive scale of development proposed, are more significant than vertical height. The greatest observed horizontal expanse of panel strings or rows will be from the A94 Perth to Coupar Angus Road, extending to an almost unbroken distance of 800m. Owing to the site topography, whereby the ground level rises moderately from the A94 west to east, the panels will in many instances be located on sloping ground, being oriented in a southwards direction. Whilst it is confirmed the panels can be arranged to fit with the site contours, minimising ground disturbance, the raised open ground will increase the visual prominence of any development on this ground. This will be particularly prevalent from the southern areas of Coupar Angus and Pleasence Road.
- 50 Mitigation of any visual and landscape character impacts is to be almost entirely addressed through a mix of existing perimeter planting, supplemented by an extensive landscape and planting scheme. Some mitigation is offered by the layout, through physical separation of panel rows from key residential receptors. Whilst it is appreciated that the proposed planting scheme is a positive and would provide some mitigation, significant concern is raised that such planting will take time to become established and provide any significant mitigation. This will mean that significant mitigation will not be fully effective on completion of the development and will take some 10-15 years to establish and provide full benefit. This statement is supported by the applicant's Landscape and Visual Impact assessment (LVIA) which confirms that whilst the predicted impacts on landscape character and visual amenity are likely to

be localised (within 2 km), such impacts are ‘minor-adverse’ and “major-adverse” respectfully, following the immediate implementation of development.

- 51 Given the scale and location of the proposed development it is considered that the introduction of such an industrialised feature into the landscape, with limited mitigation (at least in the first decade), will have a significant and immediate impact on the character and amenity of this location. In terms of scale and appearance the development is considering in this case contrary to Policy 1B of the LDP2 2019.

### **Landscape and Visual Amenity**

- 52 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1A, 1B and 33 of the LDP2. Whilst Policy 4 of the NPF4 considers impacts on the natural environment, Policy 11 (Energy) is of more relevance to an equivalent landscape assessment. In that case the policy balance favours renewable energy contribution over any landscape impacts.
- 53 An (LVIA) has been prepared as part of the Planning, Design & Access Statement submitted in support of the application. Policy 39 of LDP2 and associated Placemaking Supplementary Guidance is of relevance in relation to the potential landscape & visual impact of the development. The landscape context sees the site set in a predominantly rural/agricultural setting with the settlement of Coupar Angus to the north/northeast and smaller clusters of, and individual, buildings in the surrounding area. The location is within the ‘The Broad Valley Lowlands – Tayside Landscape Character Type’ as defined in the Landscape Character Assessment. However, there are no formal landscape designations associated, however the Sidlaw Hills Local Landscape Area is located approximately 2.5km to the east and southeast.
- 54 The LVIA includes: a desk-based study; field study; Zone of Theoretical Visibility (ZTV); and assessment of selected viewpoints. The study has considered landscape character (national/regional/local), local landscape context, character of the site and immediate context, landscape designations and a range of other considerations such as scheduled monuments, conservation areas, listed buildings, gardens and designed landscapes, long-distance recreational routes, public rights of way, and visual receptors (e.g. settlements and residential properties, recreational routes, transport routes). The study also provides an appraisal of likely effects, mitigation and residual landscape effects in relation to the above-noted considerations. In addition, it considers the potential for cumulative effects. Mitigation measures are then detailed and are supported by a landscape mitigation plan which includes supplementing existing and new additional planting as noted above. Landscape mitigation is considered over a 15-year timeframe as a result of vegetation becoming established and taking full-effect.
- 55 Taking in to account the results of the assessment work undertaken to consider landscape and visual effects, the study concludes: “The nature, scale and form of the Development would inevitably result in some adverse

effects on landscape character and on visual amenity...However, the limited height of the Development combined with the containment afforded by the framework of existing and new boundary vegetation ensures that effect would be mostly localised in their extent.” In physical terms prior to planting the study sets out that 70-100% of the development will be visible in a local setting. After planting has been fully established in 15 years this reduces to approximately 50 -70% total visibility overall, reducing the visibility impact threshold to “moderate neutral”. As noted, a planning balance in this case must be considered having regard to any landscape impacts against the zero carbon renewable energy benefits provided by the NPF4. In this case it is the view of officers that the significant landscape impacts outweigh those renewable energy benefits. Consideration has been given to a comparable planning application currently before the Scottish Government Energy Consents Unit (Reference: ECU00004521) which seeks authorisation for two battery energy storage compounds and a 32MW Solar Farm, occupying approximately 70 ha of agricultural land in total at Keithick Farm, approximately 900 metres north west of Coupar Angus or 1.3 kilometres to the west of the centre of this proposed development. Whilst that development seeks a slightly smaller solar farm footprint than that proposed in this case, overall, the proposed development site lends itself more to an energy development in landscape terms. That development site is broken up by changes in land orientation (i.e parts of it slope east and other parts slope west) and has well established hedgerows and mature woodland surrounding much of the development land. This will have an immediate benefit to break up any visual mass. The site is also not located near any main transportation routes and as such is less obvious in a wider setting. This directly contrasts to this development proposal, which will have longer unbroken visual massing, be located in a very visually prominent location and only partial landscape mitigation existing. It is considered the development, owing to its proximity to Coupar Angus, will appear to dominate this settlement, negatively impacting residents, particularly those residing in the southern most areas of the village.

- 56 Whilst the development may soften in time as planting becomes established, there will be an immediate and sudden change in landscape character in this localised setting, impacting not just views outward from Coupar Angus, but also local walking and cycling routes nearby. The development is considered contrary to Policies 1A and 1B of the LDP2 2019 as well as the adopted Placemaking Supplementary Guidance. It is not considered the development is contrary to Policy 11 of the NPF4 whereby greater weight in any planning balance under this policy is placed on renewable energy benefits. However, in order for a development to be fully supported by this policy it is necessary for a development proposal to set out appropriate mitigation. In this case it is not considered appropriate mitigation is offered to offset significant landscape character impacts.



## **Residential Amenity**

### Glint and Glare

- 57 Policies 55 and 56 of the LDP2 are of relevance in relation to light and noise pollution. The Council's Environmental Health team has been consulted to consider any impact in relation to noise as well as glint & glare and a Glint & Glare Study has been submitted as part of the Planning, Design & Access Statement. This assessment has been undertaken to consider the possible effects on the surrounding road network and the residential properties within a 1km radius.
- 58 The assessment undertakes geometric reflection calculations and, where a solar reflection is predicted, the screening (existing and/or proposed) between the receptor and the reflecting solar panels is taken into consideration. Based on the results of the geometric calculations it is determined whether a reflection can occur, and if so, at what time. Then both the solar reflection from the solar development and the location of the direct sunlight with respect to the receptor's position is considered. This assessment was carried out using different panel characteristics and modelling has predicted significant impacts upon road users travelling along a section of the A94 and for two dwellinghouses, 9 Wester Balgersho Farm and dwelling 53 Easter Balgersho and, therefore a requirement for mitigation. The report outlines the proposed screening mitigation for the A94, which with other existing mitigation factors would result in a moderate impact and no further mitigation is required. The mitigation screening for the two dwellinghouses would reduce the impact on dwelling 9 to 'low' and no impact is predicted for dwelling 53. Consequently, it is concluded that the any impacts are negligible owing to the existing and proposed mitigation. Environmental Health raise no objection, subject to a condition to secure the proposed mitigation planting. Whilst the proposed planting scheme will afford some mitigation, the full effects of any mitigation will take time to establish. It therefore cannot be assured that there will be no impacts on the A94 Road and or those dwellings identified as being affected by glint and glare, with such effects being considered moderate / low as opposed to nil. When these impacts are considered in a wider context within the overall landscape and visual amenity impacts assessed, the potential for road safety concerns and direct impacts on nearby dwellings raises further concern that the development is of a scale which is too large for its proposed setting.

### Noise

- 59 The planning and design statement states that the construction and installation of the development will take approximately 6 months and there will be a temporary construction compound on site for the duration of the construction period. There is the potential for noise and vibration during any piling stage for the panel mounting posts structures. During operations there is the potential for noise from the inverter kiosks, cooling fans and transformers to adversely affect residential amenity. The operation of the fans will be related to both the intensity of light and the air temperature. During night-time periods, any sound emitted would be from the substation

transformers. Inverters and transformers will operate in varying loads depending on cooling requirements.

- 60 The assessed noise sources can create noise which has characteristics, such as low frequency humming, which if not mitigated can have adverse impacts on residential amenity. Environmental Health Officers are satisfied any such impacts can be mitigated and controlled by conditions.

#### Light from Operational Sources

- 61 Any light required for the development would likely be for maintenance and or security purposes. It is not stated what external lighting is proposed but such impacts are considered to be able to be mitigated through appropriate placement and that it should only be required where necessary. No significant concerns in terms of light pollution are assessed.

#### **Roads and Access**

- 62 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Policy 13 of the NPF4 focuses more of sustainable travel and ensures development is sited appropriately. The development proposes to access the site from the C443 between Pleasance Road to Campmuir. The applicant is proposing to erect two vehicle accesses, one to the east of the C443 and the other to the west of C443. The vehicle accesses will be constructed with a larger radius to the south to encourage HGV movements in that direction, rather than travelling into Coupar Angus via Pleasance Road. Up to 145 articulated lorries will be required to deliver the solar panels to site and there would be a period of a month where it is anticipated that there will be 81 two-way movements from the site, with 27 HGV movements per day. This is likely to reduce in other months. With such an increase in HGV traffic movements on the C443 and the width of the road being around 4m some initial concern was raised by Transport Planning colleagues as to the ability of the road in its current condition to allow lorries to pass one another. However, this could be resolved through the provision of a passing place, secured by conditions. Further conditions could also relate to the vehicle crossings / accesses, visibility splays, road maintenance agreement and a construction traffic management plan. Subject to securing those conditions no objection is raised by Transport Planning. Notwithstanding, objectors have noted concerns with increased traffic and visual impacts from Pleasence Road as this area is used regularly for walking by residents.
- 63 Having regard to any impacts on the Trunk Road Network no concerns been raised by Transport Scotland, subject to conditions regarding the need for abnormal loads or temporary traffic management in those circumstances.
- 64 Overall, no significant road and or transport impacts are identified, and it is concluded subject to conditions regarding construction traffic management, that the development conforms with Policy 60B. Whilst no specific engineering concerns are raised, the development is likely to result in landscape and visual impacts along both sides of Pleasence Road due to the position of

panels on either side. The existing screen planting at this location will afford some mitigation but will not be sufficient to offset impacts initially. As a key walking route for residents, the development will impact their experience of this location by changing the character and outlook. It is considered such impacts may be detrimental to the wellbeing of residents who use or live on Pleasance Road.

### **Drainage and Flooding**

- 65 Policy 53A and 53C of the LDP2 sets out that development proposals must have regard to the water environment and drainage, including floodwater management within any proposal. Policy 22 of the NPF4 sets out that proposals in flood risk areas should only be supported in set situations. In the case of this site, it is known to be within an active surface water flooding area and does regularly flood. The Councils Flood Risk Officer has been consulted and raised concerns with the modelling outputs and lack of land drainage information provided by the applicant. At the time of this report those matters remain outstanding and as such an objection from the officer on flood risk grounds remain. Flood hazard concerns and mitigation has also been raised by objectors. It is known that this site floods regularly.
- 66 The principal concerns raised by the officer in this case relate to;
- a) Unclear modelling outputs within the submitted Flood Risk Assessment, including differences between the modelling provided and the flood risk maps prepared by SEPA.
  - b) The impacts the development will have on land drainage and including overland flows path for water.
- 67 The risk of the development being flooded is considered negligible, owing to the type of development in terms of land use vulnerability (i.e. the development will not be occupied apart from any staff who may happen to be onsite during a flood event) and as the panels themselves are to be raised approximately 1.2m off ground level – above any flood water. As such, those impacts are of lesser concern. Therefore, the primary flood related questions are in respect of onsite drainage. Limited account appears to have been had to preferential flow paths onsite and or the impacts of rainwater falling from the panels and the subsequent drainage requirements. The Flood Risk Officer considered the matters likely to be able to be addressed by design and or the specific siting of panels. However, without that detail being agreed it is not possible to conclude further.
- 68 Accordingly, as matters pertaining to flood risk have not been satisfactorily resolved the development is not considered to comply with Policies 53A and 53C of the LDP2 or Policy 22 of the NPF4.

### **Cultural Heritage and Conservation Considerations**

- 69 Policies 26A, 26B and 27A of the LDP2 and Policy 7 of the NPF4 are applicable to the application. It is confirmed that the site lies within an area considered to be archaeologically sensitive. As it is greenfield and does not appear to have been developed in the past there is potential for unknown

buried archaeological remains to survive. Despite the known areas of interest, no objection is raised by Perth and Kinross Heritage Trust. However, a suspensive condition is recommended in the event that permission is granted seeking a programme of archaeological works to ensure the development does not destroy significant archaeological remains.

- 70 In terms of the Coupar Angus Conservation Area and any heritage assets in the immediate location (listed buildings, scheduled monuments), a heritage Impact assessment has been undertaken in this case. This assessment considers the potential effects of the development on the Coupar Angus Conservation Area, Scheduled Monuments and listed buildings within 3km of the site. Impacts to the setting of nearby listed buildings and monuments was observed in terms of landscape character and amenity. However, those impacts were not considered to adversely impact peoples experience of the monuments and architectural heritage. Historic Environment Scotland as well as the Council's Conservation Officer were consulted and confirmed general acceptance of the conclusions noted within the impact assessment. No objections have been raised provided landscape and screening planting is implemented. As the development will not directly impact the identified heritage assets locally, the proposal is considered to accord with Policies 26A, 26B and 27A of the LDP2 2019 as well as Policy 7 of the NPF4.

### **Natural Heritage and Biodiversity**

- 71 Policies 40 and 41 of the LDP2 as well as Policy 3 of the NPF4 are applicable in this regard. The Council will apply the principles of the Scottish Government Policy on Control of Woodland Removal and there will be a presumption in favour of protecting woodland resources. Where the loss of woodland is unavoidable, mitigation measures in the form of compensatory planting will be required. The submitted ecological survey information is good quality and provides a comprehensive assessment of the proposed development impacts on trees, woodland and biodiversity. All existing hedges, woodland, and trees will be retained. Enhancing connectivity between existing and newly created habitats is strongly encouraged to benefit biodiversity.
- 72 The submitted Preliminary Ecological Appraisal Report and Ecological Impact Assessment were undertaken at the correct time of year and do not recommend further survey is required. The Council's biodiversity Officer has been consulted on the biodiversity impacts of this development. No objection is raised provided all the mitigation measures listed in the Appraisal Report are adhered to in full. If permission is granted this should be secured by way of condition. A further condition is also recommended that a pre commencement survey be undertaken for breeding birds and nest sites prior to development proceeding.
- 73 Whilst the overall biodiversity enhancements being offered may benefit the site as a whole, those benefits must be considered against wider visual amenity and the overall scale and location of the development proposed. In this case Policy 39 of the LDP2 provides that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. Development proposal will be supported where they do

not conflict with the aim of maintaining and enhancing the landscape qualities. In this case Broad Valley Lowlands, in which this development sits, are characterised by, broad straths, undersized rivers, complex local topography, distinctive soils, dominance of arable and root crops in large fields, trees and hedgerows, well settle landscapes with well populated agricultural landscapes and wide panoramic views. It is considered that the development will impact local landscape qualities, including the distinct fullness of this location, owing to its scale, location and form. In particular, the proximity to Coupar Angus and direct impacts on the visual integrity from within the settlement and nearby, including along Pleasance Road are raised as being of concern. It is not considered that the proposed planting will provide the necessary mitigation identified in the short to immediate term. As such, the development will result in an abrupt change in the surrounding landscape character which in the opinion of officers directly and negatively impacts the quality and experience of the landscape from these locations, contrary to Policy 39 of the LDP2 2019. As the development would seek to reverse some of the loss biodiversity to this location and enhance it with further planting it is not considered the Development is contrary to Policy 3 of the NPF4.

### **Loss of Prime Agricultural Land and Soils**

- 74 The site is located on an area of prime agricultural land and therefore Policies 50 (Prime Agricultural Land) and 51 (Soils) of the LDP 2 as well as Policy 5 of the NPF4 are of relevance. A sequential test has been undertaken by the applicant to detail the site-specific justification for the development, considering numerous sites within the local area. A 3km buffer has been used for analysing alternative sites taking in to account a viability cost threshold for connecting to the substation.
  
- 75 The proposal involves a significant area of land, with the developable area extending to approximately 70 ha (as detailed in the Planning, Design & Access Statement). The Land Capability Classification for Agriculture Map (1:50,000 scale) identifies the site is classified as Class 2 prime agricultural land. A follow-up soil report & survey has outlined that the site comprises a combination of Class 2 and Class 3.1 land.
  
- 76 The Development Plans team has been consulted and raised no objection to the development and has noted the following in its policy assessment relative to Policy 50. In terms of the justification of the proposal in relation to prime agricultural land it is considered that the development has been sequentially justified on the basis that a site is required to be sited within 3km of the existing substation and other sites have not been identified as more favourable for various reasons. It is also identified that the majority of the development will comprise the solar farm element which will not result in the loss of prime agricultural land, rather the land use will change for a temporary period of 35 years (as proposed) with grazing able to take place with the potential for the land to revert back to productive agricultural land following decommissioning of the development. If the energy generation is still viable at the end of the 35-year period, then a further application for planning permission would be required to continue the use and the removal of the

agricultural land from production could be once again assessed based upon the policy position at that time.

- 77 Based on individual merits, and the sequential test provided, regard is had to the particular site requirements of this type of development, noting that grid connection is of critical importance to the development viability. As such the use and occupation of prime land alone is not considered to be a reason for refusal. However, consideration of the cumulative loss of prime land, noting the scale of this development, must be considered further under Policy 50. In this case an application is currently before the Scottish Government Energy Consents Unit (Reference: ECU00003397 on land to the at Keithick Farm, Coupar Angus (approximately 800m) to the north-east of the proposed development. That proposal is for a 32MW Solar Farm and two separate Battery Energy Storage Facilities, comprising 66MW capacity. That proposed development if approved would also occupy approximately 70ha of prime land. Combined both developments if approved could result in approximately 140 ha of prime land being occupied, limiting food production and or food security potential for this location over the lifetime of both developments. At that scale it is considered that the cumulative loss of prime land is significant in a localised sense. Furthermore, both proposed developments are justified on the basis of national grid connection via the Coupar Angus Substation. Given the connection capacity which exists at this substation there is a high likelihood for further subsequent energy related development within this immediate location. When this factor is considered alongside any wider visual amenity impacts already identified, the development is not considered to comply with Policy 50 of the LDP2.
- 78 For those elements of the development that require the removal or movement of soils e.g. substation and access tracks, under the terms of Policy 51 of the LDP2 and Policy 5 of the NPF4 further details will be required to demonstrate that the development complies i.e. a Soil Management Plan. The Development Plans Team in their assessment of this proposal have considered this matter could be resolved by pre commencement condition if the proposal is minded to be approved. Accordingly, the development is considered to be in compliance with Policy 51 of the LDP2 2019 and Policy 5 of the NPF4.

### **Economic Impact**

- 79 In the short term, construction will create jobs with scope for local employment. However, the development is not supported by any economic information to further assess this impact. It is however predicted that once construction work is complete, further employment opportunities will be limited. However, and notwithstanding the significant visual and landscape impacts raised by the Planning Authority, the development is a clear fit for the Scottish Governments policy direction set out within the Scottish Energy Strategy and NPF4 of transitioning to a low carbon economy with renewable energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

80 None.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

81 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

82 Accordingly, the proposal is recommended for refusal on the grounds identified below.

### **A RECOMMENDATION**

#### **Reasons for Refusal**

1. The development, owing to its size, appearance and location raises significant landscape character and visual impact concerns, failing to contribute positively to the quality of the surrounding built and natural environment. The development is considered contrary to Policies 1A and 1B of the LDP2 2019 as well as the Council's Placemaking Supplementary Guidance.
2. The development, owing to inadequate mitigation in seeking to offset landscape concerns raised, fails to comply with Policy 11 of the National Planning Framework 4.
3. Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. The development, owing to its scale, area, and open location, on the main approach roads to Coupar Angus, will erode the local distinctiveness of landscape character at this location significantly impacting the visual integrity of the area. The development is not considered to comply with Policy 39 of the LDP2 2019.
4. The development, owing to its scale, massing, and location may contribute to the cumulative loss of prime agricultural land within a wider setting, whilst also resulting in the loss of food production potential and food security over its lifetime. The development does not comply with Policy 50 of the LDP2 2019.
5. The development, on account of a lack of technical detail, has not satisfactorily demonstrated that any impacts on flood risk and or land drainage are acceptable or appropriately managed. Consequently, it cannot be confirmed that the development complies with Policies 53A and 53C of the LDP2 2019 nor Policy 22 of the National Planning Framework 4.

Background Papers: 164 letters of representation  
Contact Officer: Jamie Torrance  
Date: 9 February 2023

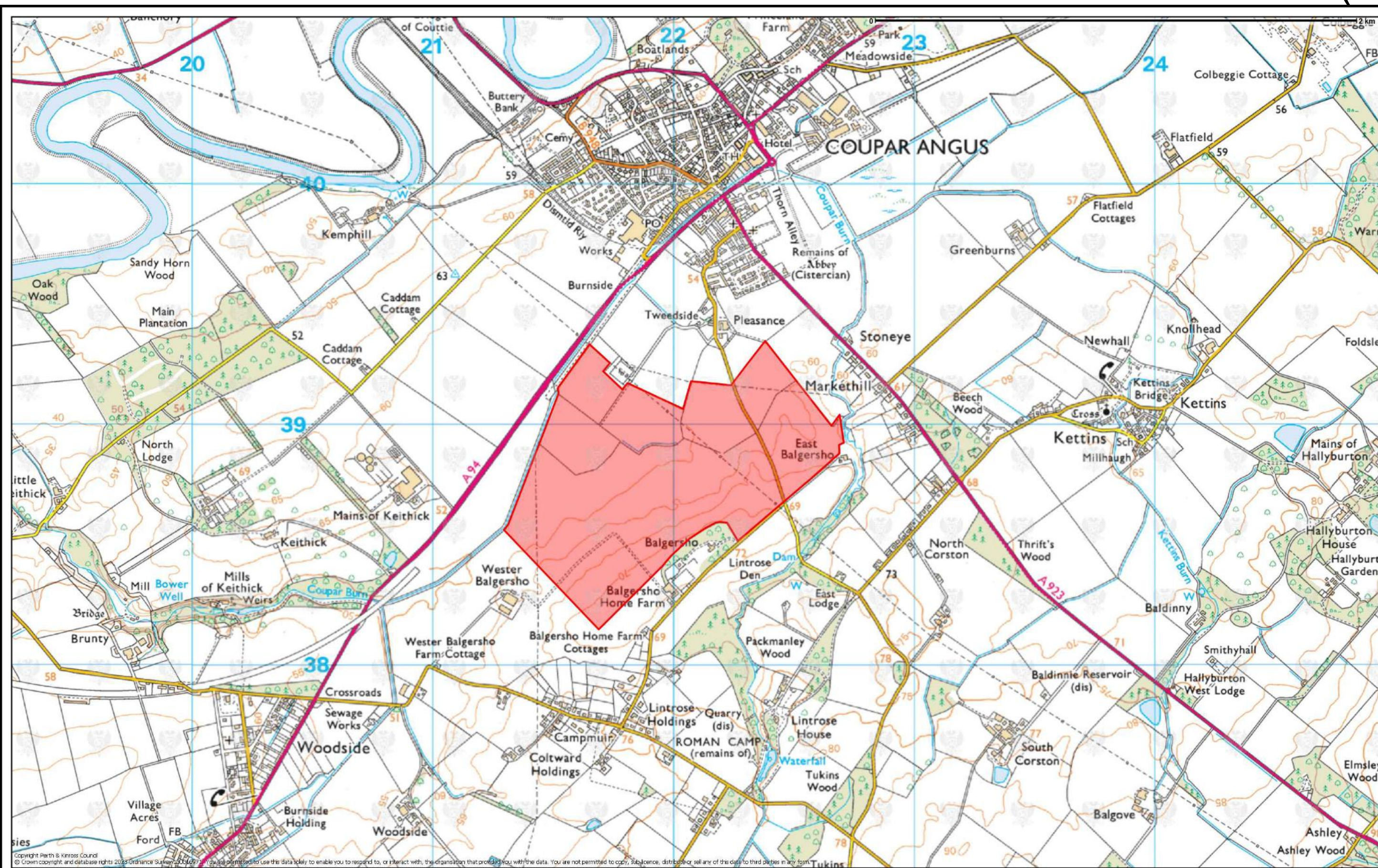
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**



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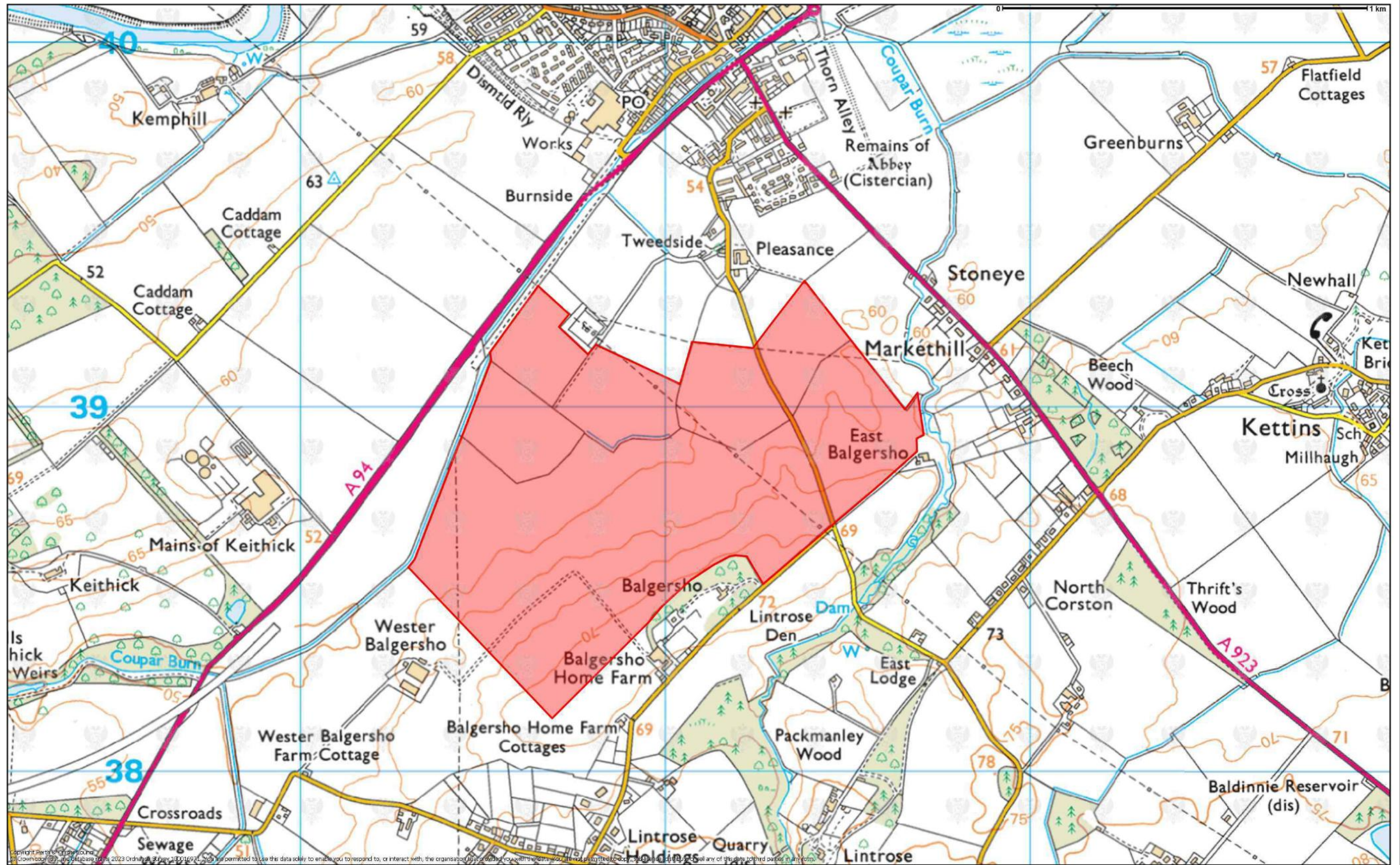


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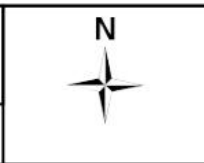






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Planning and Placemaking Committee 22 February 2023  
Scale 1:10000



22/01285/FLM  
Formation of a 49.9MW solar farm comprising ground mounted solar arrays, inverters, transformers, a substation, security fencing, CCTV cameras, cabling, access tracks and associated works at Land 130 Metres South East Of Coupar Angus Substation Pleasance Road Coupar Angus







Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/62)

**PROPOSAL:** Extension to quarry

**LOCATION:** Balado Quarry, Balado

Ref. No: [22/01587/MWM](#)

Ward No: P8- Kinross-shire

### Summary

This report recommends approval of the application which proposes a north-western extension to Balado Quarry, extending the production capacity of the existing quarry by an additional 370,000 tonnes, to be extracted over a period of 2 years and 8 months. Subject to the recommendations of the Environmental Impact Assessment Report, supporting information and planning conditions, the development is considered to comply with the Development Plan. The application is therefore recommended for conditional approval, subject a S.75 Agreement securing a bank guarantee to secure site decommissioning, restoration and aftercare.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Balado Quarry is an existing operational sand and gravel quarry situated in semi-rural Kinross-shire, approximately 2 kilometres west of Kinross and immediately east of Balado Home Farm and the associated access road, which links the A977 with the B918. The quarry occupies an area of approximately 36 Hectares (ha) being generally positioned just north of the A977, previous quarried areas to the east and the South Queich to the north-east. Existing extraction and processing activities are authorised by Planning Permission 17/01441/MWM, which applies an end date for quarrying activities of 25 August 2031.
- 2 This application seeks an extension to the existing quarried area by an additional 7 ha, which includes some overlap with the existing quarry. The remaining reserves at Baldo Quarry, subject to the above planning permission, is estimated at 420,000 tonnes (t). Working at a rate of 140,000t per year, this equates to a reserve life of 3 years. The proposed extension would allow for the extraction of an additional 370,000t over a further period of 2 years and 8 months. In total, with the extension, the consented reserve at the quarry would be increased to 790,000t and extraction works undertaken over 5 years and 8 months, with a further year required for restoration. Planning Permission is therefore sought for a term of 6 years and 8 months. A full description of the extraction process is contained within the

- 3 The current land use within the site is varied, comprising part of the existing quarry, a transition area, including partially reinstated ground, as well as land within Balado Home Farm still in agricultural use (pasture) and which has not been quarried in the past. An INEOS High Pressure Gas pipeline is located to the north of the proposed extension area and the proposals makes provision for a standoff area between extractions and the pipeline. There are residential properties within the general vicinity, the closest of which are in the control of the applicant. The site area does not contain any land designations, however, some qualifying interests forming part of the Loch Leven Special Protection Area, located 4.2 kilometres to the east, are identified within the EIAR submitted and these are discussed below.
- 4 The existing quarry takes direct access off the A977, and this access, along with the existing weigh bridge, site offices and processing areas will continue to be utilised. No buildings or fixed plant equipment will be required within the extension area as all excavated material will be transported to the existing processing and stockpiling areas. Extraction operations are essentially to be progressed in three consecutive stages; 1) the excavation and progressive restoration of phase 1 within the proposed extension area, 2) the completion of excavations within the existing quarry, and 3) the excavation of phase 2 within the proposed extension area. Soil stripping within the extension area will be undertaken, with soils being retained to form screening mounds. Thereafter, soils stripped shall be utilised in progressive restoration.
- 5 The development does involve an area classified as being prime agricultural land. Discussion around the use of this land resource is confirmed within the Appraisal Section.

### **Pre-Application Consultation**

- 6 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the size of the development area/site exceeding 2 Ha in area. The applicant was therefore required to undertake formal pre-application consultation with the local community. Questions raised through this consultation process were: queries relating to operational timescales and reserves; the date and timing of any application; water management and flooding; noise; visual impact; air quality; concern over proximity to the INEOS pipeline; restoration and recreational access. These matters have been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.
- 7 The PAC Report notes that in addition to an advertisement of the proposed public event in the local newspaper, a letter drop to local properties (within a 500 m radius) was undertaken, outlining that a consultation event was to be held in person on 31 of May 2022 at the Kinross Curling Club. A second online event was also held on 16 June 2022. Notice was also sent Kinross Community Council as well as to local members. It is noted that attendance

at events was low. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

## **Environmental Impact Assessment**

- 8 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 9 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report (EIAR) helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 10 The types of development subject to EIA are listed in Schedule 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. An EIA is required for all Schedule 1 projects, whilst Schedule 2 projects may only require an EIA, subject to factors such as their nature, size, location or where there is potential for significant effects on the environment. Having screened this development proposal, the Planning Authority considered this development to fall within Schedule 2. However it was concluded that due to the scale of the development proposed that it was likely to have a significant effect on the environment and potentially an indirect effect on the Loch Leven Special Protected Area and Special Area of Conservation. As such, an EIA would be required.
- 11 The applicant sought a scoping opinion from the Planning Authority to inform the content of the EIAR, this was issued on 26 April 2022 which confirmed the 13 key matters which should be addressed within the EIA Report

## **NATIONAL POLICY AND GUIDANCE**

- 12 The Scottish Government expresses its planning policies through The National Planning Framework 4 (NPF4), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework 4 (February 2023)**

- 13 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023, and was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 14 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the

intentions of this document. Key policy considerations include Climate mitigation and adaptation, biodiversity and soils.

### **Planning Advice Notes**

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

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 3/2010 Community Engagement
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 50 Controlling the Environmental Effects of Surface Mineral Workings
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 64 Reclamation of Surface Mineral Workings
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 81 Community Engagement: Planning with People

### **DEVELOPMENT PLAN**

- 16 The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019).

### **Perth and Kinross Local Development Plan 2 (2019)**

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The principal relevant policies are, in summary;
- Policy 1A and 1B Placemaking
  - Policy 2 Design Statements
  - Policy 5 Infrastructure Contributions
  - Policy 8 Rural Business and Diversification
  - Policy 26B Archaeology
  - Policy 27A Listed Buildings
  - Policy 38B National Designations
  - Policy 38C Local Designations
  - Policy 39 Landscape
  - Policy 40B Forestry, Woodland and Trees
  - Policy 41 Biodiversity
  - Policy 48A Sterilisation of Mineral Deposits



- Policy 48B Advance Extraction
- Policy 49A Extraction
- Policy 49B Restoration
- Policy 50 Prime Agricultural Land
- Policy 51 Soils
- Policy 52 New Development and Flooding
- Policy 53A Water Environment and Drainage: Water Environment
- Policy 53C Water Environment and Drainage: Surface Water Flooding
- Policy 54 Health and Safety Consultation Zones
- Policy 56 Noise Pollution
- Policy 57 Air Quality
- Policy 60B Transport Standards and Accessibility Requirements

## **OTHER POLICIES**

- Supplementary Guidance – Air Quality, Adopted January 2020.
- Supplementary Guidance – Flood Risk and Flood risk Assessment, Adopted March 2021.
- Supplementary Guidance – Landscape, Adopted January 2020.
- Supplementary Guidance – Financial Guarantees for Minerals Development, Adopted February 2021.

## **Non-Statutory Guidance**

- Planning Guidance – Loch Leven SPA, The Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC.
- Supplementary Guidance – Planning and Biodiversity Planning for Nature and Wildlife - April 2022.

## **SITE HISTORY**

- 19 [04/01322/MW](#) Full planning permission was approved on 23 August 2006 for the extraction and processing of sand and gravel on land adjacent to the A977 to the east of Balado Home Farm, Balado.
- 20 [11/00001/WMP](#) An Extractive Waste Management Plan was approved on 10 October 2011.
- 21 [16/01815/SCOP](#) An Environmental Scoping Opinion was issued on 13 March 2017 by the Planning Authority relating to a proposal to extend the operational life of the quarry, (approved under 04/01322/MW) to allow extraction of remaining consented reserves.
- 22 [17/01441/MWM](#) A planning permission was approved on 25 August 2021 under Section 42 of the Town and Country Planning (Scotland) Act 1997 to allow development without complying with Condition 2 (period of extraction) of

planning permission 04/01322/MW (extraction and processing of sand and gravel). This permission was granted subject to a term of 10 years from the date of the decision in which to complete extraction. Accordingly, all extraction must be completed at Baldo quarry by 25 April 2031.

- 23 [22/00083/SCRN](#) An Environmental Screening Opinion was issued on 4 February 2022 for an extension to the existing sand and gravel quarry area. This confirmed that an EIA was required.
- 24 [22/00084/SCOP](#) An Environmental Scoping Opinion was issued on 25 April 2022 confirming the matters to be scoped in and out of an EIAR, forming part of a development proposal to extend the area for sand and gravel extraction at Balado Quarry.
- 25 [22/00013/PAN](#) A proposal of application notice was submitted on 14 June 2022 for an extension to Balado Quarry.

## CONSULTATIONS

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

### External

- 27 **Scottish Environment Protection Agency (SEPA):** No objection, subject to conditions to secure an agreed Construction Management Plan and/or an Invasive Species Plan to address the control of Himalayan Balsam, a detailed Restoration Plan, including onsite soil management and planting and a Private Water Supply Impact Report to be submitted and agreed before development commences. (Conditions 18 and 21)
- 28 **NatureScot:** No objection. Advise the development is likely to have a significant impact on Whooper Swans and Pink Footed Geese, which are both qualifying interests of the Loch Leven SPA/SAC.
- 29 **Scottish Water:** No objection, with no additional commentary provided.
- 30 **Historic Environment Scotland (HES):** No objection. Confirm that the development was unlikely to have impacts on their interests.
- 31 **Perth and Kinross Heritage Trust (PKHT):** No objection, subject to a condition to secure an implementation of archaeological works prior to works commencing. (Condition 20)
- 32 **Kinross Community Council:** No comments.
- 33 **Health and Safety Executive (HSE):** No Objection. Advise the development does not generate the need for permission under the Town and Country Planning (Hazardous Substances) (Scotland) regulations 2015. The development is also not located within a safeguarding zone, but does encroach into a consultation zone for the high-pressure gas main located to

the north-west of Phase 1. Confirm no objection provided the gas main operator has been consulted.

- 34 **National Grid:** No objections. Advise works must not proceed until an asset protection review has been undertaken. (See INEOS Consultation below).
- 35 **INEOS FPS Ltd:** No objection, subject to conditions to secure asset protection, including offset distances to the pipeline from any works, maximum excavation slope angles adjacent to the pipeline and ongoing monitoring. These matters are addressed in the supporting Stability Risk Assessment, which has been updated since the submission of the application. The mitigation measures within this risk assessment can be secured by Conditions 6 and 7.
- 36 **Transport Scotland (TS):** No Objection, with no additional commentary provided.
- 37 **Royal Society for the Protection of Birds (RSPB):** No comments.

#### **Internal Consultees**

- 38 **Environmental Health (EH):** No objection subject to conditions regarding, noise levels, external lighting, dust management and to ensure that no extracted material is processed onsite within the extension area. (Conditions 9 –14). Advise that review of the supporting EIAR, accepting the methodology and conclusions.
- 39 **Planning and Housing Strategy:** No comments.
- 40 **Transport Planning:** No objection, subject to conditions controlling vehicle movements (based on average tonnage extracted per annum in line with existing permission); that no material is to be deposited on the public road; vehicles shall be able to turn and manoeuvre onsite without reversing onto the public road and that no surface water discharges onto the public road. (Condition 5 and 8). Remaining conditions governing access onto the public road are not required as those matters remain enforceable under the existing quarry permission.
- 41 **Structures and Flooding:** No objections. Note that sections of proposed extension area are at low-medium flood risk from the South Queich. However, in accordance with current SEPA land use vulnerability guidance, sand and gravel workings are generally suitable for development in areas of low to medium flood risk.
- 42 **Biodiversity/Tree Officer:** No objection. Note the need for an otter survey was identified to confirm the use of rest up/shelter areas. Such survey work has been completed and confirms there to be only rest up sites and that appropriate mitigation via conditions setting out stand-off distances is recommended. Further conditions are also recommended to secure the submission and implementation of an agreed Landscape and Planting Scheme as well as a Site Restoration Plan; the protection of nesting birds;

measures to protect animals from being entrapped; and ensuring that the conclusions and recommendations of the submitted Biodiversity Survey work are adhered to. Conditions 15 - 19 are recommended.

### Representations

- 43 No representations have been received.

### ADDITIONAL STATEMENTS

44

Scoping Opinion	EIA Required
Environmental Impact Assessment Report (EIAR):	Submitted
Appropriate Assessment	Information to Inform a Habitats Regulations Appraisal: Submitted
Additional Supporting Reports Submitted	Pre-Application Consultation Report Waste Management Plan Extended Phase 1 Habitat Survey Noise Impact Assessment Historical Environment Impact Assessment Flood Risk Assessment Stability Risk Assessment for INEOS Pipeline Summation of Information to Inform a Habitats Appraisal Assessment Environmental Impact Assessment Report 2022 Approved Water Management Plan EIAR Non-Technical Summary Planning Statement Restoration Bond Quantification

### APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

### Principle

- 46 The location is a peripheral / semi-rural area approximately 2 km west of Kinross. Primary LDP2 policy considerations seeking to assess the developments suitability are Policies 1A / 1B Placemaking; 8 Rural Diversification; 26B, 27A Archaeology, and Listed Buildings; 38, 39 and 41 National Designations Landscape and Biodiversity (Loch Level SPA/SAC); 49A and 49B Mineral Extraction and Restoration; Policies 50 and 51 Prime

Agricultural Land and Soil; 54 Health and Safety Consultation Zones; 56 Noise; 57 Air Quality; and 60B Transport. Primary policy considerations under the NPF4 are Policies 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 5 (Soils) and 33 (Minerals).

- 47 The applicant estimates the existing sand and gravel production within Perth and Kinross is approximately between 340,000 – 415,000 tonnes per annum (depending on operations at each of the 3 main quarries – including Balado) equating to a reserve life of approximately 5.5 years). The Council agrees with the estimates provided. Marlee Quarry recently had an application refused (reference 21/02104/FLM) for an extension to its operations for an additional 1.1 million tonnes. If this application had been consented the reserve life would have increased to approximately 8.1 years. This decision may yet still be subject to appeal. Both Policy 49A(b) of the LDP2 2019 and Policy 33 of the NPF4 set out that maintaining a minimum of 10 years landbank of permitted reserves within a recognised market area is preferred and should be supported. In this case the proposal is adjacent to, within the same land ownership and seeks to extend an existing quarry which already supports market requirements within Perth and Kinross, particularly the surrounding catchment. Importantly minimising transportation requirements is preferable in relation to sustainability and climate impacts (Policy 2 of the NPF4). The proposal is therefore considered to accord with the first part of Policy 49A. However, it must be demonstrated that “their impact on local communities and the environment has been assessed and does not have an adverse residual effect after appropriate mitigation”. This is discussed further below.
- 48 The land take proposed for this development is identified as having a soil Class of 3.1, being Prime Agricultural Land. Policy 50 provides that the use of Prime Land is to be avoided unless necessary to meet a specific established need. In this case the development is to support a major infrastructure project (quarry) utilising an existing minerals reserve. No other alternative sites can be considered as the application specifically seeks to complete working of the existing and fixed reserve. The land take is limited to the necessary area and is not considered to have a significant cumulative impact on the loss of prime land, noting the availability such land elsewhere in the wider location. Overall, on balance the development does align with Policy 50. However, any impacts are considered acceptable when considering the development, economic and employment opportunities retained as well as the reduced carbon impact achieved by avoiding the need to haul material from further afield or outwith Perth and Kinross.

### **Design and Layout**

- 49 The design and layout essentially reflect the physical geology, location of material aggregate and engineering requirements for extraction of material. The worked quarry area within the extension area occupies c.7ha, with some overlap with the existing quarry. It is proposed that the extension area be extracted in two phases. Phase 1 will release an estimated 251,000 tonnes of material over a period of 1 year and 10 months. The excavations will progress from south-east to north-west at depths between 4.4m and 5.8m. All worked material will be transported internally within the existing quarry to the

stockpiling and processing areas already in use. Phase 1 will be progressively reinstated with soil stripped in advance being utilised for restoration. At the conclusion of phase 1, 3m high soil screening mounds will be created along the western boundaries. The existing quarry excavations will then be progressed west in accordance with the approved scheme under the existing permission. With the completion of existing operations within the existing quarry Phase 2 of this permission will commence. Phase 2 will release approximately 121,000 tonnes of material to be extracted over 10 months. The excavation of material will progress east to west at depths between 1.1 and 3.9 m. restoration will take place using exiting silts and soils from the existing quarry. The screening mounds will be remove upon completion of Phase 2 to complete restoration. Matters relating to the submitted design and time period of permission are set out in conditions 1-4. Account has been given within the conditions for an enabling period to be completed (e.g., formation of haulage routes haulage routes) before quarrying commences. Taking into account all extraction works, including those yet to be completed under the existing quarry permission, a defined term of 5 years and 8 months is sought to complete extraction.

- 50 Full details of the extraction profiles, soil bunds, restoration profiles and financial quantifications are contained within the Environmental Impact Assessment Report (EIAR), Restoration Bond Quantification and drawings submitted. Whilst restoration profiles and aftercare details have been submitted, Conditions 22 and 23 are recommended to secure implementation and completion, as part of an agreed Aftercare Management Plan. In addition, a Section 75 Legal agreement is recommended to secure a financial bond to deliver any restoration and aftercare, in the event this is not undertaken. There is no doubting that the development will result in a significant visual change to this location, particularly during operations. However, it is concluded that those impacts to visual amenity are able to be sufficiently mitigated through the use of phasing with progressive restoration, to minimise the area of disturbance at any one time; the introduction of temporary soil bunds to reduce open views across the site; the use of existing peripheral vegetation as partial screening and by the short term nature of the permission where by all extraction and restoration will be completed within 6 years and 8 months, being within the existing consented time period for operations at Balado Quarry.

### **Landscape and visual amenity**

- 51 Safeguarding and enhancing landscape character forms part of policies 39 and 49B of the LDP2 as well as Policy 33 of the NPF4. In this instance, the position and means of extraction is based on local geology and location of material required, which will remain unchanged. Thus, landscape and visual impacts are inevitable given the openness of the site from the north and north-west and in respect of any cumulative impacts resulting from the existing quarry operations. Therefore, it is especially important to ensure robust landscaping, protection of existing trees where possible, along with the use of phasing with progressive restoration to soften any landscape impacts, whilst also improving biodiversity opportunities.

- 52 A full assessment of landscape character and impacts assessment is contained within Section 6 of the EIAR. The impact is assessed as slight during operations, however, due to progressive restoration this impact is short term and reduces to negligible following the completion of restoration. Mitigation is proposed, such as the phasing of the development, soil bunds, landscaping along with a restored profile to reintroduce a naturalised grassland. Overall, it is concluded from the EIAR that the landscape impacts of the proposal are slight to moderate during the operational phase, reducing to negligible upon final restoration. There is no identified potential for new significant cumulative visual impacts. Having regard to the existing baseline character of this predominantly agricultural location, with the existing quarry to the immediate east. The Planning Authority overall accepts the conclusions of the EIAR.
- 53 Subject to conditions requiring landscape details to be submitted and agreed, the protection of existing trees, along with the implementation of restoration agreements, the impacts on landscape and amenity are considered acceptable. Conditions 15–19, 22 and 23 are all recommended.
- 54 Accordingly, the development is considered to accord with policies 38B, 38C, 39 and 49B of LDP2 as well as Policy 33 of the NPF4.

### **Roads and Access**

- 55 The application has been reviewed by the Council's Transportation Planning Service who have confirmed the development will not have a significant negative impact on the public road network. No use of the public roads will be required to access the extension area, with all haulage routes being internalised within the quarry. The existing site entrance, wheel cleaning, weigh bridge and processing area will all continue to be utilised. In addition, it is confirmed that the existing operational processing rates will remain unchanged meaning that there will be no change to the existing rate of quarrying or associated vehicle movements.
- 56 Transportation Planning have identified specific matters pertaining to vehicle movements, vehicle manoeuvring and safety, access safety requirements and wheel washing as impacting the public road network. In each respect conditions are recommended. However, in respect of material processing and access onto the public road those recommended conditions duplicate entirely the existing permission. As activities within the existing quarry will continue to be managed by the existing permission, recommended conditions relative to the site access gradient and wheel washing have not been applied to this permission. However, conditions pertaining to processing rates and operating hours for machinery have been applied. These matters have been addressed by Conditions 5 and 8.
- 57 Subject to conditions the development is considered to accord with Policy 60B of the LDP2 as well as Policy 13 of the NPF4.

## **Drainage and Flooding**

- 58 The site is outwith the functional floodplain and there are no land drains/watercourses within the site, hence fluvial flood risk is negligible. In terms of hydrogeology the site will be dry worked, meaning operations will be above the water table, with the exception during rain fall events when water may filter through the exposed areas. No objections have been raised by SEPA or the Council's Flood Risk/Drainage Officer. The development is considered to accord with Policy 53 of the LDP2 and Policy 22 of the NF4.

## **Dust and Noise**

- 59 The development as proposed has the potential to generate noise and dust nuisance which may differ from any existing quarry activities particularly on residential receptors nearby. However, it is not considered there will be any dust impacts on the Loch Leven SPA/SAC. Policies 38B, 38C, 56 and 57 of the LDP2 as well as Policy 33 of the NPF4 are applicable in the assessment of this application relative to dust and noise.
- 60 The application has been reviewed by Environmental Health in terms of Noise, Air Quality and Dust, having regard to PAN 50 (Planning, Environmental Protection and Restoration) and Annex B 'The Control of Dust at Surface Mineral Workings 1998' and IAQM 'Assessment of Mineral Dust Impacts for Planning 2016' guidance. As part of the Environmental Impact Assessment a Noise Impact Assessment (NIA) "Assessment of Environmental Impact of Noise at Balado Quarry Extension, Kinross" document reference R21.11371/2/AF dated 1 December 2021 which was undertaken by Vibrock Ltd.
- 61 The NIA was assessed in line with PAN 50 "Controlling the Environmental Effects of Surface Mineral Workings" criteria. PAN 50 recommends maximum noise levels of 55dB LAeq,1hr which is consistent with the WHO: Guidelines for Community Noise 1999. PAN 50 also includes a nominal night-time limit of 42dB LAeq,1hr and allows for a higher limit of 70dB LAeq,1hr for a period of up to 8 weeks per calendar year to allow for noisier phases of work such as soil-stripping, construction of permanent landforms etc. The NIA cBalado Quarry Extension can comply with the limits of PAN 50. The NIA also concluded that the impact in relation to noise from the operations of the development is assessed as negligible to slight. However, to protect the residential amenity of existing residential properties from operational noise, conditions are recommended setting maximum noise limits and timing. (Condition 9 - 12).
- 62 Section 9 of the EIA assesses the impact of the potential nuisance arising from fugitive dust from the quarry extensions operations at dust sensitive receptors, in line with the guidance set out in PAN 50 and its Annex B, as well as IAQM Guidance. The assessment of the proposal as a new and additional source does confirm that objectives are still met in the worst-case scenario. The 'Dis-amenity' effects of dust at the specific receptors assessed was determined as negligible at all locations. The EIA states there are no operations in the vicinity of the site that could give rise to a potential



cumulative dust impact. The implementation of a site Dust Management Plan is recommended to control dust emissions and mitigation of potential environmental impacts from the operations to ensure that any dust impact is negligible to slight and unlikely to be any significant reduction in air quality.

- 63 Subject to noise and dust mitigation conditions no objection is raised by the Council's Environmental Health service. Conditions 9 – 13 are recommended. It is thus concluded that the development, subject to mitigation, accords with Policies 38B, 38C, 56 and 57 of the LDP2 as well as Policy 33 of the NPF4.

### **INEOS Pipeline**

- 64 The application is located within proximity to the INEOS High Pressure Gas pipeline, specifically Phase 1 excavations. Accordingly, Policy 54 of the LDP2 and Policy 23 of the NPF4 (Health and Safety Consultation Zones) is applicable. In this case account has been taken of the pipeline operator (INEOS) and the Health and Safety Executive responses.
- 65 Whilst the applicant has set out and detailed a risk assessment for the pipeline in undertaking the EIA, the Consultation response by the operator has set out a number of recommended conditions in relation to stand off zones, to maintain the pipeline integrity as well as enabling further consultation relative to the ongoing nature and monitoring of the works. These matters have been incorporated into Conditions 6 and 7. In particular, Condition 7 seeks to agree a pipeline consultation management plan which will require the applicant to agree a methodology and timing for all future consultation and monitoring of the pipeline with the operator prior to the development commencing. Subject to safeguarding conditions the development is considered to accord with Policy 54 of the LDP2 and Policy 23 of the NPF4.

### **Private Water Supply**

- 66 No specific private water supply bores or other sources are identified within the site. However, SEPA in its consultation response has specifically raised this as a potential concern, noting that changes in groundwater levels or condition may impact private supplies in Balado. The nearest supply identified is the Easter Balado Supply, located approximately 880m to the south-east.
- 67 As the proposal is to be dry worked, meaning no works are undertaken within the water table, any impacts are considered negligible, or have been permitted by the extant planning permission. However, a safeguarding condition is recommended that the development shall not impact any existing private water supply. The applicant shall undertake a review of all existing sources within the area and provide confirmation that these will not be unacceptably impacted. Such information will be required to be provided prior to be provided for prior approval from the Planning Authority prior to the development commencing. (Condition 21)

## **Tourism and Recreation**

- 68 Whilst the development is a continuation of an existing quarry, by an established operator at this location, the proposed expansion and new extraction area has the potential for adverse impacts on recreational users in a wider setting, and in particular along the A977 Road which at the site frontage is also a core path.
- 69 The EIAR considers amenity effects on local sensitive receptors, including socio-economic receptors and recreational users. None of the assessments identify significant effects. The proposal is within an arable field that is not used to any significant extent for recreation. In addition, only limited views of the proposed operations are achieved from the north-west. Accordingly, it is concluded the short terms temporary loss of this area is not considered significant.
- 70 The primary impacts are considered to be from noise and or dust during operational activities. These have been assessed above are not considered to raise any significant impacts subject to conditions controlling; plant noise, operating times, ensuring the processing of material occurs at the existing processing area, and the implementation of a Dust Management Plan. Conditions 8-13 are recommended.

## **Heritage Assets / Archaeology**

- 71 An Historic Environment Impact Assessment (HIA) has been carried out and reviewed by the Perth and Kinross Heritage Trust as well as Historic Environment Scotland. The HIA sets out that the proposed development may have direct and indirect impacts of unknown archaeological sites within the development area. Consequently, it recommends a program of archaeological works and evaluation should take place. The evaluation will inform a mitigation strategy if required to further preserve and document significant deposits.
- 72 This approach is accepted by the Planning Authority as well PKHT and HES. As there are no designated historical assets within the development, nor will the development impact the setting of any heritage asset, any impacts on the historical environment are assessed as negligible. Subject to a condition to secure the implementation of works discussed, (Condition 20) it is considered the development complies with Policies 26B and 27A of the LDP2 and Policy 7 of the NPF4.

## **Natural Heritage and Biodiversity**

- 73 The LDP2 contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed. Even greater emphasis on biodiversity enhancement is now incorporated into NPF4, notably Policy 3 which provides that proposal should integrate nature-based solutions wherever possible. In this instance there are no 'sensitive areas' within the development site. However, Loch Leven is located approximately

3.5-4 kilometres to the west and is identified as an SPA and SAC. Policies 38B and 38C of the LDP2 are particularly important in the assessment of the development, having regard to any impacts on this site or its qualifying interests. An Appropriate Assessment under the Habitat Regulations (HRA) was required. The qualifying interests of the Loch Leven SPA are Whooper Swan Pink footed Geese, Shoveler and Waterfowl assemblage of European importance.

- 74 NatureScot in its assessment of the application sets out that the development is likely to have a significant effect on Pink Footed Geese and Whooper Swan, due to the impacts of the proposal on a loss of grazing areas. However, NatureScot also confirm that the development is unlikely to directly impact the integrity of SPA/SAC due to the small scale of the development in comparison to alternative grazing areas nearby, and due to the mitigation in place to ensure the protection of surface water from the development. It is confirmed from the EIAR that any impacts to groundwater and or surface water will be negligible. There are no physical changes to overland drainage and mitigation procedures to avoid contamination from fuel, oil and other substances. Furthermore, a flood risk assessment has confirmed the development will not increase flood levels elsewhere associated with a 1 in 200 year event.
- 75 It is considered that the development will not adversely impact Loch Leven including the eutrophic loch features of interest. Furthermore, it is concluded that impacts on any qualifying interests of the SPA will not adversely impact the integrity of the SSSI site. Therefore, the proposed development is considered to accord with Policies 38B and 38C of the LDP2.
- 76 Policies 40 and 41 require that the Planning Authority consider existing trees as well wildlife and wildlife habitats on any development site. The applicant has also completed a Phase 1 Ecological Survey which has identified the presence of Otter hold ups and rest areas within 30m of the development site. As a European Protected Species a determination of the impacts on these values is also required before proceeding to any decision.
- 77 A further Otter Survey has been completed which confirms that the banks of the South Queich, to the north of the site, have been used historically as rest areas for Otter. No evidence has been found of breeding areas. As such any impacts to Otter resulting from this development are considered limited. A safeguarding condition is recommended that no development shall be permitted within 30m of an identified rest area.
- 78 In terms of landscaping, site restoration and the protection of existing trees onsite as far as practical, no objections are raised by the Council's Biodiversity Officer. However, commentary is made that these matters along with the provision of an Invasive Species Management Plan should be secured by condition. Enhanced biodiversity linkages and or offerings is considered necessary and will form part of any review of the final restoration plan when submitted. Subject to conditions and including the mitigation measures identified by the ecological surveys and Otter Survey the

development is considered to comply with Policies 40 and 41 of the LDP2 2019 as well as Policy 3 of the NPF4. (Conditions 15 – 19 are recommended).

### **Loss of Agricultural Land / Soil Carbon**

- 79 As set out in Paragraph 49 the site occupies ground with a land classification of 3.1, defined as prime land. Consequently Policies 50 and 51 of the LDP2 along with Policy 5 of the NPF4 are applicable here. In this case the use of prime land is considered to be justified on balance, a) due to the specific need for the development, to retain the 10 year land bank of mineral resource, and, b) due to the specific locational need, where the application in this case seeks to complete the extraction of available and remaining mineral resource at Balado Quarry.
- 80 Measures to manage, protect and reinstate soils have been set out within the EIAR which will be appropriately covered by conditions 22 and 23 satisfying the objective terms of Policy 50 of LDP2 and Policy 5 of the NPF4.
- 81 Having regard to soil carbon loss, it is confirmed that the site restoration plan proposes biodiversity improvements in the form of planting and the return of the whole quarry development to a natural landscape cover and appearance, including prime agricultural use. Such improvements which integrate ecology and landscape will in part remove and retire ground from agricultural working permanently reducing carbon loss from such processes. The EIAR states that only a proportion of the site will actually be worked at any one time and as such the amount of carbon lost will be less than might otherwise be expected through arable cropping practices. Overall, it is considered any impacts to soil carbon loss will be acceptable, having regard to the restoration commitments and phasing of the development.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 82 A Section 75 legal agreement will be required in order to comply with the Council's Supplementary Guidance – Financial Guarantees for Minerals Development, to secure the terms of a bond or financial instrument to guarantee the delivery of site decommissioning and restoration over the lifetime of the development and beyond. A bond quantification document has been submitted and peer reviewed in accordance with the Council's Supplementary Guidance in relation to Financial Guarantees for Mineral Development. The peer review has noted some minor adjustments to the material volume to be placed against the faces within the excavated void to achieve an acceptable final landform. This has resulted in some corrections to the commencement bond. The restoration quantification has been based on the cost of bringing appropriate external contractors on-site to carry out the required works in the event the applicant is not able to deliver this restoration in accordance with the phased details submitted. Provision has been made for aftercare over a period of 5 years. In keeping with the estimation of potential restoration liability (including a contingency of 5% and accounting for the phased approach to excavation as proposed), it is recommended that the commencement bond be set at an initial value of approximately £100,190 to be reviewed every 3 years. The financial guarantee offered by the applicant is

a bank guarantee, the details of which will be reviewed and determined acceptable prior to the completion of any formal legal agreement.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 84 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the adopted Local Development Plan 2 (2019) as well as the National Planning Framework 4. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Conditions and Reasons for Recommendation**

#### **General**

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

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

2. The term of approval for this permission shall be 6 years and 8 months from the date of Notification of Initiation of Development.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

3. All sand and gravel extraction within the site shall be completed within 5 years and 8 months from the date of Notification of Initiation of Development. All plant and machinery shall be removed from the site and the land entirely reinstated to the satisfaction of the Council as Planning Authority at the termination of operations or the expiry of the term of approval specified by Condition 2, whichever is the earlier. Termination of operations shall be deemed to be on the cessation of sand and gravel extraction operations for a period of 6 consecutive months or longer.

Reason - In accordance with the terms of the application and for the Planning Authority to maintain control of the period of application in the interests of visual and residential amenity.

4. The extraction of sand and gravel shall commence and proceed only in accordance with the submitted details of phasing, direction and depth of working, as shown on the plans and submitted documentation herewith approved. No deviations from the phasing plan shall be permitted. Restoration of the land to the agreed 'after use' shall take place concurrently with extraction to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

5. The rate of extraction shall not exceed 150,000 tonnes per annum unless otherwise agreed by the Council as Planning Authority.

Reason - In the interests of amenity and to maintain existing processing rates at the Quarry

### **INEOS Pipeline**

6. Notwithstanding Condition 1, No excavation works are hereby approved within 10 metres from the nearest edge of the INEOS FPS Pipeline route. All excavations up to and bordering the defined 10 metre exclusion area shall also not exceed a slope angle of 18 degrees.

Reason - To avoid adverse impacts to the INEOS FPS pipeline and to provide appropriate asset protection, recognising existing defined areas of servitude.

7. Prior to the commencement of development, a pipeline consultation and management plan shall be submitted to the Council as Planning Authority, for approval in writing, in consultation with INEOS PSL Ltd. The consultation and management plan shall set out;
  - The method and timing of notification to the pipeline operator of the proposed commencement of works;
  - the means, timing and responsibility for any pre commencement surveys or marking of the pipeline route;
  - An agreed method, content, timing and notification procedure for the provision of a program of works, including reinstatement works, in proximity to the pipeline. As a minimum the notification must set out anticipated commencement dates, timelines for operations within proximity of the pipeline and any reinstatement works;
  - The means to secure or facilitate access to the quarry by pipeline operators as required for the purposes of inspecting the pipeline and or any quarry slopes adjacent;
  - An agreed monitoring programme for monitoring slope stability in proximity to the pipeline, including notification to the pipeline operator of any monitoring results;
  - An agreed methodology for notification to the pipeline operator in the event any urgent repairs being identified (to the pipeline and or to the slope

- stability adjacent to the pipeline), including the means of consultation and cooperation with the pipeline operator in completing those works.
- An agreed methodology for notification of the pipeline operator, including any action points to be undertake if a flood event occurs.

Reason - To avoid adverse impacts to the INEOS FPS pipeline and to secure appropriate asset management.

### **Transport and Planning**

8. Mineral extraction and the movement of vehicles shall only be carried out at the site between the hours of 0800-1800 Mondays to Fridays and 0800-1300 hours on Saturdays. However, in addition, between the hours of 0630-0800 Mondays to Saturdays operations associated with loading and dispatch only may take place. Only essential maintenance work shall be carried out on Saturday afternoons and Sundays.

Reason - In the interests of residential amenity and mitigation of any impacts on the road network.

### **Noise**

9. Noise levels measure at noise sensitive properties shall not exceed the following limits during the specified times.
  - a) Between the hours of 0630-0800 Monday to Saturday at all residential properties - 45dB LAeq,1hour (Free field) and,
  - b) During the normal daytime working hours 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturday the free-field Equivalent Continuous Noise Level (LAeq,1h) for the period due to quarry operations, excluding soil handling activity and other works in connection with landscaping, when measured and assessed in accordance with PAN 50:
    - Mossbeg and Balado Neuk - 49 dB LAeq,1h
    - Balado Farm Cottages & Balado Farmhouse - 50 dB LAeq,1h
    - Tigh na Coille and Balado Bridge Poultry Farm - 55 LAeq,1h
    - The Rieve, Burnbrae - 45 LAeq,1h
10. Soil handling activity and other works in connection with landscaping shall not exceed 70 dB LAeq,1hr when measured and assessed in accordance with PAN 50 at any residential property and be limited to a period not exceeding 8 weeks in any one year.

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

11. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with 'Conditions 9 sand 10' above. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the

noise assessment shows that the noise levels do not comply with 'Conditions 8 and 9' a scheme of noise mitigation shall be submitted with the noise assessment to the Council as Planning Authority for written approval, specifying timescales for the implementation of the scheme with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

12. No mineral processing operations at any time are permitted within the extraction areas hereby approved and detailed within Drawings 6 and 7. All material shall be processed and stockpiled within the existing quarry area as Authorised by Planning Permission 17/01441/MWM.

Reason - In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to extraction areas hereby approved.

### **Dust**

13. A Site Dust Management Plan (SDMP) for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Environmental Health. The SDMP shall set out dust control mitigation measures and a complaints procedure as outlined in Section 9 of the supporting Environmental Impact Assessment Report dated September 2022. All dust management onsite shall thereafter proceed in accordance with the approved scheme for the duration of this permission.

Reason - In the interests of protecting amenity for nearby residential receptors, and to mitigate noise and or dust impacts on identified natural and historical interests located in proximity to the northern excavation area hereby approved.

### **Lighting**

14. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the boundaries of the site.

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

### **Biodiversity**

15. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site,



full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

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

Reason - In the interests of amenity and enhancement of local biodiversity values.

17. The conclusions and recommended action points within the supporting Extended Phase 1 Habitat Survey, prepared by Direct Ecology, dated 18.11.2021 Version 1 submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

18. Prior to the commencement of development an Invasive Species Management Plan for the development hereby approved shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with the Scottish Environment Protection Agency and the Council's Biodiversity Officer. The Invasive Species Management Plan shall set out control, mitigation and eradication measures for all identified invasive non species. The management of all invasive non species shall thereafter proceed in accordance with the approved plan for the duration of this permission.

Reason - In the interests of employing best practice ecology and appropriate implementation of Section 14 of the Wildlife and Countryside Act (1981).

19. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at

the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

### **Archaeology**

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

Reason - In the interests of protection the historical environment and in order to protect any archaeological assets that may be present within the site.

### **Private Water Supply**

21. The development hereby approved shall not impact any existing private water supply. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any private water sources, private water supply storage facilities and/or private water supply pipes serving properties in the vicinity, sited within and or running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason - In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

### **Aftercare and Restoration**

22. Restoration shall be undertaken in a progressive manner in accordance with the restoration commitments detailed in Section 4 of the Dalgleish Associates Ltd Environmental Impact Assessment Report dated September 2022 and the indicative restoration plan, Drawing 14.

Reason - In the interests of visual amenity, landscape quality and ecological interest and diversity.

23. Within six months of final cessation of quarrying a scheme for final landform restoration and aftercare, shall be submitted for the prior approval of the Planning Authority and shall be based on the restoration and aftercare commitments detailed in Sections 4.3 and 4.4 of the Dalglish Associates Ltd Environmental Impact Assessment Report dated 22 November 2021 hereby approved. Thereafter, the final landform restoration operations and aftercare scheme shall be implemented in accordance with the approved details.

Reason - To ensure that the final contours, updated restoration plans and any after care management for the site are adopted and that the site is capable of beneficial after use, whilst minimising impacts on the landscape, nature conservation and amenity of the surrounding area.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement to secure the terms of the bond or financial instrument associated with site decommissioning, restoration and aftercare has been completed and signed along with that bond or financial instrument. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the Minerals and Other Extractive Activities Policy 49B; Restoration and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

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

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency (SEPA).
  5. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  6. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wildbirds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
  8. An updated ecology survey is required if work has not commenced within 2 years of date of last survey (September 2021) approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for further written agreement.
  9. Results of restoration monitoring be sent to the Local Authority via [Biodiversity@pkc.gov.uk](mailto:Biodiversity@pkc.gov.uk).
  10. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
  11. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: None  
 Contact Officer: Jamie Torrance  
 Date: 9 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

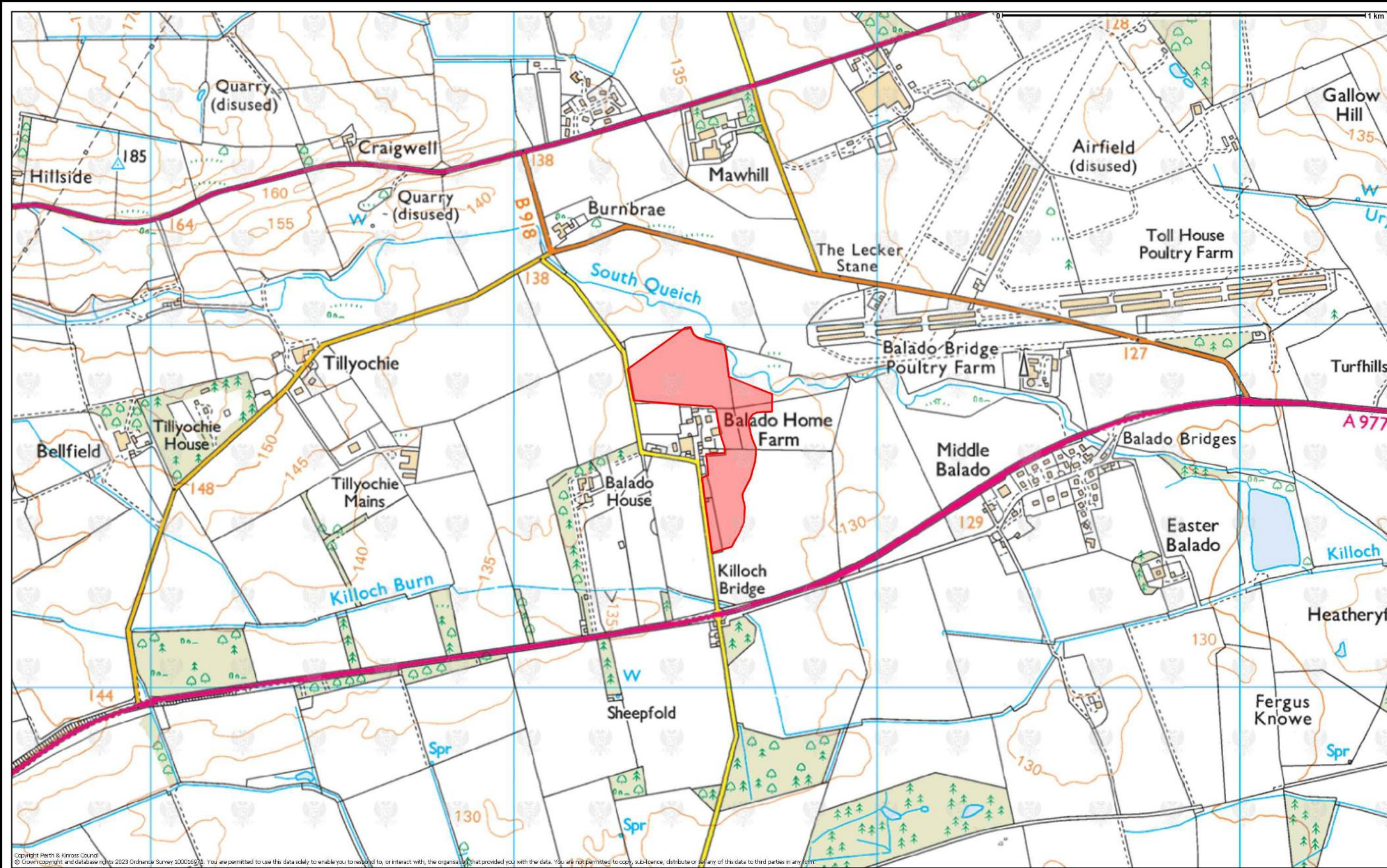
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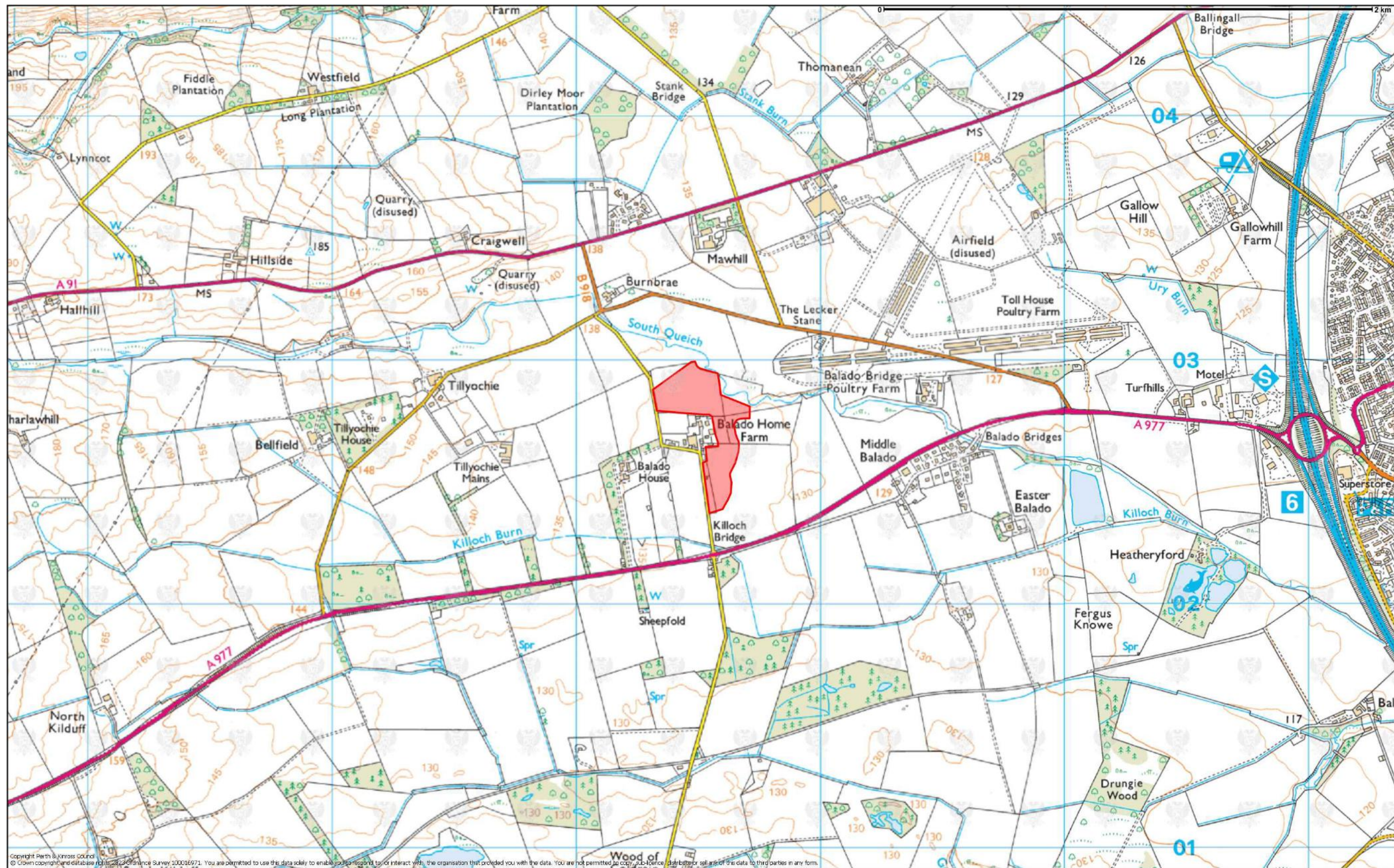


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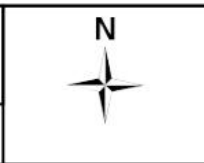


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Planning and Placemaking  
Committee 22 February 2023

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Scale 1:15000



22/01587/MWM

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Extension to quarry at Balado Quarry







Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/63)

**PROPOSAL:** Section 42 application to modify condition 10 (noise mitigation) of permission 20/00169/AMM

**LOCATION:** Morris Leslie, Errol Airfield, Grange, Errol, Perth, PH2 7TB

Ref. No: [22/01827/AMM](#)

Ward No: P1- Carse Of Gowrie

### Summary

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks a further Approval of Matters Specified in Conditions (AMSC), subject to the same proposal approved in 16/00999/AMM for 240 dwellings, a local centre, sports pitch and play area. The applicant is requesting to formally amend Condition 10 (Noise Mitigation) of that permission, which currently reads as follows:
- 2 *The mitigation measures as described by the Energised Environments Noise Impact Assessment dated 22 December 2016 (Drawing Reference: 20/00169/59) shall be put in place prior to the occupation of any dwellinghouse.*
- 3 *Reason: To ensure a satisfactory standard of local environmental quality.*
- 4 The site is located within the settlement boundary of Grange/Errol Airfield in the Perth and Kinross Local Development Plan 2 2019 (LDP2) and is recorded as having planning permission for housing. The predominantly flat site extends to approximately 58.3 hectares, 0.75km north east of Errol village. It forms part of the disused Errol Airfield facility which provides buildings for small businesses and there are some residential properties to the north of the site.
- 5 The site is bound to the north by the C484 Errol to Grange road, to the east by the remaining airfield area and to the west by a burn and farmland. The south of the site is contained by reed beds and the River Tay, which is a designated Special Protection Area (SPA), is a further 300 metres away. Access to the site will be via a new main access road to the west that was also approved

under 16/01491/FLL in July 2017. Development of the road has commenced and now provides access to a new temporary medical centre approved under 18/00628/FLL.

- 6 Planning Permission in Principle (PPP) was approved in October 2010 (05/02418/IPM) and extended in January 2014 (13/01823/FLM). Detailed permission was granted in July 2017 for 240 dwellings, a local centre, sports pitch and play area within the northern half of the PPP site (16/00999/AMM). Development of this site has commenced with the establishment of the approved acoustic bund along the northern boundary of the site with existing commercial businesses, including Tayside Granary and some residential properties.

### **Environmental Impact Assessment (EIA)**

- 7 An EIA Report was not required to be submitted with the proposal as the nature and type of proposal falls below the EIA thresholds

### **Pre-Application Consultation**

- 8 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 16/00999/AMM and there is no further PAC needed procedurally in relation to this Section 42 application.

### **National Policy and Guidance**

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

### **National Planning Framework 4**

- 10 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 11 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document.

### **Planning Advice Notes**

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

## **Creating Places 2013**

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

## **Designing Streets 2010**

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

## **DEVELOPMENT PLAN**

- 15 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

## **Perth and Kinross Local Development 2 (2019)**

- 16 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 17 The principal relevant policies are, in summary;
1. Policy 1A: Placemaking
  2. Policy 1B: Placemaking
  3. Policy 17: Residential Areas
  4. Policy 56: Noise Pollution

## **Site History**

- 18 [05/02418/IPM](#) Development of sustainable village. Approved against recommendation by Development Control Committee November 2008 with decision issued after the signing of a Legal Agreement October 2010.
- 19 [13/01823/FLM](#) Variation of condition no 1 of planning consent 05/02418/IPM to extend the time limit for a further 3 years. Approved by Development Management Committee January 2014.
- 20 [16/00999/AMM](#) Mixed use development comprising the erection of 240 dwellinghouses/garages, erection of commercial elements, provision of open space/play provision, associated infrastructure and other associated works (approval of matters specified in conditions 13/01823/FLM). Approved by Planning & Development Management Committee July 2017.

- 21 [16/01491/FLL](#) Formation of access, landscaping and associated works in association with 16/00999/AMM. Approved by Planning & Development Management Committee July 2017.
- 22 [20/00169/AMM](#) Section 42 application to modify condition 15 (contamination) of permission 16/00999/AMM. Approved by Planning and Development Management Committee on 29 July 2020.

## **CONSULTATIONS**

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

### **Internal**

- 24 Environmental Health (Noise Odour) – no objections were received subject to condition insofar as a 3m high acoustic fence be put in place at the northern boundary of the site.

### **Representations**

- 25 Two representations were received. The main issues raised within the representations are summarised below:

1. Loss of view
2. Impact on caravan touring business
3. Overshadowing
4. Noise
5. Excessive Height

- 26 Points 1 and 2 are not material considerations to the assessment of the S42 application. Points 3-5 are addressed in the Appraisal section of the report.

## **ADDITIONAL STATEMENTS**

27

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

## **APPRAISAL**

- 28 Section 42(1) of the Town & Country Planning (Scotland) Act 1997 (as amended) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous permission was granted.



- 29 Section 42(2) requires that the Planning Authority shall consider only the question of the condition(s) subject to which planning permission should be granted, and:
- (a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it would be granted unconditionally, they shall grant planning permission accordingly;
  - (b) If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 30 The determining issues in this case are whether the proposal complies with Development Plan policy or if there are any other material considerations which justify a departure from that policy. Currently the adopted Development Plan comprises the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves national policy and guidance, the Council's other approved policies, supplementary guidance, statutory consultees and additional statements submitted.

### **Principle**

- 31 The principle of the development subject of the application has been previously established through the approval of the extant planning permission (16/00999/AMM). The principle of the development is therefore well-established and is not reviewed as part of this S42 application. It is noted that since the original planning permission approval there has been a change to the Development Plan through LDP2 in 2019. The changes within the Development Plan are, however, not significant in relation to the proposed changes to this S42 application. The amendment of Condition 10 is not in itself considered to be contrary to the general terms of the Development Plan, however, consideration must be given to the specific characteristics of the amendment and whether any adverse impacts are calculated.
- 32 The applicant proposes to amend condition 10 (noise mitigation) which states that the mitigation measures as described by Energised Environment Noise Impact Assessment dated 22 December 2016 shall be put in place prior to the occupation of any dwellinghouse. The applicant now wishes to modify this condition to reduce the height of the bund and remove the acoustic fence. An updated Noise Impact Assessment (NIA) has been submitted to support the application.
- 33 The bund spans across 2 separate planning approvals, namely 16/01491/FLL and 20/00169/AMM. A small length of the bund is located within 16/01491/FLL. Condition 7 of that planning permission requires the submission of details of the acoustic bund for further approval of the Planning Authority. The details of which have been submitted, however is pending consideration, awaiting the outcome of this application.

## **Residential Amenity**

- 34 The previous noise mitigation measures included a buffer comprising a 6m high bund with 3m high acoustic fence atop around the north-west corner of the development to protect the proposed dwellings from noise from the grain dryers at Tayside Grain and an additional 3m high acoustic fence at the northern boundary to protect proposed dwellings from vehicle movement noise at the Morris Leslie site.
- 35 Tayside Grain has since been purchased by the applicant and it is their intention to fit silencers to the grain dryers to mitigate noise from the units and an updated NIA has been submitted with this application.
- 36 The conclusion of the updated NIA is that the 6m bund with a 3m acoustic fence at the north-western corner of the development is no longer required to protect the occupants of the proposed development from noise from the grain dryers.
- 37 Environmental Health colleagues have reviewed the updated NIA and following further discussions with the noise consultant, confirm that it is still recommended that a 3m high acoustic fence is constructed at the northern boundary to protect residents from vehicle movement noise from the Morris Leslie site.
- 38 Whilst the conclusion of the updated NIA is that the bund is no longer required, the applicant wishes to retain a 3m high landscaped bund for visual amenity purposes in a slightly revised position to that already consented. Concerns have been expressed from a neighbouring property which acknowledges that the proposal to reduce the bund to 3m and without the acoustic fence is better than what is already consented, however, has made suggestions insofar as the most westerly section of the bund is removed. The area referred to, however, is outwith the red line site boundary for this application, therefore, not a consideration for this application.
- 39 Concerns were also expressed in the letter of representation that the consented bund overshadows their property for several months in the winter. The proposal here to reduce the height of the bund provides a better solution negating any potential overshadowing.
- 40 Overall the proposal to vary the condition is considered to be acceptable and accords with the LDP2 subject to condition 12.

## **Design and Layout**

- 41 The proposed modification to Condition 10 will have no impact on the approved and under construction layout.

## **Landscape**

- 42 The proposed modification to Condition 10 will have no impact on the local landscape.

### **Visual Amenity**

- 43 The proposed modification to Condition 10 will improve visual amenity due to the reduction in height of the bund, thereby, reducing its visual prominence. Whilst the initial proposal provided landscaping on the bund, revised landscaping details were submitted. This can, however, be addressed through condition (condition 11).

### **Roads and Access**

- 44 The proposed modification of Condition 10 does not have any direct or significant impact on the road network.

### **Natural Heritage and Biodiversity**

- 45 The proposed modification to Condition 10 will have no impact on the biodiversity of the area.

### **Developer Contributions**

- 46 No contributions are required by this S42 application.

### **Economic Impact**

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

### **Other Matters**

- 48 The 16/00999/AMM permission had a number of pre-commencement planning conditions or elements of conditions that are no longer relevant as they have since been approved in advance of construction commencing in 2019. It is good practice, when approving a S42 application, to update the conditions to meet current regulations and requirements. Similarly, any conditions that still require to be addressed or adhered to should remain and reference should be made to detail or specification approved as part of the condition approval process for the existing AMSC. Several conditions as set out in the recommendation section below have been amended to accord with practice.

### **LEGAL AGREEMENTS**

- 49 None required. A Section 75 Legal Agreement is already in place for affordable housing provision, education contributions, transport infrastructure contributions, open space, play area, sports pitch provision and maintenance. It is future-proofed for S42 applications so will not require modification in light of this proposal.

### **DIRECTION BY SCOTTISH MINISTERS**

- 50 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been

no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 51 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 52 Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

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

2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Development Plan.

3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths and cycleways shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason - In the interest of pedestrian and cycle safety.

4. The detailed landscaping and planting scheme, including the sports pitch as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/55; 20/00169/56; 20/00169/57; 20/00169/58), shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

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

5. The approved children's play area(s) as approved under planning reference 20/00169/AMM (Drawing Reference: 20/00169/62) shall be laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the commencement of development of the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

For the avoidance of doubt only one equipped play area for 4-8 & 8-14 years which complies with the Council's Play Standards shall be provided within the site. All other proposed play areas should be unequipped.

Reason - In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

6. The approved delivery and phasing plan as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/39 and 20/00169/66) shall be fully implemented to the satisfaction of the Council as Planning Authority throughout the course of the development.

For the avoidance of doubt the location of the commercial area as shown on the masterplan is in general acceptable but is not fully approved by this permission as they are still indicative at this stage. Further detailed application(s) will be required for the exact scale and design of the structures.

Reason - In the interests of visual amenity: to ensure a satisfactory standard of local environmental quality and to reserve the rights of the Planning Authority.

7. The approved sustainable urban drainage system (SUDS) under planning reference 20/00169/AMM (drawing number 20/00169/74) shall be carried out in accordance with the approved scheme and be operational prior to the bringing into use of the development.

Reason - In the interests of best practise surface water management: to avoid undue risk to public safety and flood risk.

8. The Finished Floor Level of all properties shall be a minimum of 11.2 metres Above Ordnance Datum (AOD) and no property shall be occupied unless this is achieved.

Reason - To reduce the risk of flooding.

9. All existing trees and hedging within the site and on the boundaries shall be retained. The development shall fully comply with, respect and remain in full accordance with BS5837 2012: 'Trees in relation to construction, demolition and construction. Recommendations'.

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

10. A 3 metre high acoustic fence at the northern boundary as shown in Drawing Reference 20/00169/59 shall be put in place prior to occupation of any dwellinghouse. Thereafter, the fence shall be retained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

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

11. Prior to any further works being undertaken, a detailed specification of the proposed landscape bund shall be submitted for the further approval of the Planning Authority. The detail as subsequently approved shall be carried out and completed prior to occupation of the first dwelling and thereafter maintained.

Reason - In the interests of residential amenity.

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

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

13. Servicing of and deliveries to any commercial premises shall be carried out between 0700 and 1900 Monday to Sunday and at no other time to the satisfaction of the Council as Planning Authority.

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

14. The Construction Traffic Management Scheme (CTMS) as approved under planning reference 20/00169/AMM (Plan ref: 20/00169/63) shall be fully implemented and adhered to during construction. Restrictions of construction traffic to approved routes and the measures shall be put in place to avoid other routes being used. Heavy construction traffic should avoid the use of Murie, Inchcoonans, Errol, Grange and Inchtute Level Crossings.

Reason - In the interest of road safety.

15. The level and location of recycling facilities as agreed under planning reference 20/00169/AMM (Plan ref: 20/00169/65) shall be implemented in full prior to the occupation of the first dwelling.

Reason - In the interests of the sustainable disposal of waste.



16. Prior to any further works being undertaken in relation to Phases 1 to 5, as approved by Application for Matters Specified Permission ref: 16/00999/AMM, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken. An intrusive investigation should be undertaken to identify.
- I. The nature, extent and type(s) of contamination on the site;
  - II. Measures to treat/remove contamination to ensure the site is fit for the use proposed;
  - III. Measures to deal with contamination during construction works;
  - IV. Condition of the site on completion of decontamination measures.

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

For the avoidance of doubt, no further development will be permitted within the red line area approved for development under Planning Permission in Principle ref: 05/02418/IPM, as amended by Planning Permission in Principle ref: 13/01823/IPM, without a separate intrusive investigation being undertaken in compliance with the requirements of this condition.

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

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

18. No works which include the creation of trenches, culverts or the presence of pipes will commence until measures to protect animals from becoming trapped in open excavations and/or pipes and culverts are submitted to and approved in writing by the planning authority. The measures could include, but are not restricted to, creation of sloping escape ramps from trenches and excavations and securely sealing open pipework at the end of each working day.

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

19. If the development hereby approved having commenced in 2019 is suspended for more than 12 months within 2 years from the date of the planning decision notice, the approved ecological measures secured through the applicants Biodiversity Study of April 2016 (Plan ref: 20/00169/70) shall be

reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to;

- i) establish if there have been any changes in the presence and/or abundance of protected species and
- ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Council as Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

20. Where the approved development is to proceed in a series of phases, further supplementary ecological surveys for protected species shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through the applicants Biodiversity Study of April 2016 (Drawing Reference: 20/00169/70). The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.

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

21. Prior to the occupation and use of the approved development the applicant shall, at their own expense, promote a Traffic Regulation Order (TRO) from the site entrance to the existing 30mph zone to the West of the site, on the Station Road approach to Errol.

Reason - In the interest of road safety.

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

Reason - In the interest of promoting sustainable travel.

23. The external lighting plan as approved under planning reference 20/00169/AMM (Drawing References: 20/00169/67; 20/00169/68; 20/00169/69) shall be fully implemented and adhered to during both the construction and operational phases to minimise any light pollution.

Reason - To minimise any light pollution.

24. The developer shall ensure that a restriction is to be placed within the title deeds to all residential property confirming the provision of a voluntary agreement to the restriction on access between April - August in sensitive areas adjacent to the reedbeds. Evidence of this restriction has been approved by the Planning Authority and NatureScot (formerly SNH) prior to the commencement of the development on site.

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

25. The details as approved under planning reference 20/00169/AMM relating to the location, design and maintenance of signage (Drawing References: 20/00169/60; 20/00169/61) by the developer in respect of access to the sensitive areas of reedbeds shall be fully implemented prior to the occupation of any of the units on the site.

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

26. The details as approved under planning reference 20/00169/AMM of the preparation, content and publicity through leaflets relating to the restriction of access to the sensitive areas of reedbeds (Drawing Reference: 20/00169/45) shall be distributed to the approved dwellings in accordance with agreed timescale.

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

27. No development shall be occupied on any phase of the site until the local access road network improvements approved under planning permission 16/01491/FLL has been implemented and made operational to mitigate the traffic implications of the development, to the satisfaction of the Council as Planning Authority.

Reason - In the Interest of vehicle and pedestrian safety.

28. Prior to the completion of any residential plot, details of the bus stops shown in the approved Housing Layout Plan of planning application 20/00169/AMM (drawing numbers 20/00169/47 and 20/00169/48) shall be submitted to the Council as Planning Authority in consultation with the Council's Public Transport Unit for approval. The agreed detail shall thereafter be implemented prior to the completion of the 50th dwelling.

Reason - In order to ensure that associated local sustainable infrastructure improvements are undertaken to adequately accommodate the impact of the development proposed.

29. Agreed details relating to the location, design and maintenance of the priority signage at the Inchmichael Cutting (Plan ref: 20/00169/36) shall be fully implemented prior to the occupation of any units on the site.

Reason - In the Interest of vehicle and pedestrian safety.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. This development requires the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance.
3. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
4. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority Road Construction Consent (RCC) to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish

Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.

6. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
7. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
8. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk).
9. The Council's Public Transport Unit in the Environment Service should be contacted to clarify the bus service requirements for the development.
10. Any further applications should take into account the possible increase of traffic over all Level Crossings in the area and the impacts this may have on the reliability and frequency of the rail service.
11. The presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before determination of a planning application in accordance with part 204 of the Scottish Planning Policy.
12. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
13. There is a Section 75 legal obligation associated with this planning permission, which relates to 16/00999/AMM. A copy is available to view on the Council's Public Access portal.

Background Papers: 2 letters of representation  
Contact Officer: Gillian Peebles  
Date: 10 February 2023

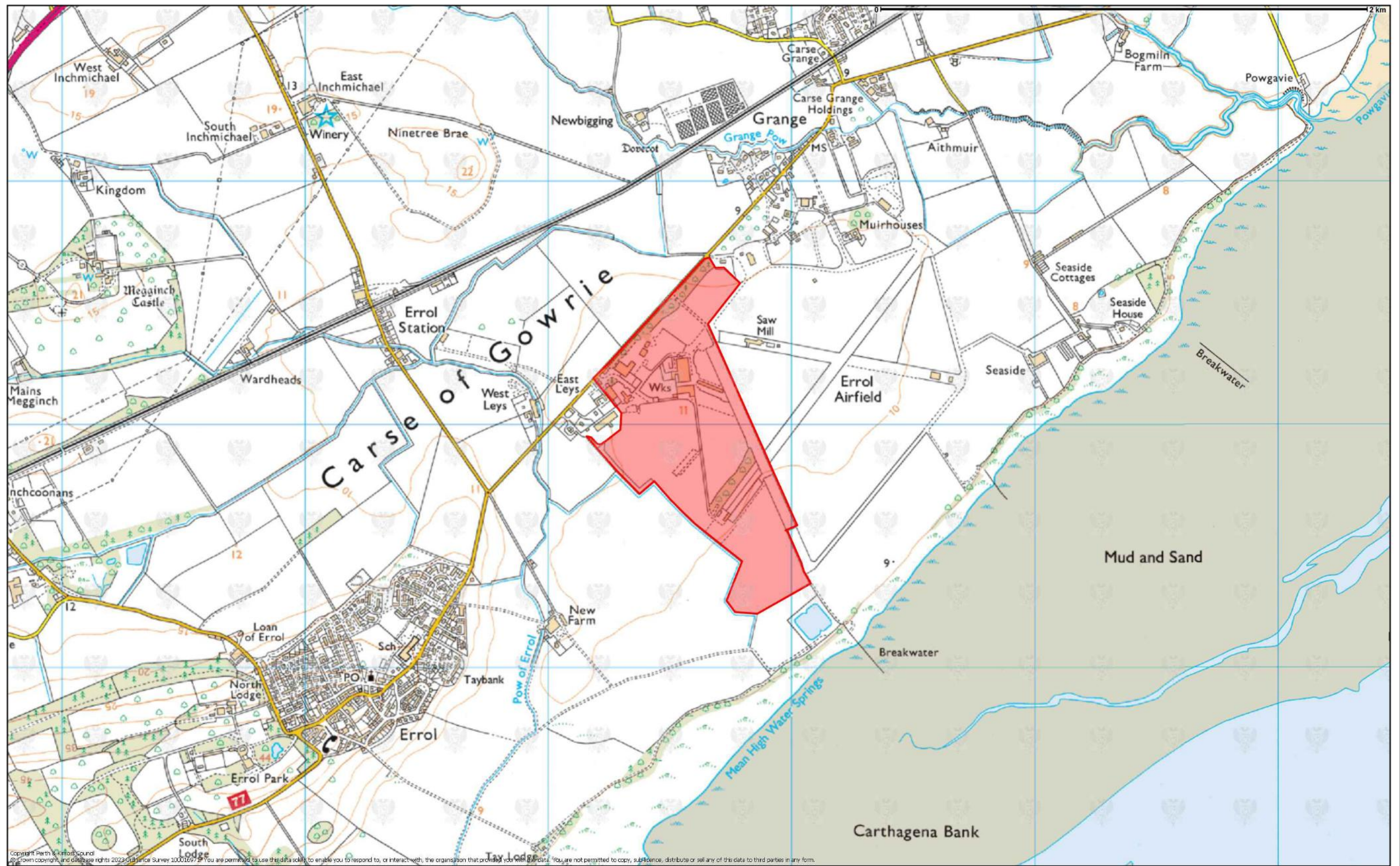
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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Planning and Placemaking Committee 22 February 2023

Scale 1:15000



22/01827/AMM

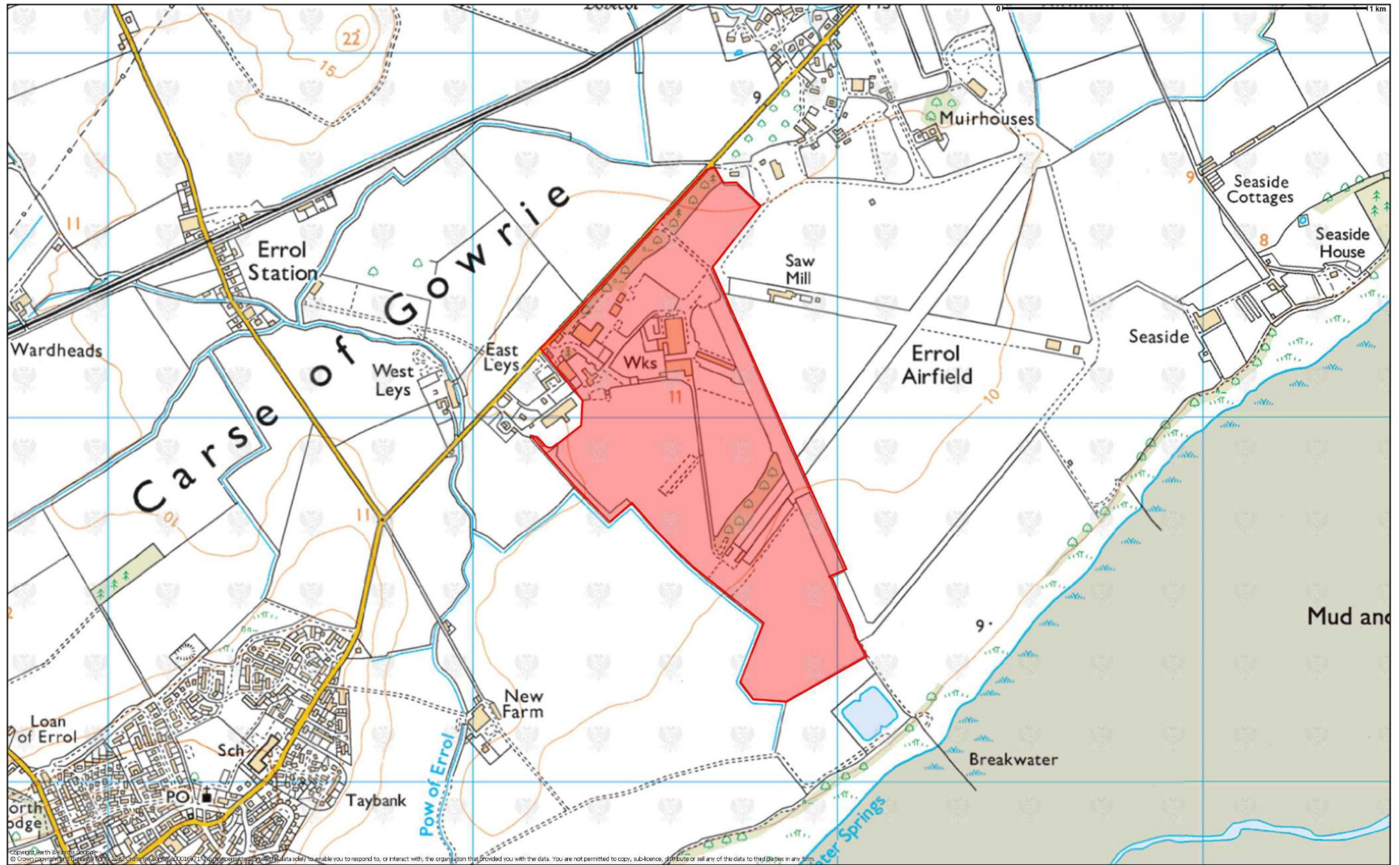
Section 42 application to modify condition 10 (noise mitigation) of permission 20/00169/AMM at Morris Leslie Errol Airfield Grange Errol PH2 7TB









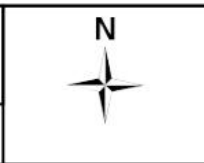


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Planning and Placemaking  
Committee 22 February 2023

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Scale 1:10000



22/01827/AMM

Section 42 application to modify condition 10 (noise mitigation) of permission 20/00169/AMM at Morris Leslie Errol Airfield Grange Errol PH2 7TB







Perth and Kinross Council  
Planning & Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/64)

**PROPOSAL:** Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works

**LOCATION:** Land west of 4 Pickembere, Pitheavlis, Perth

Ref. No: [21/00248/FLL](#)

Ward No: P10- Perth City South

### Summary

This report provides an update on the previously considered planning application for the erection of a Class 1 Retail Unit, ref 21/00248/FLL, in relation to National Planning Framework 4 (NPF4). The Scottish Government published a revised draft NPF4 in November 2022, this was approved by the Scottish Parliament on 11 January 2023 and subsequently adopted on 13 February 2023. As a consequence, its role in decision-making has increased because it has been incorporated as part of the development plan. This report updates the committee in relation to the implication and consideration for the application which was considered at the 1 June 2022 meeting when the Committee was minded to approve the application subject to the signing of a Section 75 Legal Agreement, to secure developer contributions (transport infrastructure) and the restriction of class 1 operations from the applicant's existing 'Glasgow Road' store.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 A decision was taken at the 1 June 2022 meeting of the Planning and Development Committee to approve the application in line with the recommendation. The application was therefore minded to grant subject to the signing of a legal agreement to secure developer contributions and the restriction of Class 1 operations from the applicants existing store off Glasgow Road.
- 2 This report is to provide and update to position in relation to the adoption of NPF4.

### APPRAISAL

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

comprises the National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2019 (LDP2). The relevant policy considerations update covered below focuses on NPF4 and how this impacts on the recommendation, with the remaining considerations as per the previous report to this Committee (Appendix 1).

## **NPF4**

- 4 The spatial framework in Part 1 focusses on addressing climate change, nature recovery, inclusive growth, the wellbeing economy, and child poverty. These aspirations are detailed across three main national planning policy areas in Part 2, namely: Sustainable, Liveable and Productive Places.
  - Sustainable Places focuses on the transition to net zero through the creation of nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change whilst protecting the environment.
  - Liveable Places applies the principles of local living to development proposals for example homes should be better served by local facilities and services.
  - Productive Places reaffirms the commitment to the Town Centre First Principle and encouraging investment in the right places.
- 5 The proposal has considerations across the three main policy areas covered in more detail in subsequent sections.
- 6 Sustainable Places seeks to tackle the climate and nature crisis. The applicable policies are Policy 1 Tackling the climate and nature crisis which supports local living and compact urban growth. Policy 2 Climate Mitigation and Adaptation encourages development in sustainable locations. Policy 13 Sustainable Transport promotes development that prioritise walking, wheeling, cycling and public transport.
- 7 It is considered as the development serves a local and expanding retail need in the west side of Perth it would meet these policies by reducing travel distances and has been located and designed to encourage sustainable travel options (i.e. walking, bus and EV).
- 8 Liveable Places applies the principle of local living. The applicable policies are Policy 14 Design, Quality and Place which supports places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities. And in addition Policy 15 Local Living and 20 Minute Neighbourhoods which seeks to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.
- 9 In these regards the development will improve local living by addressing the unmet demand/capacity for retail in the area, when there are no suitable zoned sites. The proposal therefore provides a supermarket offering meeting

the local need and in turn providing opportunity for sustainable transport modes.

- 10 Productive Places supports development which attracts new investment, builds business confidence, and stimulates GDP, export growth and entrepreneurship, as well as facilitating future ways of working. The applicable policy within this section is Policy 28: Retail, which seeks to encourage, promote and facilitate retail investment in the most sustainable locations accessible by a range of sustainable transport modes. The policy states that there may be a need for further retail provision, and this should be first in existing city centres, within edge of centre areas or in commercial centres – if they are allocated as sites suitable for new retail development. It further states that new retail proposals will not be supported in out-of-centre locations, with some exceptions as stated in part c (i). This allows for proposals for new small scale neighbourhood retail development that contribute to local living (including where relevant 20-minute neighbourhoods), and/or, c (ii) contribute to the health and wellbeing of the local community.
- 11 In this case, as fully assessed previously, there are no suitable city centre sites and the LDP has no allocated retail sites which are available or would be suitable for supermarket development. LDP3 will consider this issue through the development plan process. In relation to the application before us it is considered that a supermarket of this scale, which would not result in a significant increase in overall floor area (711m<sup>2</sup>) out-of-centre, with the existing use to be extinguished – as discussed in the Planning and Retail Statement. Its location within an underserved part of the city would contribute to local living. Particularly the local community would be able to access the premises by a range of sustainable transport modes, supporting the concept of 20-minute neighbourhoods. It is however appreciated that there will be an element of wider draw to the facility.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 12 The applicant will still be required to enter into a legal agreement in order to secure the necessary contributions towards transport infrastructure and ceasing of retail use at the Glasgow Road store. This process is currently ongoing, although with the adoption of NPF4 into the development plan, it was considered necessary to provide an update in this regard and to explain why it is considered that the application complies with the terms of NPF4 in light of the likelihood of the decision being issued the adoption of NPF4.

## **CONCLUSION**

- 13 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered contrary to LDP2 Policy 7 in that it would lead to a loss of employment land, but a justification has been provided for the retail need in the area in accordance with Policy 13. In addition, the recommendation is considered to comply with NPF4 Policies 1, 2, 13, 14, 15 and 28.



Background Papers: Previous Planning and Placemaking Committee Report dated  
1 June 2022 (Appendix 1)  
Contact Officer: Joanne Ferguson  
Date: 10 February 2023

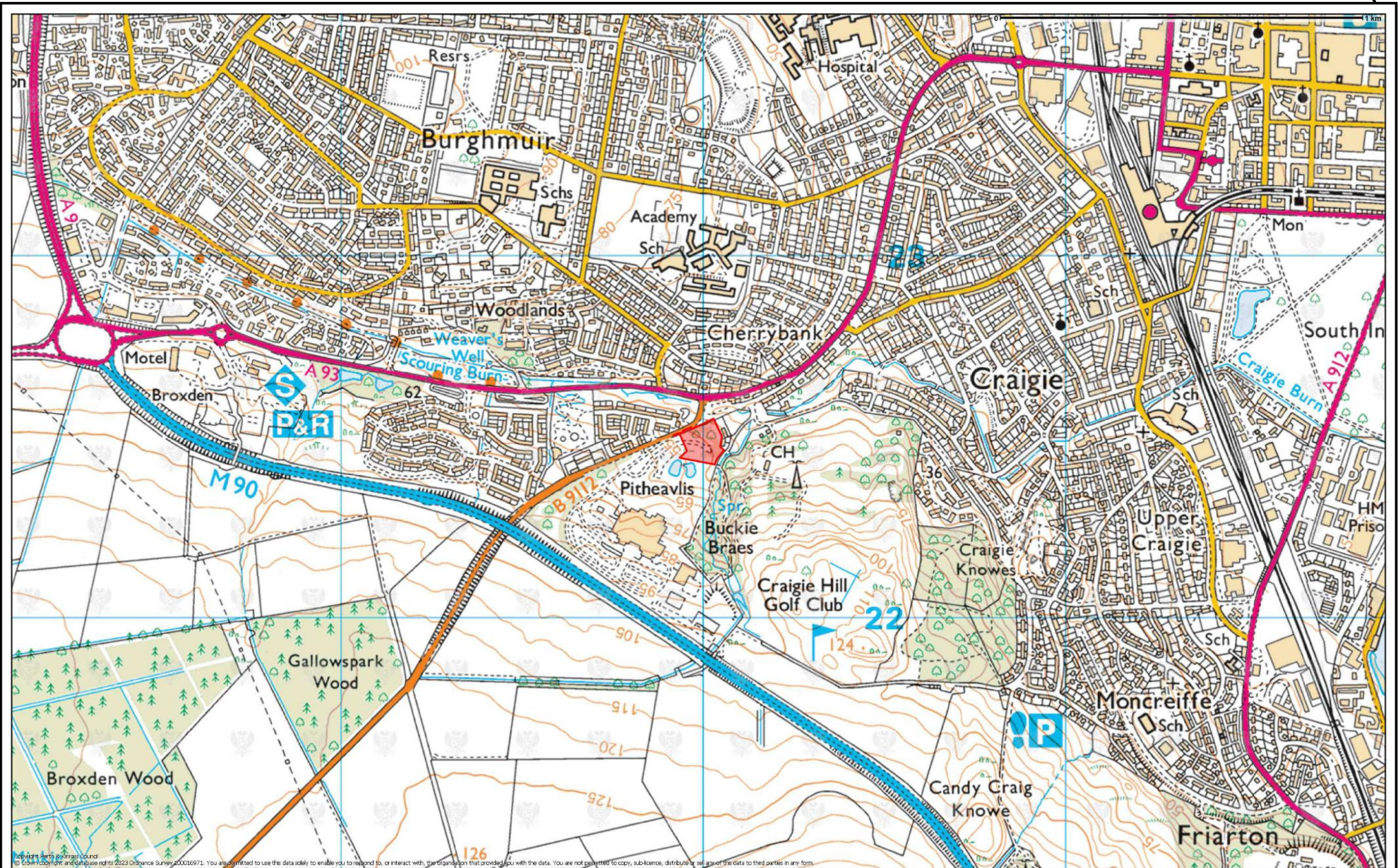
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**



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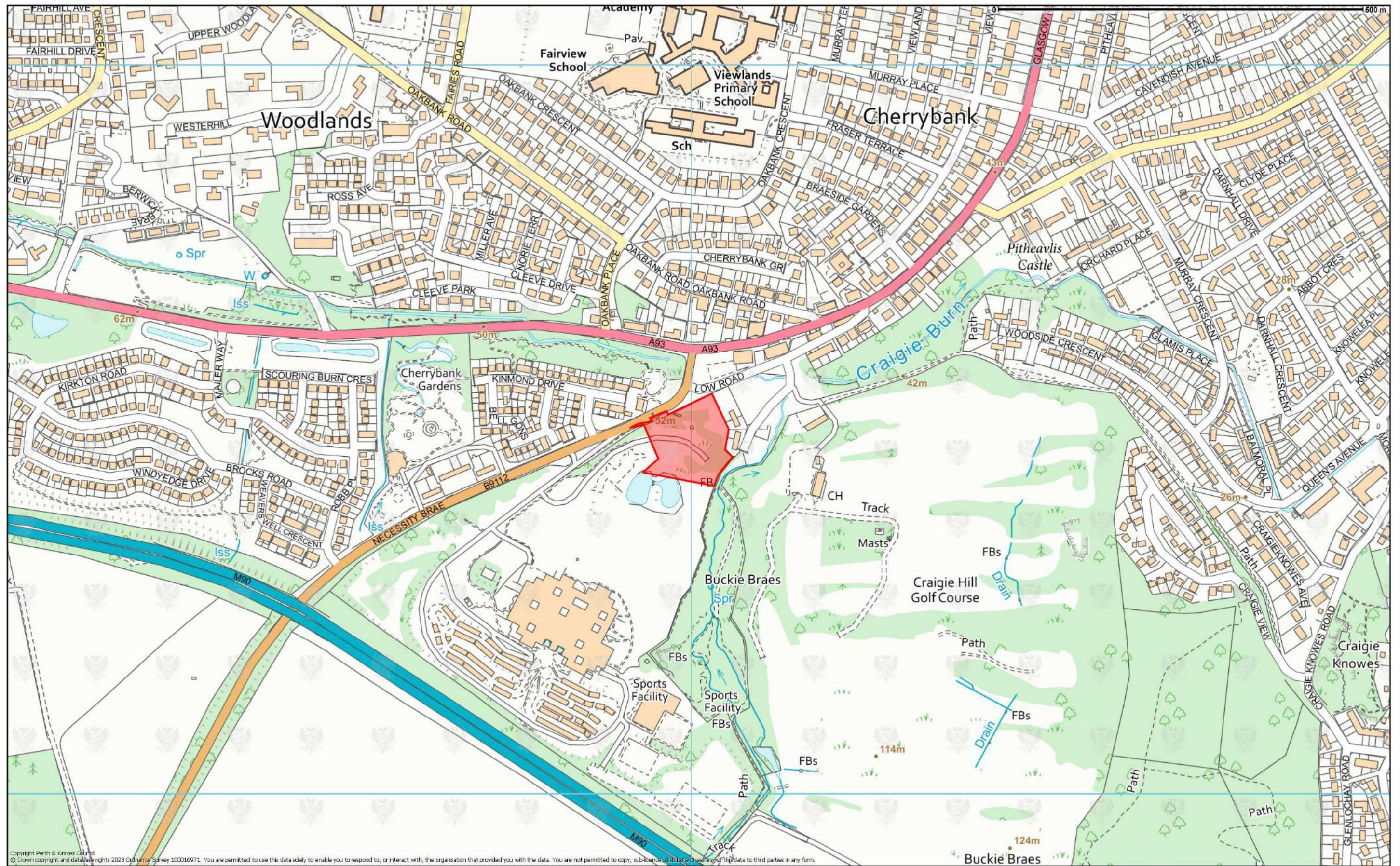




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Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
 (Report No. 22/113)

**PROPOSAL:** Erection of retail unit (Class 1), formation of access, car parking, engineering works, landscaping and associated works

**LOCATION:** Land west of 4 Pickembere, Pitheavlis, Perth

Ref. No: [21/00248/FLL](#)

Ward No: P10- Perth City South

### Summary

This report recommends approval of the application, subject to receipt of or other means of securing identified developer contributions and the revocation of the aspect of planning permission 99/00818/FUL to remove the ability to use that premises for Class 1 retail use at the applicants existing Glasgow Road store. Although the development is not considered to fully comply with the relevant provisions of the Development Plan, there are material considerations which outweigh the position of the Development Plan and justify a recommendation of approval.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located within the settlement boundary of Perth, on the southern edge. The Aviva campus, the main building of which is Category A listed, lies to the south in an elevated position. Currently access is from the main Aviva service road, through a vacant site to the southwest. This area previously used as a hotel/training centre linked to Aviva. Topography generally falls by c.5 metres west to east towards woodland (forming the Buckie Braes) and a row of traditional stone cottages. To the northwest, across Necessity Brae is a residential area.
- 2 Outline planning permission has previously been granted on a wider site, this including office use on the site and the subsequently developed housing across Necessity Brae. The office element has never progressed.
- 3 Aldi have explored extending their current store at Glasgow Road, which is allocated in the Perth and Kinross Local Development Plan 2 within an 'Employment Safeguarding' adjacent to the city centre. However they consider the site is not large enough to deliver the business requirements sought in this proposal. The existing store extends to a gross floorspace of 1,173sq metres and the new store would increase to 1,884sq metres. In order to limit the drawing of trade away from the city centre area, the permission for the existing store will in part be revoked, to remove the ability to use it for Class 1 (retail)



purposes and the new store, in terms of retail impacts on existing identified centres, considered only on the basis of it's uplift in retail floorspace rather than in addition to the vacated store. The revocation process would require to be completed before any positive decision was issued, if this proposal is supported by committee.

- 4 In addition to delivering a new retail store, replacing that at Glasgow Road. The plans also include a new access junction from Necessity Brae, parking facilities, retaining structures and landscaping.

### **Pre-Application Consultation**

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.
- 6 The applicant did however undertake engagement early with the local community and Councillors, to inform their submission.
- 7 Online consultations were held with virtual question and answer sessions. The report on this indicates that there was a good level of support for the scheme from 250 respondents (c.64%), with the concerns raised being considered and responded to in the final submitted design, etc.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework 2014**

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

#### **The Scottish Planning Policy 2014 (SSP)**

- 10 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans;
  - The design of development, from initial concept through to delivery; and

- The determination of planning applications and appeals.
- 11 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Promoting Town Centres: paragraphs 58 – 73
  - Supporting Business and Employment: paragraphs 92 – 108
  - Valuing the Historic Environment: paragraphs 135 – 151
  - Valuing the Natural Environment: paragraphs 193 – 218
  - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
  - Managing Flood Risk and Drainage: paragraphs 254 – 268
  - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

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

### **Other Material Considerations**

[Getting the Right Change: A Retail Strategy for Scotland](#) – March 2022

Scotland Retail Strategy

- 13 The 'Place Principle' adopted in this recent Scottish Government publication is one where people, location and resources combine to create a sense of identity and purpose, and is at the heart of addressing the needs and realising the full potential of communities. Creating communities and places people want to visit, live and shop in, is seen as vital to Scotland's Covid recovery – not only for retail, but for culture, hospitality and tourism too. Where there are actions to support a strong local retail and cultural destinations, there will be opportunities for other businesses, such as hospitality and tourism, to capitalise on increased footfall. '20 minute' neighbourhoods are places where people live within 20 minutes of walking, wheeling, cycling or using public transport to reach key amenities like shops, services and green spaces.

[Scotland's National Strategy for Economic Transformation](#): Published March 2022.

- 14 The Scottish Government launched its Economic Development Plan with a vision to create a well-being economy: a society that is thriving across

economic, social, and environmental dimensions, and that delivers prosperity for all Scotland's people and places. The aim to achieve this while respecting environmental limits embodied by our climate and nature targets. Whilst creating this vision to increase investment and increase productivity.

### **Creating Places 2013**

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

### **National Roads Development Guide 2014**

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

### **DEVELOPMENT PLAN**

- 17 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**

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

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

- 19 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 3: First choice for investment
  - Policy 5: Town Centres First

### **Perth and Kinross Local Development Plan 2**

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

21 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 6: Settlement Boundaries
- Policy 7: Employment and Mixed Used Areas: Business and Industrial
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 25: Housing Mix
- Policy 27: Listed Buildings
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60: Transport Standards and Accessibility Requirements

### **Other Policies**

#### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

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

#### **Placemaking Supplementary Guidance 2020**

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

#### **Perth and Kinross Town Centre and Retail Study 2016**

24 The retail study is the most up to date assessment that has been undertaken of capacity across the city to accommodate additional retail floorspace.

### **SITE HISTORY**

25 [08/00122/OUT](#) Outline planning permission was approved on 15 August 2008 for a mixed use development comprising residential, hotel with associated

public house/restaurant, care home and offices with associated car parking, internal access roads and adjusted site levels.

- 26 [14/00269/AMM](#) related to the above parent permission and a subsequent Section 42 consent (11/00933/FLM) matters specified in conditions were approved on 12 September 2014 for the residential development now present on the north side of Necessity Brae.

## **CONSULTATIONS**

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

### **External**

- 28 **Historic Environment Scotland** – No objection, initial concerns addressed by submission of a Heritage Assessment.
- 29 **Scottish Water** – No objection. Note that capacity is available for foul and water, subject to an application to secure connections.

### **Internal**

- 30 **Biodiversity/Tree Officer** – No objection. Advise of no impact on protected species. Concerns raised over the removal of trees and limited of biodiversity enhancements.
- 31 **Community Greenspace** – Initially objected to the proposals on the basis of landscape concerns. It was considered that these were largely addressed by the subsequent heritage assessment, design/boundary revisions and updated landscaping proposals.
- 32 **Development Contributions Officer** – No objection. Advise a contribution is required for transport infrastructure (£87,654).
- 33 **Environmental Health (Contaminated Land)** – No objection and no conditions required.
- 34 **Environmental Health (Noise Odour)** - No objection. Conditions recommended related to noise, lighting and constriction management.
- 35 **Structures And Flooding** – No objection to drainage proposals.
- 36 **Transport Planning** – No objection. Conditions recommended for construction traffic management, road improvements and submission of travel plan.

## **Representations**

- 37 27 representations have been received, 16 in support and 11 objections. The main issues raised within the representations are:



### 38 Support

- Employment Provision
- Enhances Character of Area
- Results in Environmental Improvements
- Supports Economic Development
- Provides a shop within walking distance/shorter car trips

### 39 Objections

- Impact on Buckie Braes
- Out of character with the area
- Adverse effect on visual amenity
- Contrary to development plan policy
- Inappropriate land use
- Loss of open space
- Loss of trees
- Noise pollution
- Road safety concerns
- Traffic congestion
- Flooding

40 These issues are addressed in the Appraisal section of the report.

### ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Reports on Impact or Potential Impact	<ul style="list-style-type: none"><li>• Heritage Assessment,</li><li>• Landscape Design Statement,</li><li>• Tree Survey,</li><li>• Planning and Retail Statement,</li><li>• Employment Land and Viability Report,</li><li>• Drainage Impact Assessment inc Flood Risk Assessment,</li><li>• Geo-Environmental Assessment,</li><li>• Consultation Report,</li><li>• Transport Assessment,</li><li>• Ecological Survey,</li><li>• Noise Report.</li></ul>

## **APPRAISAL**

- 41 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.
- 42 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### **Principle**

- 43 Aldi currently operate two stores in Perth, with the Glasgow Road store one of the smallest in their Scottish portfolio with a gross floorspace of 1,173sq metres. As such Aldi have been exploring opportunities to improve this stores offering to be more in line with its other stores, such as through an extension. However, they advise this has not been feasible, due to the physical and operational constraints of that site. The alternative instead being to relocate to a larger site within the city. As a result of the alternative location, the existing store on Glasgow Road would be closed and the ability of the building to operate as a Class 1 retail facility removed, through a formal revocation.
- 44 In seeking a new site within the city, Aldi considered a range of options including alternative locations within the city centre, although none were available, nor any sequentially preferable – in terms of retail policy considerations. Following this, efforts were focused on considering sites in the southern part of Perth, given their existing presence at Inveralmond (covering the north area), leading to the selection of the application site. The Necessity Brae site considered to occupy a prominent location, in a walkable location which is highly accessible via a range of sustainable transport modes, given the proximity to the A93. The proposal therefore aligns with the principles contained within the Scottish Government's Retail Strategy for Scotland published in March of this year.
- 45 The site has been allocated in Local Development Plans for employment uses for a number of years and planning permission has previously been granted for a mixed commercial development. However, the site has remained vacant and the supporting statement details that there has not been any credible interest for office development. Furthermore, a viability appraisal has been completed which further identifies that development of the site for office, industrial or hotel use would not be viable due to the significant abnormal development costs associated to the site adversely affecting returns on investment and making it unattractive to investors.

- 46 In terms of the principle of retail use the site is identified as employment site E165 within LDP2, specifically for employment uses (core), hotel, and non-residential institutions – reflective of the historic planning permission.
- 47 Policy 7 Employment and mixed-use areas applies and in relation to a proposed retail use it has the following limited exceptions:
- ‘(d) Proposals for retail uses in employment areas will not be acceptable unless they are ancillary to an acceptable use on the site:
- (e) Proposals for service facilities (should exclude retail and commercial facilities over 100 m<sup>2</sup>) and should serve the business and industrial area rather than draw out-side trade and cumulatively should not equal more than 15% of the allocated employment area.’
- 48 The proposed retail use does not meet either of these exceptions. Thus, the proposal is contrary to the LDP2 Policy 7 and to the uses identified for E165.
- 49 The supporting Employment Land and Viability Report (ELVR) acknowledges that PKC’s Employment Land Audit shows an employment land supply of 213ha within Perth Core. However, this land supply largely relies on sites yet to be serviced. In terms of sites which are already serviced and more readily available, such as E165, there is a more limited supply. When considering impact on employment land supply the Employment Land Audit 2020 identifies that of the 22.23 ha of serviced land available within Perth Core area, 2.15 ha is within E165, and 0.97ha of it would be lost if this planning application is approved. In this regard it is noted that PKC are committed to providing 11.25 ha of employment land over the next five years (to meet demand), although not directly in control of delivery.
- 50 The site has potential to attract employment uses (class 4, 5 or 6), due to the good public transport provision, including dedicated bus services to the adjacent Aviva. It is however acknowledged that the Post covid-19 situation is more uncertain. The ELVR also identifies that neither an office, industrial or hotel scheme is likely to be viable on the site, given the significant costs of developing the site. PKC’s Estates and Commercial Investment team have confirmed that the ELVR is well researched and makes a robust supporting case on non-viability. Furthermore, given the lack of delivery of the employment uses on site while other aspects have been delivered, the tabled proposal would also align with Scotland’s National Strategy for Economic Transformation in that the development would increase investment in the area whilst also catering for social and economic benefits locally.
- 51 It must therefore be considered whether the loss of 0.97ha is significant in terms of the serviced employment land and the wider supply. In real terms 0.5% of the overall employment land allocation in Perth Core would be lost, furthermore it would lead to a loss of 4.3% of the serviced employment land in that Core.

- 52 Policy 13 Retail and Commercial Leisure Proposals is another key policy in terms of considering the principle of this proposal. The Council's own Retail Study from 2016 identifies convenience retail capacity within the Perth catchment. From the applicant's assessment, it is stated that this floorspace uplift can easily be accommodated, without significant impact on any protected centre.
- 53 The proposed store is a direct, if slightly larger, replacement for Aldi's existing store at Glasgow Road. However, if the planning permission is granted without securing the revocation of the retail use of the Glasgow Road store then there would be a need for a Retail Impact Assessment (RIA) to consider the impacts of an additional of 1,884m<sup>2</sup> gross convenience floor space on existing identified centres. This being reflective of Policy 13 within LDP2 which states, "*retail and leisure development of 1,500 square metres or more gross floor space outwith a defined town centre boundary, and not in accordance with the Development Plan, will require a transport, retail or leisure impact assessment.*" However, if the existing out of centre retail use is revoked then this proposal would only result in an additional 711m<sup>2</sup> of gross floorspace, containing 444m<sup>2</sup> of retail floorspace (355m<sup>2</sup> for food sales and 89 m<sup>2</sup> non-food). Only on this basis is it considered that a RIA is not required.
- 54 The Perth and Kinross Town Centre and Retail Study 2016 acknowledges two main considerations and states, "*In terms of the distribution of potential opportunities for new store development in the Perth sub area, it is reasonable to consider that Scone is a possible location for new store development to serve the local population. For example, there would be capacity to support the existing supermarket consent at Scone, or an alternative proposal, such as a discount food store.*"
- 55 It is considered that the additional 444m<sup>2</sup> of discount store provision proposed helps address spare capacity for discount food store identified in the Perth and Kinross Town Centre and Retail Study 2016, although not in Scone. However the south/west area of Perth is one which is now identified for significant future growth and has seen some of this in recent years – post 2016. Furthermore, the applicant has submitted a sequential assessment and it is considered that the proposal meets the sequential test, as there are no suitable opportunities within sequentially preferable locations.
- 56 The following are site specific developer requirements associated to the E165 allocation:
- Connect to the core path network to east.
  - Tree survey required: enhancement of biodiversity and habitats and retention of existing woodland.
  - Flood Risk Assessment.
- 57 These are considered in more detail in subsequent sections of the report.
- 58 Overall, the proposed retail use is contrary to LDP2 Policy 7: Employment and Mixed - Use Areas as well as the specific land use allocation set out in E165, thus a departure from the Development Plan. However, alongside the

revocation of the Glasgow Road retail use it is considered that the proposal is in accordance with Policy 13: Retail and Commercial proposals, as it meets the sequential test which indicates there are no suitable opportunities within better locations. In addition, the proposal would see 0.97ha developed of the remaining 2.1ha at E165, leaving 1.13 ha for employment uses. In turn the proposal could allow the existing Aldi site to be utilised for Class 4, 5 and 6 potentially bringing 0.4 ha of serviced employment land forward, which is currently in Class 1 (retail) use.

### **Design and Layout**

- 59 The proposed retail unit with car parking, servicing and landscaping sees a single storey building located to the south of the site with the service area contained to the rear. The access is to the west onto Necessity Brae and the carpark lies to the north/northwest.
- 60 The building has a simple rectangular floor plan with a low mono-pitch roof. The site, due to the sloping topography, requires land engineering works to increase levels and create a platform for development. The building is to be sited in the northern part, where no significant increase in levels are required. Where the levels require to be increased and retained, to a maximum height of c.4.95m (to the north/east) carparking areas will be provided. The platforming and cut and fill of sloping sites is not uncommon and can include the use of masonry/ concrete retaining walls, gabion baskets or a crib lock structures. However, the approach proposed seeks to mitigate the impacts and provide a softer solution via the use of 'Tensar Greenslope', which is a naturally vegetated, steep-slope earth retaining system.
- 61 The buildings finishes were originally to be a grey roof and wall cladding with a small amount of timber. The plans have since been revised and now see expansive timber cladding to walls and the roof finished in green coloured panels, to tie in with the natural character of the site and the immediate context of the woodland backdrop.
- 62 The design, siting and materials are considered to be acceptable and comply with Policy 1 Placemaking and the Placemaking Supplementary Guidance.

### **Residential Amenity**

- 63 The proposed opening hours of the store are between 8am and 10pm, Monday to Saturday and 9am to 8pm on Sundays.
- 64 The site sees the closest residential properties to the east at 1 to 4 Pickembere (Low Road) and then to the northwest (separated by Necessity Brae) where there are flatted properties at Arthur Park.
- 65 The store and its service yard are located to the south of the site set at the furthest point from these dwellings. The car park is however sited closer to 1 to 4 Pickembere.

## **Air Quality**

- 66 The site is within the Perth Air Quality Management Area (AQMA) and an Air Quality Assessment (AQA) supports the application. The AQA aligns with the submitted Transport Assessment and has used the traffic data from the recently produced Systra 2019 baseline traffic model for Perth. In line with the Institute Air Quality Management impact descriptor the AQA concluded that the impact from the proposed development will be insignificant for all pollutants.
- 67 A dust assessment was also undertaken to assess construction phase impacts and concluded that dust generated from the site construction activities would be low risk. However, a construction management plan shall be required by condition to ensure control measures and procedure to mitigate the effects of dust and noise during the construction period of the development. (Condition 7)

## **Noise**

- 68 The submission is also accompanied by a Noise Impact Assessment (NIA) which assesses noise from the proposed car park, store service area, fixed plant noise sources and deposit return scheme facilities.
- 69 The NIA concluded that no additional mitigation noise control measures would be required. As the development is not likely to have a detrimental effect on the existing residential amenity at closest dwellinghouses for both daytime and night-time as target criteria levels are not exceeded. Conditions are recommended in relation to noise to ensure that residential amenity is protected from noise from the daily operations of the development. (Conditions 2, 3, 4 and 5)
- 70 The NIA did not assess construction noise at the closest noise sensitive residential properties therefore, a condition to control noise during the construction phase due to the close proximity of the site to residential properties is proposed. (Condition 15)

## **Lighting**

- 71 The carpark would be at a higher level than the current ground level, as a result of site level works. However, the retaining structure would form a pediment enclosure to the boundaries which will screen car headlights. Otherwise, an overall lighting scheme is proposed for the carpark and a condition will be added to ensure that this is adequately screened. (Condition 6)
- 72 It is therefore concluded that there is no unacceptable impact on residential amenity from lighting and, subject to the conditions proposed, the proposal complies with LDP2 Policies 17, 55, 56 and 57.

## **Contaminated Land**

- 73 Site investigations have been undertaken to support a previous application for a larger site (which included the application site). This saw no constraints to the site's redevelopment due to the presence of any contamination.



## Roads and Access

- 74 The proposed vehicle and pedestrian access is to be formed directly onto the B9112 (Necessity Brae). The site-specific developer requirements states that connection is to be made to the core path network to east. However, this is not included in the proposal, due to the change in levels which would require a substantial stepped/ramp access and also reduce the potential for landscaping/compensatory planting. It is also considered that the link would offer little benefit, as the Buckie Breas lead out of Perth and do not connect any residential areas. As such this aspect is not considered necessary.
- 75 The site will be served by 100 parking spaces, including 8 accessible (two of which would see electric vehicle charging points (EVCP)) along with 9 parent and child spaces, and 4 EVCPs, (2 of which will be accessible, in addition to the 6 disabled spaces). Furthermore, ducting will be provided within the car park for a further 16 EVCPs should the need arise in the future. Cycle stands will also be installed at the shopfront, for up to 10 bicycles. This is an acceptable level of car and cycle parking for the development. A condition is recommended to secure the minimum number of cycle parking spaces and the timing of their installation. (Condition 11)
- 76 The delivery regime for Aldi stores generally involves the following: one to two HGV deliveries (16.5m vehicles) and a smaller milk delivery (small rigid truck) each day. The HGV driving forwards into the site, reversing into the carpark and then exit the site in forward gear.
- 77 To facilitate the vehicle access into the site, the proposal is to relocate the southwest bound bus stop.
- 78 Trip generation information for the development, shows that there will be a number of new trips and pass-by trips attracted to the store.
- 79 With approximately 300 residential properties to the northern side of Necessity Brae, it is considered that a signalised pedestrian crossing should be provided to enable residents to cross and access the proposed Aldi store. The location of the crossing shall be agreed with the roads authority and operational prior to the store opening. (Condition 9)
- 80 The footway on the southern side of Necessity Brae is currently slabbed and resulting increased footfall sees it recommended that an alternative material is considered, such as a Hot Rolled Asphalt. Improving evenness and navigation by those with visual impairment. (Condition 9)
- 81 With the large employment at Aviva to the southwest, it is recommended that the footway to the west of the proposed vehicle access is extended round into the site to the gas meter housing, to reduce the conflict between pedestrians and vehicles. (Condition 9)
- 82 Proposed 'yellow box' junction markings shall be subject to further discussion with Perth & Kinross Council and Police Scotland, therefore the implementation of the yellow box markings would not be approved through this planning

application. An informative is recommended for discussions to take place, prior to the implementation on the public road network. (Informative 11)

- 83 Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements.

### **Drainage and Flooding**

- 84 The application is supported by a Drainage Impact Assessment which includes a Flood Risk Assessment. This sees the site not identified within an area of flood risk, but there are known surface water flooding issues within the area. The reports submitted have considered these issues and drainage proposed to ensure the development does not contribute to any existing issues.
- 85 The development is also to be connected to the Scottish Water network for water and foul drainage. Scottish Water note that the following assets are within/or close proximity: a 225mm foul and combined sewer, 100mm surface water sewer and a 200mm distribution main. These have impacted the development layout and the planting scheme.
- 86 It is considered that the proposal complies with LDP2 Policy 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage

### **Conservation Considerations**

- 87 The site is located to the north of the category A listed Aviva Insurance Building. Historic Environment Scotland (HES) initially considered that the development proposed could have a negative impact on key views from the Aviva Building in the immediate designed landscape which slopes down to the development site. To better understand the impacts, they recommended that further analysis of the setting was carried out to inform the design, proposed materials and mitigation measures. Also advising that visualisations should be produced to confirm the appearance of the building and car park in key views northwards from the Aviva Building.
- 88 This information has been submitted and HES reconsulted, where they welcome the amendments and supporting information in the revisions that are in line with their previous advice. These include a new Heritage Assessment, updated Design and Access statement and landscape design plan, and changes to the building design. They particularly welcome the visualisations which help to show how the building will be seen in key views from the Aviva building.
- 89 It is therefore considered that the proposed mitigation measures – including changes to the roof colour and removal of cowls, timber clad elevations, and redefining of the northern edge of the site with micro siting of new trees - will make the supermarket building sufficiently recessive in the setting of the Aviva Building. The proposal is therefore considered to comply with Policy 28 Listed Buildings of LDP2.

## **Natural Heritage and Biodiversity**

- 90 A Preliminary Ecological Appraisal Report (PEAR) was undertaken in September 2020 in accordance with best practice guidance. The PEAR reported that the trees present were not suitable to support roosting bats and no evidence of mammals were found within the site or immediate surroundings.
- 91 Overall, the site was assessed as providing low suitability to support protected species and no evidence was found during the survey.
- 92 The PEAR notes that the trees provide suitable nesting habitat for small bird species and several birds were recorded during the survey. The grassland within the site was noted as having a tall sward height and suitable for breeding birds, but that human disturbance may limit this. As recommended in section 5:2 of the PEAR, any vegetation clearance must be undertaken outside of the bird breeding season. This will be covered by recommended Condition 13.
- 93 The Biodiversity Officer noted that the original landscaping scheme could offer enhancement for biodiversity. The revised plans have enhanced this by including planting to tie in with the Buckie Braes, planting native trees, pollinator friendly planting, installing a variety of bird boxes, a bee post and pole mounted bat boxes.
- 94 Although the proposal involves significant clearance of trees there will be no detrimental impact on protected species and the proposal is incorporating biodiversity enhancement. The proposal is therefore considered to comply with

## **Policy 41 Biodiversity.**

### **Trees/Landscape**

- 95 The site is covered by a mix of tree species that are spread throughout forming small groupings and boundary screening. It is evident that a significant number of trees would need to be felled to enable the development of the site as there is not any significant existing clearing for either a building or parking. In addition, the site layout requires a new access point, engineering works and sewer diversions, all further impacting tree retention. This is also confirmed in supporting documents, which confirm it would not be feasible to retain a significant amount of the trees and see the site developed for any significant use, not just a supermarket. It is therefore accepted that trees will need to be felled to facilitate the development of this site and whilst the level of tree felling is unfortunate it must overall be weighted against the benefits of bringing a site forward. All recognising that it is zoned for development, is within the settlement boundary, meets a retail need within the area, will serve an existing residential population who can access on foot and will also provide employment opportunities.
- 96 If the tree loss is accepted then the landscaping scheme must offer acceptable mitigation. In this sense the initial landscaping scheme has been revised to address concerns regarding the species chosen, etc. but also due to clarifications on drainage wayleaves which has seen planting removed from

areas where it was previously shown. The revised scheme also includes a small amount of planting beyond the site boundary which the agent confirms has been discussed with the relevant landowners. Whilst this planting is welcomed it couldn't be controlled via condition or enforced and is therefore not a determining issue in relation to the acceptability of the scheme.

- 97 The supporting statement advises that 95 trees are to be removed, with only one tree at the north boundary identified for retention. The revised landscape plan sees 102 trees to be planted, comprising: 2 trees at the west boundary, 46 at north, 40 at east, with 14 trees off site. Overall the increase in tree numbers is heavily weighted to the east. This provides screening of the site to walkers accessing Buckie Braes addressing some of the Community Greenspace comments it also affords screening to the local residents adjacent to the east boundary.
- 98 The landscaping scheme includes herbaceous planting along the boundary with Necessity Brae, this offers benefit for pollinators but would not screen the building. The supporting documents note that due to wayleaves and position of retaining slopes tree planting cannot be accommodated within this area. It must also be noted that in planning terms it is not necessary to hide or screen the development it is more important that the cumulative impacts of the proposal can be accommodated within the landscape capacity. It is considered that the design of the building and colour pallet of materials (timber cladding/green roof) will enable the building to blend with the landscape backdrop. The use of the Tensar Greenslope will also help integrate the retaining structures into the landscape framework the herbaceous planting can contribute in providing a green edge.
- 99 The landscape proposals for the site are considered to provide adequate mitigation and to comply with Policy 1 Placemaking. The proposal is also considered to comply with Policy 40 Forestry, Woodland and Trees as mitigation in the form of replacement planting has been included.

### **Developer Contributions**

- 100 The Councils 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.
- 101 In this regard the site is located in the Perth Transport Infrastructure zone (Appendix 3 of the Supplementary Guidance).
- 102 The planning application form confirms that the proposed retail unit is 1,884 sqm of gross floorspace, comprising; trading (1,315 sqm) and non-trading floorspace (569 sqm). In line with par 6.8 of the Supplementary Guidance, trading floorspace is calculated under the "Retail" contribution rate (£154 per sqm) and non-trading floorspace is calculated under the "Employment" contribution rate (£14 per sqm).
- 103 It is however proposed that the retail operator's existing site (located on Glasgow Road) will see its retail permission revoked if this proposal is granted.

Therefore, only the net increase in floorspace will be assessed for Contributions.

- 104 The applicant's Planning Statement (par 1.11) indicates that the existing retail site provides 1,173 sqm gross floorspace, comprising; 760 sqm net floorspace. This provides 760 sqm trading and 413 sqm non-trading. The contribution required is therefore as follows:
- 105 Trading: (1,315 – 760 sqm) 555 sqm x £154 = £85,470  
Non-trading: (569 – 413 sqm) 156 x £14 = £2,184  
Total: £87,654

### **Economic Impact**

- 106 The supporting information indicates that all existing employees at Glasgow Road would be transferred to the proposed new store. with an opportunity for further full and part time roles. It will also provide additional employment during the construction process.
- 107 The proposal will also in turn through the closure and vacating of the existing store provide an opportunity for new uses and associated economic activity. As the existing building would no longer have a lawful use, due to the revocation, its location within a Class 4, 5, 6 allocation within LDP2 would see the principle of such uses and the associated employment opportunities acceptable in principle – subject to obtaining planning permission for such a use.

### **Sustainable Development**

- 108 Policy 32 requires that proposals for all new buildings are required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.
- 109 The supporting statement details that the objective is to minimise energy needs in development by following the Government's Energy Hierarchy approach to minimising energy use. This includes the innovative "heat recovery" technology which removes 100% of a store's requirement for heating equipment by recycling heat from the refrigeration units. In this case a condition will be added so this can be agreed formally as the details submitted don't cover the specific 10% requirement as outlined in the policy. (Condition 14)

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 110 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the landscaping scheme, finish materials and submission of additional supporting documents.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 111 The applicant will be required to enter into a Section 75 legal agreement in order to secure the necessary contributions towards transport infrastructure.
- 112 The existing permission for the Glasgow Road store will need to be part revoked so that the retail use is removed as the applicant is seeking to justify this application as an uplift in the existing retail store offering and not as a new store. This can be done under Section 65 of the Town and Country Planning (Scotland) Act (as amended) which allows a planning authority to revoke or modify a planning consent.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 114 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is contrary to Policy 7 in that it would provide a non-conforming use (Class 1 –Retail) and lead to a loss of employment land, however a justification has been provided for the retail need in the area in accordance with Policy 13. It is therefore considered due to the site forming a small proportion of the overall employment land supply and that as there is no available/more preferable site that in this case there is a justification to override the adopted Development Plan.
- 115 Accordingly the proposal is recommended for approval subject to conclusion of the required legal agreement(s) and thereafter the following conditions.

### **A RECOMMENDATION**

#### **Conditions and Reasons for Recommendation**

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

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

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



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

3. Noise levels from the operation and servicing of the development shall be limited to an internal night-time target noise level of 42 dB LAFmax at residential receptors.

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

4. Prior to the commencement of the development a Service Delivery Noise Management Plan, shall be submitted to and agreed in writing by the Council as Planning Authority and Environmental Health. The plan shall include the procedures and mitigation measures to control noise from all service delivery operations of the store. The details as approved shall then be implemented in full as part of the operation of the site.

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

5. In the event of a justified noise complaint being received by the Council relating to the operation of the development hereby approved, the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with noise conditions, a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales and included within an updated Noise Management Plan.

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

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

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

7. Prior to the commencement of the development a Construction Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority and Environmental Health. The CMP shall include a Dust Management Plan for the control of dust and Noise Management Plan for the control of noise during the construction phase of the development.

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

8. Prior to the commencement of the development hereby approved, the applicant shall submit a street light system designed to EN 13201 / BS 5489 to be provided at the vehicle entrance to the development. The type and standard of lighting shall be assessed using the zoning system outlined in 'The Institution of Lighting Engineers Guidance Notes for the Reduction of Light Pollution' and be agreed in writing with the Council as Planning Authority and implemented in accordance with the approved plans.

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

9. Prior to the commencement of development, a detail design showing the vehicle access onto B9112 Necessity Brae with the following schemes shall be provided for:
  - (a) a signalised pedestrian crossing on B9112 Necessity Brae to link footways on either side of the road from the development site to the housing on the north and northwest;
  - (b) a footway from the west of the vehicle access into the site round to the gas meter housing;
  - (c) the finalised position of the relocated bus stop and associated road markings; and
  - (d) the footway along the B9112 removing the slabbing to replace with for example hot rolled asphalt between Low Road and Aviva's most northerly vehicle access,

The scheme shall be submitted to, and approved in writing by, the Council as Planning Authority. The submission will confirm the location, specification, detailed design and delivery timescales for the pedestrian crossing, footway link from the west into the site, the relocation of the bus stop and footway at the frontage of the development site. The scheme for the approved shall thereafter be implemented in full, prior to the opening of the retail unit.

Reason - In the interests of road, pedestrian safety and connectivity with the residential developments to the north and northwest of the development.

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

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

11. Prior to occupation of the development on site, a cycle parking facility (Sheffield Stand or equivalent) for a minimum of 10 cycles shall be provided at the location detailed on drawing ref 35.

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

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

Reason - In the interest of proper site management

13. No removal of hedgerows, trees or shrubs or works to, or demolition of, buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared or building affected, and provided written confirmation that no birds will be harmed and/or that there are

appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Planning Authority.

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

14. Prior to the commencement of development a statement shall be submitted demonstrating compliance that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The measures as agreed shall be installed prior to operation/binging into use of the development.

Reason - to comply with Policy 32 of the Local Development Plan 2

15. Noisy Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

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

16. The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

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

## **D INFORMATIVES**

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

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work requiring of a building warrant shall be commenced until an application for building warrant has been submitted and approved.
5. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
7. An inspection of the proposed development site did not raise any identified concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
8. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
9. Street lighting plant is present at the site, discussions must be had with the Street Lighting Partnership to obtain the locations of plant and the position of

the lighting columns at the vehicle access. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

10. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to landscaping, elevation finishes and supporting docs.
11. Prior to the installation of the Yellow Box Junction Markings on the B9112 Necessity Brae, approval must take place with Police Scotland and the Roads Authority. The Yellow Box Junction Markings must comply with *Section 8 of Traffic Signs Manual, Chapter 5 – Road markings (Department of Transport, 2018)*, including their suitability. The and Network Team should be contacted in this regard [traffic@pkc.gov.uk](mailto:traffic@pkc.gov.uk)

Background Papers: 27 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 19 May 2022

**DAVID LITTLEJOHN  
HEAD OF PLANNING & DEVELOPMENT**

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Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/65)

**PROPOSAL:** Erection of 27 holiday accommodation units and associated works

**LOCATION:** Mains of Taymouth, Kenmore

Ref. No: [22/01711/FLL](#)

Ward No: P4- Highland

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of 27 holiday accommodation units and associated works at Mains of Taymouth, Kenmore. The application site is adjacent to Loch Tay on the north side of the River Tay and is sandwiched between the river and the Drummond hillside all within the boundaries of Taymouth Castle Designed Garden & Landscape. The site was previously part of the golf course and is partly interspersed with pockets of young to mature trees. The site has an overall slope rising from south east to north west from approximately 113m to 123m AOD. The site sits immediately to the east of existing built development within the estate and the access is located through this existing development to the west onto the A827. To the north the site is bound by the B846 which separates the site from Drummond Hill. The southern boundary of the site runs adjacent to the existing Mains of Taymouth caravan park with the River Tay beyond. To the east of the site the Mains of Taymouth golf course extends eastwards towards Taymouth Castle. There is a grouping of trees located on the eastern boundary.
- 2 Planning permission 19/00080/FLL granted permission on this part of the Mains of Taymouth site for a total of 43 caravans in May 2019. Following the 2019 permission, the applicant sought to alter the layout and reduce the density levels on the site and therefore a further planning permission was granted for 25 holiday accommodation units (22/00219/FLL). Sixteen of these approved twenty five lodges are to be built out under the 2022 permission and eleven are now built and occupied with the remaining five having had their bases completed but are still to be erected. The current application relates to the land to the east and south of the sixteen lodges referred to above.

- 3 This proposal now seeks to erect seven further holiday accommodation units to the immediate north east of the 16 approved units of a similar design and form as the approved 16 units. These are proposed to be served by an extension to the existing approved access tracks serving the adjacent 16 units. These units are similar to those approved under the 2022 permission which were 16.3m x 6m x 3.6m. The units have the appearance of a lodge and are proposed to be clad with a tiled roof, timber effect cladding and timber doors and windows. Each unit is proposed to accommodate three bedrooms, each with an en-suite bathroom, kitchen and living area and a utility room.
- 4 To the south 20 further smaller holiday accommodation units are now proposed. These have similar finishing materials to the larger lodges but are proposed to be 10m x 4.2m x 3.9m and accommodate two bedrooms. These are laid out in a similar east-west fashion on the site served by a separate access from the units to the north. The site is proposed to be partially contained by landscaping.
- 5 Therefore, this proposal, if approved, would result in a total of 43 holiday accommodation units on this part of the site. The same number which was granted here by the 2019 permission. Therefore, overall, this proposal does not result in an increase in the number of units in comparison with the previous 2019 permission.
- 6 The proposal also includes the relocation of the tee for hole 1 of the golf course and the relocation of the green for hole 9 to accommodate the development.
- 7 There is extensive planning history to this site. Planning consent was granted in February 2008 for the erection of recreational facilities, including play area and tennis courts, 58 residential units of varying type, including flatted accommodation and additional parking facilities ([07/01739/FUL](#)). A further permission was then granted in 2010 for the erection of 30 residential units ([10/00367/FLL](#)) which was a partial modification to the 2007 permission. Only those units granted in the south west corner of the 2010 permission have been completed. The remainder of the 2010 approval is now proposed to form part of the site subject to this application.

### **National Policy and Guidance**

- 8 The Scottish Government expresses its planning policies through the National Planning Framework 4, Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework 4**

- 9 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and since 13 February 2023 comprises part of the statutory development plan.

- 10 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document.
- 11 In this instance the primary policies relevant seek to encourage, promote and facilitate development that supports the growth of the sustainable tourism sector in a way which manages impact on local communities.

### **Planning Advice Notes**

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

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

### **Creating Places 2013**

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

### **National Roads Development Guide 2014**

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

### **Development Plan**

- 15 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2019.

### **National Planning Framework 4**

- 16 NPF 4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 17 The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Bio Diversity
- Policy 4: Natural Place
- Policy 7: Historic Assets and Places
- Policy 29: Rural Development
- Policy 30: Tourism

### **Perth and Kinross Local Development 2019**

- 18 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 19 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 6: Settlement Boundaries
  - Policy 8: Rural Business and Diversification
  - Policy 9B: Caravan Sites, Chalets and Timeshare Developments: New and Expanded Touring Caravan, Motorhome / Campervan, and Camping Sites
  - Policy 15: Public Access
  - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
  - Policy 27A: Listed Buildings
  - Policy 28A: Conservation Areas: New Development
  - Policy 29: Gardens and Designed Landscapes
  - Policy 38A: Environment and Conservation: International Nature Conservation Sites
  - Policy 39: Landscape
  - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 47: River Tay Catchment Area
  - Policy 52: New Development and Flooding
  - Policy 53B: Water Environment and Drainage: Foul Drainage
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 55: Nuisance from Artificial Light and Light Pollution
  - Policy 56: Noise Pollution
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Other Policies**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 20 This document sets out the Council’s policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction

upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Supplementary Guidance 2020**

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

### **Flood Risk and Flood Risk Assessments Supplementary Guidance 2020**

- 22 The Adopted Flood Risk & Flood Risk Assessment (PDF) [5MB] supports the Adopted Perth and Kinross Local Development Plan 2 (2019) Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage.

### **Site History**

- 23 [07/01739/FUL](#) Full Planning Permission was Approved On 29 February 2008 for Proposed recreational facilities, including play area and tennis courts, 58 no. residential units varying type, including flatted accommodation and additional parking facilities
- 24 [10/00367/FLL](#) Full Planning Permission was Approved On 21 July 2010 for Erection of 30 residential units (part modification of previous consent)
- 25 [12/00352/FLL](#) Full Planning Permission was Approved On 30 July 2012 for Deletion of condition 23 from planning consent (07/01739/FUL) re holiday accommodation occupancy at Units 15-18
- 26 [14/00502/FLL](#) Full Planning Permission was Approved On 15 May 2014 for Variation of planning permission 07/01739/FUL - removal of condition 23 relating to holiday accommodation occupancy Units 19-24 And 25-28
- 27 [19/00080/FLL](#) Full Planning Permission was Approved On 9 May 2019 for Siting of 43 caravans, formation of landscaping and associated works
- 28 [22/00219/FLL](#) Full Planning Permission was Approved On 8 June 2022 for Erection of 25 holiday accommodation units (in part retrospect)
- 29 [22/01153/FLL](#) Full Planning Permission application was Withdrawn On 14 August 2022 for Erection of 27 holiday accommodation units and associated works

### **CONSULTATIONS**

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

## **External**

### **Kenmore Community Council**

- 31     Objection due to prevalence of holiday accommodation which exists in Kenmore and lack of recreational facilities to serve tourism population. Proposal is also considered to be detrimental to the village. Proposal is considered to be contrary to the Local Development Plan as it results in detrimental impact on the existing golf course and results in a reduction in open space. Concerns are also expressed regarding the impact which traffic from the development will have on the A827 public road.

### **Scottish Water**

- 32     No objection.

### **Historic Environment Scotland**

- 33     No objection but recommend planting provision along public road.

### **Perth And Kinross Heritage Trust**

- 34     No objection.

## **Internal**

### **Transportation And Development**

- 35     No objection as existing road network is capable of accommodating the proposed development.

### **Structures And Flooding**

- 36     No objection as proposed surface water drainage system is considered to be appropriate.

### **Biodiversity/Tree Officer**

- 37     Ecological Impact Assessment Report findings and mitigation is considered to be acceptable subject to conditions which secure mitigation.

### **Conservation Team**

- 38     No objection.

### **Environmental Health (Noise Odour)**

- 39     No objection but advised that units will require a license and that discussions are ongoing with the applicant regarding this.



## Representations

40 Five letters of representation were received including one of the Kenmore Community Council. The main issues raised within the representations are:

- Lack of recreational/leisure facilities to serve level of accommodation proposed
- Contrary to Development Plan
- Loss of open space
- Impact on golf course
- Traffic impact
- Road safety
- Lack of business plan
- Noise pollution
- Ecological impact
- Impact on residential amenity
- Over development

41 These issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

42

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats R	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Landscape and Visual Assessment Landscape and Planting Plan Drainage Design Planning Statement Ecology Survey

## APPRAISAL

43 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, as identified elsewhere in this report.

44 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning

authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### **Principle**

- 45 Policies 29 and 30 of NPF4 seek to encourage, promote and facilitate sustainable tourism development which contributes to the viability, sustainability and diversity of rural communities and the local rural economy.
- 46 Policy 8 of the LDP2 aligns with the requirements of NPF4 and states that the Council will give favourable consideration to the expansion of existing businesses or creation of new ones in rural areas and that sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to a site-specific resource or opportunity. It goes on to state that proposals for new tourism related developments and the expansion of existing facilities will be supported where it can be demonstrated that they improve the quality of existing facilities, allow a new market to be exploited or extend the tourism season. Policy 9 contains similar criteria.
- 47 The site is partially located within the settlement boundary of Kenmore as identified within the Local Development Plan but extends eastwards outwith the settlement boundary. The previous application for the erection of 58 units (07/01739/FUL) and the 2010 permission (10/00367/FLL) both involved built development partly located out with the settlement boundary of Kenmore as does the extant 2019 permission (19/00080/FLL). As such, there is an established precedent for development here extending outwith the settlement boundary. Therefore there are existing permissions on this site for the same number of holiday accommodation units which remains extant at this time. The previous permissions are considered to be key material considerations in the assessment of this application and on the basis of these previous permissions the principle of extending development outwith the settlement boundary of Kenmore is considered to be acceptable.
- 48 As the proposal is essentially a rural tourism proposal within the Mains of Taymouth Estate, Policy 8 - Rural Business and Diversification; Policy 9B - Caravan Sites, Chalets, and Timeshare Developments are applicable.
- 49 Mains of Taymouth Estate is a major tourism resort and significant employment provider in the area. It plays a significant role in the local, national and international tourism economy.
- 50 Policy 9B supports new chalet type developments where it is clear they will not be used for permanent residential purposes. The location, layout, design, materials and information contained within the submission suggests that it is highly unlikely that the proposed units will be suitable for all year round permanent residency. Policy 8 Rural Business and Diversification supports

the expansion of existing rural businesses and the creation of new ones. Sites outwith settlements may be acceptable if related to a site specific opportunity and contribute to the local economy through the provision of jobs, visitor accommodation and help extend the tourism season.

- 51 The proposal for 43 holiday accommodation units is the same total number of units granted on this site previously. The proposal results in a mixture of unit types compared to the previous approvals with both two bedroom and three bedroom units now proposed. An updated Business Plan accompanies the application and states that Mains of Taymouth has recently been sold to a new owner, Pure Leisure Ltd who are seeking to make significant investment in the business. It states that the site will be marketed in conjunction with Pure Leisure's existing sites in Scotland and the UK. The submission states that the conclusions of the 2019 business plan remain relevant in that the construction phase is scheduled over 4 years and generates a total of 69 FTEs (full time equivalent jobs) from direct, indirect and construction sources and this revised proposal is considered to generate a similar level. Once the site is operational it is indicated that the new units will add £7.66 million to the local and regional economy over a 5 year period from sales, rental income and associated charges. It is considered that the units and their location close to walking and cycle routes will help extend the tourism season into the winter months.
- 52 Mains of Taymouth includes a golf course, restaurant, cafe and a small retail unit which sells local produce. The applicant has confirmed that the Mains of Taymouth Golf Course is open to the public and the new owner has experience of operating golf courses elsewhere. The golf course also hosts two local clubs as their home course and the applicant has indicated that both locals and visitors are welcome to use the facility. An equestrian facility which was previously part of Mains of Taymouth at Inchadney has now been sold and does not form part of the Mains of Taymouth operation but the applicant has indicated that they now have an alternative stables and pony club at Keltneyburn. Whilst the Community Council raises concerns with the lack of facilities on offer, and the over use of existing facilities, there remains facilities on the site and nearby which are clearly focused on tourism and will be directly linked to the proposed development. It is important to note that there is no increase in units proposed compared with previous extant permissions. The Community Council also raised concerns regarding the closure of other nearby recreational/tourism facilities in Kenmore including Kenmore Hotel and boating facilities on Loch Tay but it is understood that these are closed temporarily and that these will reopen. Nevertheless these matters are not in control of the applicant.
- 53 The Community Council have also raised the concerns regarding the number of holiday homes in Kenmore. However, the provision of this type of facility at Mains of Taymouth provides purpose built holiday accommodation therefore limiting the impact on existing housing in the village being utilised as short term lets/holiday accommodation.
- 54 A previous 2007 permission on this site included a relatively large scale leisure centre with a golf clubhouse, tennis courts and children's play facilities.

This proposed development is partly on the land which was approved for this leisure centre and as such that development will no longer proceed. Whilst it is noted that this larger scale recreational use on the site will no longer proceed, there are still existing facilities available to visitors to Mains of Taymouth including those mentioned above, together with those visitor attractions around the Kenmore and wider Highland Perthshire area. On that basis the level of recreational facilities at Mains of Taymouth are considered to be appropriate to serve increased visitor numbers given the context of the wider Highland Perthshire tourism market and the fact that there is already extant approval for the same number of units.

- 55 Based on the above it is considered that the proposal complies with LDP2 Policies 8 and 9 and NPF4 Policies 29 and 30.

### **Design and Layout**

- 56 Policies 1A and B relate to placemaking and require new development to respect the character and visual amenity of the area. Furthermore policies 8, 9 and 39 state that the existing landscape should be capable of accommodating the new development. Further guidance is also provided within the associated Placemaking Supplementary Guidance.
- 57 The proposal consists of 27 holiday accommodation units, seven with a footprint of 16m x 7m x 4.1m accommodating three bedrooms and the remaining 20 to be 10m x 4.2m x 3.9m with two bedrooms.
- 58 These units are similar in design to those approved under the 2019 permission. The units have the appearance of a lodge and are proposed to be clad with a tiled roof, timber effect cladding and timber doors and windows. Each unit is proposed to accommodate either three or two bedrooms each with an en-suite bathroom, kitchen and living area and a utility room.
- 59 The units are laid out in a linear arrangement, similar to the extant permission extending west to east, with the areas between the caravans interspersed with tree planting and new landscaping. The overall layout of the site and design of the units relates successfully to the adjacent caravan site to the south and is considered to be appropriate in the context of the wider development in the area.
- 60 The proposal results in some minor changes to the existing golf course by relocating a tee and green. The changes to the golf course are not considered to be significant and whilst the course is to be shortened to some degree this is considered to be appropriate.
- 61 On that basis the proposal is considered to comply with Policy 1A and the design criteria outlined in Policies 8 and 9 of the LDP2 as the design, density and siting of the units is considered to respect the character and amenity of the place.

## **Landscape and Visual Impact**

- 62 Policy 39: Landscape requires proposals to be compatible with the landscape character of the area. Any proposal should be a good fit with the landscape and amongst other things, not erode local distinctiveness. 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. The site is located within the Loch Tay Local Landscape Area (LLA).
- 63 Safeguarding and enhancing landscape character is an important planning objective. It is considered that potential long term visual effects of the proposal will not have a significant impact on the landscape as its visibility is highly restricted owing to the site levels and surrounding screening. The Landscape and Visual Impact Assessment accompanies the application given the sensitivities of the area. The development, where views are possible, will appear as a number of small units set amongst trees and set adjacent and related to existing built development. The proposal will involve significant landscaping and planting and will result in the creation of an appropriately scaled development of a smaller scale than the previous approvals on the site. Full details of the landscaping density and species have been submitted with the application. The proposal complies with Policy 39- Managing Future Landscape as it will maintain and enhance the landscape quality of the area and the proposed planting will complement existing tree cover in the area and allow visual containment for the site. A condition is recommended to ensure the landscaping is undertaken within an appropriate timescale.
- 64 The proposal is therefore considered to relate successfully to the established landscape character of the area and therefore comply with Policy 39 of LDP2.

## **Flooding and Drainage**

- 65 Policy 53C of the LDP2 requires surface water drainage to be managed by a Sustainable Urban Drainage System (SUDS). A Drainage Report which outlines the use of gravel trench soakaways and permeable surfaces around each unit accompanies the application. Modelling and porosity testing has been produced for the surface water drainage solution has been accepted by PKC Structures and Flooding. The information submitted is therefore considered to comply with the requirements of policies 52 and 53B of the LDP2. A condition is recommended to ensure the drainage arrangements are installed in accordance with these details.

## **Foul Drainage**

- 66 Policy 53B seeks to ensure that a public waste water drainage connection is utilised where available. The submission indicates that the units will be connected to the public drainage system. Scottish Water has been consulted on the application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their infrastructure in Kenmore. Scottish

Water's connection requirements will ensure that foul flows are connected to the public drainage network and that the proposal will comply with LDP Policy 53B - Foul Drainage. An informative is recommended to ensure the applicant is aware of the need to agree a connection with Scottish Water prior to adding the new development to the system.

### **Ecology and Biodiversity**

- 67 Policy 3 of NPF4 relates to the protection and enhancement of bio diversity and Policy 4 seeks to ensure that development proposals do not have an adverse effect on locally, regionally, nationally and internationally protected designated sites. Policy 41 of the LDP2 aligns with this and states that the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. The River Tay is designated as part of The River Tay Special Area of Conservation (SAC) and therefore Policy 38A is applicable.
- 68 A Protected Species Survey Report accompanies the application in accordance with the requirements of Policy 40B of the LDP2. This has been updated to reflect the current circumstances on the site.
- 69 The survey concludes that the site is of low ecological value given the present uses in the area and the mainly grassland. The trees surrounding the site will not be impacted upon by the proposed development. On that basis the proposal is not considered to result in a detrimental impact on protected species. Conditions to limit the impact on protected species will be applied as recommended by the Bio Diversity Officer. Furthermore, a condition to ensure that the approved Construction Method Statement is adhered to will also be applied in order to protect the River Tay SAC during construction operations.
- 70 Subject to these conditions it is considered that the proposal will meet the requirements of Policies 38A and 41 of LDP2 and 3 and 4 of NPF4 in relation to the SAC and Bio Diversity.

### **Cultural Heritage**

- 71 Policy 7 of NPF4 relates to Historic Assets and Places and seeks to protect and enhance the historic environment. Policy 27A of the LDP2 aligns with this and requires new development to respect the setting of listed buildings. Furthermore, Policy 28A requires new development to either preserve or enhance the character of Conservation Areas. The closest listed buildings to the site are The Mains, Kenmore (Category B listed) which is located approximately 55m to the west and the Category A listed Maxwells Temple which is approximately 195m to the east. Kenmore Conservation Area is also located to the south of the site on the opposite side of the River Tay. Given the consented development on the site the proposed development is considered to be appropriate in terms of impact on the Taymouth Castle



Historic Garden and Designed Landscape (HGDL). Historic Environment Scotland (HES) have offered no objection to the application and the proposed landscaping matches that approved previously with additional depth along the public road to the north as was requested by HES. On that basis the proposal is considered to comply with Policy 29 of the LDP2 which seeks to manage and enhance the integrity of HGDL. The development is not considered to impact on the setting of nearby listed buildings or the Conservation Area given the distance to these, the existing and proposed landscape containment and the scale of the units. The proposal is therefore considered to comply with Policies 27A and 28A of the LDP2 and Policy 7 of NPF4.

### **Overlooking/Overshadowing**

- 72 Policies 1A and B require new development to respect existing levels of residential amenity. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. The proposal involves the siting of holiday units and continues the established tourism accommodation character of the Mains of Taymouth development. It should be noted that some of the adjacent neighbours have raised concern regarding overlooking. These neighbours occupy the existing approved holiday accommodation units to the west which were approved under the previous permissions referred to above. The site is laid out as a holiday accommodation development and is to be operated for that purpose. It therefore does not require to meet the Council's normal placemaking requirements which would apply to a permanent residential housing site in terms of window to window and window to boundary distances.
- 73 The scale of the units and their position is not considered to result in overlooking to neighbouring buildings to any significant extent given the use proposed and will not overshadow neighbouring properties.
- 74 The proposal is not considered to result in any planning policy concerns relating to residential amenity and therefore consider the proposal to comply with the requirements of policies 1A and 1B where they refer to residential amenity.

### **Light Pollution**

- 75 Policy 55 of the LDP2 relates to light pollution and states that consent will not be granted for proposals where lighting would result in obtrusive and/or intrusive effects. Light is likely to be emitted from within the proposed units and low level bollard lighting along the access road and paths. In this case taking account of its location and proximity to existing built development the lighting associated with the proposal is not considered to be detrimental to the surrounding environment. The proposal complies with Policy 55. A condition is recommended to ensure light spill from the site is limited.

### **Noise**

- 76 Policy 56 of the LDP2 relates to noise pollution and states that there is a presumption against the siting of development which will generate high levels

of noise in the locality of existing noise sensitive land uses. The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

- 77 In this case the proposed units are not considered to result in any noise pollution issues for neighbouring properties. Environmental Health do not raise any potential noise issues. The proposed development is not considered to be a high generator of noise. The adjacent units are of the same use type (holiday accommodation) and as mentioned elsewhere there is an extant permission on this site for the same number of units. Therefore, the proposal complies with Policy 56 relating to noise pollution.

### **Transport/Parking Provision**

- 78 Policy 60B of the LDP2 requires new development to be well served and easily accessible by all modes of transport. Given the rural nature of the site the majority of users of the site will travel by car. Access to the site is to be from the west, through the existing development. This is similar to the previously approved development on this site. The level of traffic to be generated by the proposal will be the same as the extant permissions on the site given the same number of units are proposed. Transportation and Development have been consulted on the proposal and state that the level of parking to be provided for each unit complies with the requirements of the National Roads Development Guide. They also consider the existing private access with a 10mph speed limit to be an appropriate route into the site. There are speed bumps on this route which will ensure compliance with the speed limit. As an existing access is to be used and parking and turning facilities are marked on the plans no conditions are recommended by Transportation and Development. They also consider the existing road network to be capable of accommodating the development. The proposal is therefore considered to meet the requirements of Policy 60B of the LDP2 and the relevant national guidance.

### **Economic Impact**

- 79 The siting of 27 holiday accommodation units is considered to extend the type of tourism accommodation available at Mains of Taymouth, resulting in increased employment opportunities and boost the local and regional economy as outlined within the policy appraisal above. On that basis the economic impact of the development is considered to be significant and in accordance with Policies 29 and 30 of the NPF4.

### **Occupancy Restriction**

- 80 There is a long protracted history of occupancy conditions associated with Mains of Taymouth for the wider redevelopment of the site since 2007. This submission indicates that these units are to be operated both as holiday lets

and for holiday ownership with an ability to let to third parties through the Mains of Taymouth business.

- 81 Historically, the standard holiday occupancy condition was eventually removed from previous permissions after protracted discussions with the previous applicant when the application was considered by Committee, with an officer recommendation of refusal. The decision of Committee was to substitute the occupancy condition with one which related to the management of the site rather than specifically restricting the use of the units to holiday accommodation only.
- 82 In this instance the new applicant has confirmed that they would be content with the standard holiday occupancy condition which is considered to be more appropriate than the condition applied to the previous permissions on this site which will ensure the units are used for holiday accommodation only and cannot be used as the sole or main residence of any occupant, which meets the requirements of Policy 8 and 9 of the LDP2.

### **Archaeology**

- 84 As this site was subject to previous planning consent, investigation has been undertaken on this particular part of the site previously. On that basis Perth and Kinross Heritage Trust do not require any further investigation to be undertaken. The proposal therefore complies with the criteria contained within Policy 26B of the LDP2.

### **Developer Contributions**

- 84 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 85 None.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 86 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 87 Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

**Approve the application**

## **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. The surface water drainage arrangements shall be installed and operated in accordance with the surface water drainage information hereby approved as outlined in approved documents 14, 18, 19 and 30.

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

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

Protection measures, once in place, shall remain in place for the duration of construction.

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

5. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 31 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

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

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

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

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

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

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

Reason - In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

9. The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason - To ensure the suitable occupancy of the units.

10. All construction operations shall be undertaken in strict accordance with the Construction Method Statement hereby approved (doc ref: 33).

Reason - In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory

requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>
4. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.

Background Papers: 5 letters of representation

Contact Officer: John Williamson

Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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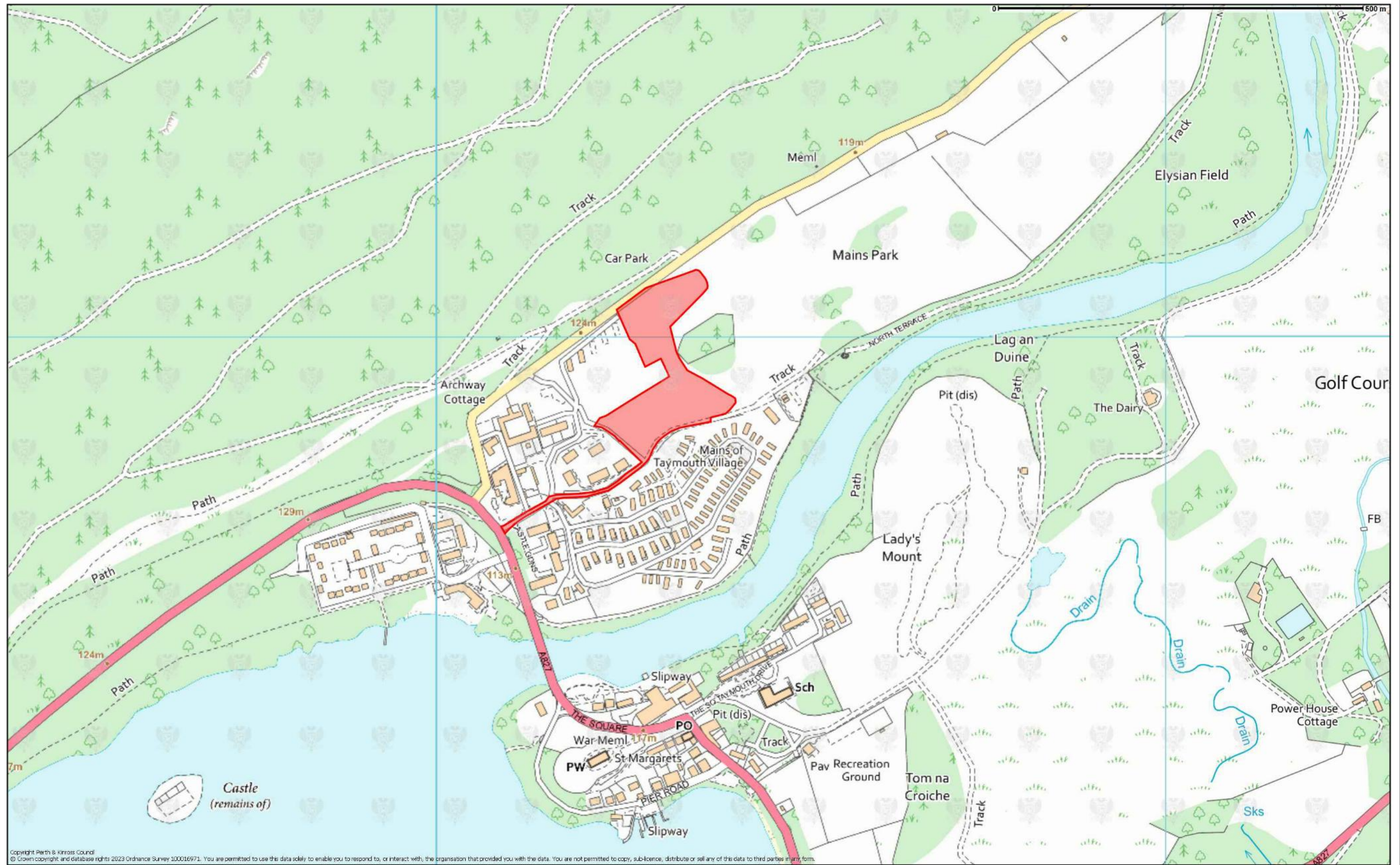












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Planning and Placemaking  
Committee 22 February 2023

Scale 1:5000



22/01711/FLL

Erection of 27 holiday accommodation units and associated works at Mains Of Taymouth  
Kenmore







Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/66)

**PROPOSAL:** Formation of vehicular access and hard standing, erection of fence and associated works

**LOCATION:** Land 35 metres south east of 11 Torlee Road, Birnam

Ref. No: [22/01698/FLL](#)

Ward No: P5- Strathtay

### Summary

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application is for the formation of a vehicular access, a gravel access road and turning area for a new Transmission Regulator Station compound. A timber post and wire fence (1m high) is proposed along the perimeter of the new access road and a metal security fence and gate (2.4m high) around the compound. Tree planting comprising a mix of native species is proposed to screen the compound.
- 2 The application site is on the west boundary of an agricultural field located between Perth Road (A923) to the west and the River Tay to the east. The ground levels rise steeply to Perth Road and existing trees along the roadside screen the site. To the north are dwellinghouses and to the south is an access road to the local sewage treatment works.
- 3 The proposed vehicular access is to be created on the east side of a residential road (Torlee Road) and the track will run along the boundary of the agricultural field (west) to the new Transmission Regulator Station compound.
- 4 The proposed development is part of the construction of a new 15.5km intermediate pressure pipeline between Birnam and the existing Logierait Transmission Regulator Station.
- 5 The new Transmission Regulator Station will replace the one at Logierait and is classed as Permitted Development under Class 39 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Therefore, this does not form part of the application proposal.

### **Pre-Application Consultation**

- 6 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was not required to undertake any formal pre-application consultation with the local community.
- 7 The applicant held a public meeting in Birnam in October 2022 to advise on the proposals for the replacement gas pipeline project. A further information event was held in December 2022 during the application process.

### **National Policy and Guidance**

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

### **National Planning Framework 4**

- 9 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023, and was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

### **Planning Advice Notes**

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

### **Development Plan**

- 11 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2019.

### **National Planning Framework 4**

- 12 NPF 4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve peoples lives by making sustainable, liveable and productive spaces.
- 13 The Council's assessment of this application has considered the following policy of NPF4 :
  - Policy 5 Soils
  - Policy 7 Historic assets and places
  - Policy 14 Design, quality and place
  - Policy 18 Infrastructure First



## **Perth and Kinross Local Development 2019**

- 14 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, “Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.” It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 15 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 29: Gardens and Designed Landscapes
  - Policy 39: Landscape
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
  - Policy 42: Green Infrastructure
  - Policy 47: River Tay Catchment Area
  - Policy 50: Prime Agricultural Land
  - Policy 52: New Development and Flooding
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 54: Health and Safety Consultation Zones
  - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Other Policies**

- 16 Perth and Kinross Supplementary Guidance: Placemaking Guide, March 2020
- 17 Perth and Kinross Supplementary Guidance: Landscape, March 2020
- 18 Perth and Kinross Supplementary Guidance: Green and Blue Infrastructure, March 2020
- 19 Perth and Kinross Flood Risk and Flood Risk Assessments – Developer Guidance, June 2021
- 20 Development Management and Wildlife Guide: Planning for Nature, April 2022

### **Site History**

- 21 No site history.

### **CONSULTATIONS**

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

## **External**

- 23 Historic Environment Scotland – Consulted due to the site being within Murthly Castle Garden and Designed Landscape. No comments to make on the proposal.
- 24 Perth and Kinross Heritage Trust – no issues raised.
- 25 NatureScot - No response.
- 26 Health and Safety Executive - do not advise against the proposal.

## **Internal**

- 27 Structures and Flooding – No objection. Given the permitted development rights for the kiosk and provided the proposals requiring planning permission meet current SEPA guidance and legislation then no objection.
- 28 Transportation and Development – No objection subject to conditions to ensure the access is formed in accordance with the Council's technical guidance.
- 29 Environmental Health (Noise/Odour) – No comment. The proposal for the transmission regulator station is permitted development and no conditions for this element of the proposed development can be attached to any planning permission granted.
- 30 Biodiversity/Tree Officer - A detailed landscaping plan and planting schedule is required indicating species, location, tree stock size, type, planting spec, maintenance, vermin and weed control. Species should be native to Scotland and include fruit-bearing trees to maximise biodiversity value. This should be secured via condition. The new planting that is proposed is welcomed and could result in biodiversity enhancement if a range of native species is incorporated.

## **Representations**

- 31 6 representations were received. The main issues raised within the representations are:
  - Residential road is unsuitable for proposed works
  - Impact on residential amenity
  - Impact on visual amenity
  - Loss of greenspace within residential area
  - Ownership of land on Torlee Road to form access to application site
  - Flooding Risk
  - Inappropriate use of prime agricultural land
  - Noise
  - Road Safety and Traffic Congestion
  - Loss of daylight from proposed tree planting

- Impact on existing trees and biodiversity

32 These issues are addressed in the Appraisal section of the report.

33 The ownership of land on Torlee Road was raised through the representations. However, this is not a material planning consideration. The incorrect ownership certificate was initially submitted with the application and after this was brought to the attention of Planning, the correct certificate was submitted. The applicant notified all residents of Torlee Road of the proposed development.

### **ADDITIONAL STATEMENTS**

34

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

### **APPRAISAL**

35 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4, and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

#### **Principle**

36 In respect of NPF 4, Policy 18 Infrastructure First makes it clear that an infrastructure first approach to land use planning should be at the heart of placemaking. In parallel, LDP policy considerations to assess its suitability in principle are Policies 1A, 1B Placemaking; Policy 39: Landscape; Policy 42: Green Infrastructure and Policy 50: Prime Agricultural Land.

37 The proposed development is associated with the construction of a new 15.5km intermediate pressure gas pipeline between Birnam and the existing Logierait Transmission Regulator Station. The new Transmission Regulator Station will replace the one at Logierait and that aspect is classed as Permitted Development.

38 As this proposal is associated with the provision of essential infrastructure being delivered in the wider area, the general principle of the provision of an

access, and associated hardstanding, fencing, and landscaping, has been chosen in light of site specific considerations, and seeks to integrate the development in as sensitive a manner, whilst considering the wider functionality of the proposals, it is considered the proposal aligns with the aforementioned policies as shall be fully discussed below

### **Design and Layout**

- 39 The Supporting Statement highlights that the application site was specifically selected because it is located on the western edge of the field, in a recessed area which is encompassed to the south and west by the topography and woodland which slopes steeply up towards the Perth Road, and to the northwest by the hedges and planting along the edge of Torlee Road. It states the first 6 metres of the private track would be tarmac to prevent loose material falling onto Torlee Road. The remaining section of the track would be formed of crushed stone/gravel. The native woodland tree planting proposed would blend in against the existing backdrop of existing woodland. The Statement noted that trees would be interspersed with both heathers and blueberry to provide appropriate ground vegetation.
- 40 The design and layout are sympathetic to the constraints of the site and the character and amenity of the place. Tree Planting is proposed to screen the proposed development and a condition (Condition 4) is recommended to ensure a detailed tree and landscape plan is submitted for approval by the Council. In response to a matter raised in the representations, the plan should consider the location and species of new trees to avoid any potential shading and loss of light for the residential properties to the north. The new planting will also enhance existing green infrastructure as part of a wider green network.
- 41 The proposed vehicular access and track to the site compound is to be located on the field boundary (west). The site is well screened due to the drop in level from Perth Road and mature planting on the site boundary and along the access road to the local sewage works (south).
- 42 The design and siting of the development has been sensitively considered and respects the character and amenity of the place. The new planting will enhance existing green infrastructure as part of a green network. The proposal satisfies Policy 14 of NPF 4 and Policies 1: Placemaking and 42: Green Infrastructure of LDP 2.

### **Built Heritage**

- 43 The agricultural field is located in the boundary of Murthly Castle Garden and Designed Landscape. The Garden and Designed Landscape contributes to the character and quality of the landscape in Perth and Kinross. However, the agricultural field does not form part of the important landscape components of this designation which comprise of the gardens, walled gardens, woodland and parkland which provide an attractive setting for several category A listed buildings.

- 44 As noted above, Historic Environment Scotland has no comment on the proposal. It is therefore considered that the proposal will not have a detrimental impact on the Garden and Designed Landscape given its location and the small-scale nature of the proposal, and therefore the proposal satisfies Policy 7 of NPF 4 and Policy 29: Gardens and Designed Landscapes and Policy 39: Landscape of LDP 2.

### **Prime Agricultural Land**

- 45 Policy 5 Soils of NPF 4 states that development proposals on prime agricultural land will only be supported where it is for essential infrastructure and there is a specific locational need. Similarly, Policy 50: Prime Agricultural Land of LDP 2 states that outside the identified settlements, development on prime agricultural land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal and only when there is not other suitable site available on non-prime land.
- 46 In this instance, the compound is to be located adjacent to an existing pipeline route through the field. The proposed development is part of a major infrastructure proposal. The location, design and layout minimises the amount of protected land that is required, and therefore the proposal aligns with the defined exemptions within the aforementioned policies.

### **Residential Amenity**

- 47 Traffic and Vehicle Movement - The applicant advises that maintenance vehicles will visit the site monthly and 12 visits per year are anticipated. A gate will secure the vehicular access to the site. No significant detrimental impact on residential amenity is expected from the new vehicular access and movement of vehicles to the site.
- 48 Visual Amenity - The compound is to be located over 30m from the rear garden of the nearest dwellinghouse. Tree and landscaping is proposed around the compound to help mitigate any potential impact on visual amenity.
- 49 Noise - The representations raised the issue of noise from the Transmission Regulator Station. This is classed as permitted development and cannot be assessed as part of the application. However, the applicant has confirmed that based on the information available it would not be expected to exceed the noise levels in the Council's Standard Condition which states '*All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise there from shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.*'
- 50 The applicant has undertaken to record noise levels before and after the installation of the Transmission Regulator Station in order to reassure local residents. Recording equipment has been installed in the field adjacent to Torlee Road for this purpose. Environmental Health has been contacted regarding this assessment. However, as noted above, the TRS is considered

to be permitted development, and is therefore not in itself a consideration of this application.

### **Roads and Access**

- 51 Transportation and Development has no objection to the proposal. A condition (Condition 3) is recommended should planning permission be granted to ensure the vehicular access is constructed in accordance with the Council's Road Development Guide.

### **Drainage and Flooding**

- 52 A Flood Risk Assessment was prepared for a site in the field initially under consideration adjacent to the sewage treatment works (south). The site was not considered suitable due to its high flood risk and access to the compound is required around the clock. The location of the proposed site is less of a flood risk. The applicant has advised that any surface water issues will be managed and mitigated as part of the installation.
- 53 The Council's Flooding Team has no objection provided the proposals meet current SEPA guidance and legislation. It is recommended that an informative is attached to any planning permission granted.

### **Developer Contributions**

- 54 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

### **Economic Impact**

- 55 The proposal is part of a replacement gas pipeline between Birnam and Logierait.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 56 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variation removed the Transmission Regulator Station from the application proposal as this is classed as Permitted Development under Class 39 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The application was renotified as a result of the variation.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 57 None.

### **DIRECTION BY SCOTTISH MINISTERS**

- 58 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been



no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 59 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 60 Accordingly, the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **Approve the application**

#### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.  
  
Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.  
  
Reason - To ensure the development is carried out in accordance with the approved drawings and documents.
3. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail of Type B Road construction detail. The Type B Road construction detail shall continue into the entrance for a distance of 6.0 metres from the boundary of the public road surface.  
  
Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.
4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site,

full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
2. The applicant is advised to contact the Street Lighting Partnership, as there is existing underground cabling in vicinity of any vehicle access and will need to be lowered to a minimum depth of 750mm. Design and specification will require to be agreed.
3. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

4. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
6. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
7. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
8. [https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood\\_Risk\\_Flood\\_Risk\\_Assessments\\_adopted\\_March21.pdf?m=637647027940470000](https://www.pkc.gov.uk/media/48541/Flood-Risk-Flood-Risk-Assessment/pdf/Flood_Risk_Flood_Risk_Assessments_adopted_March21.pdf?m=637647027940470000)
9. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations removed the Transmission Regulator Station from the application proposal as this is classed as permitted development under Class 39 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

Background Papers: 6 letters of representation  
 Contact Officer: Clare Myles  
 Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

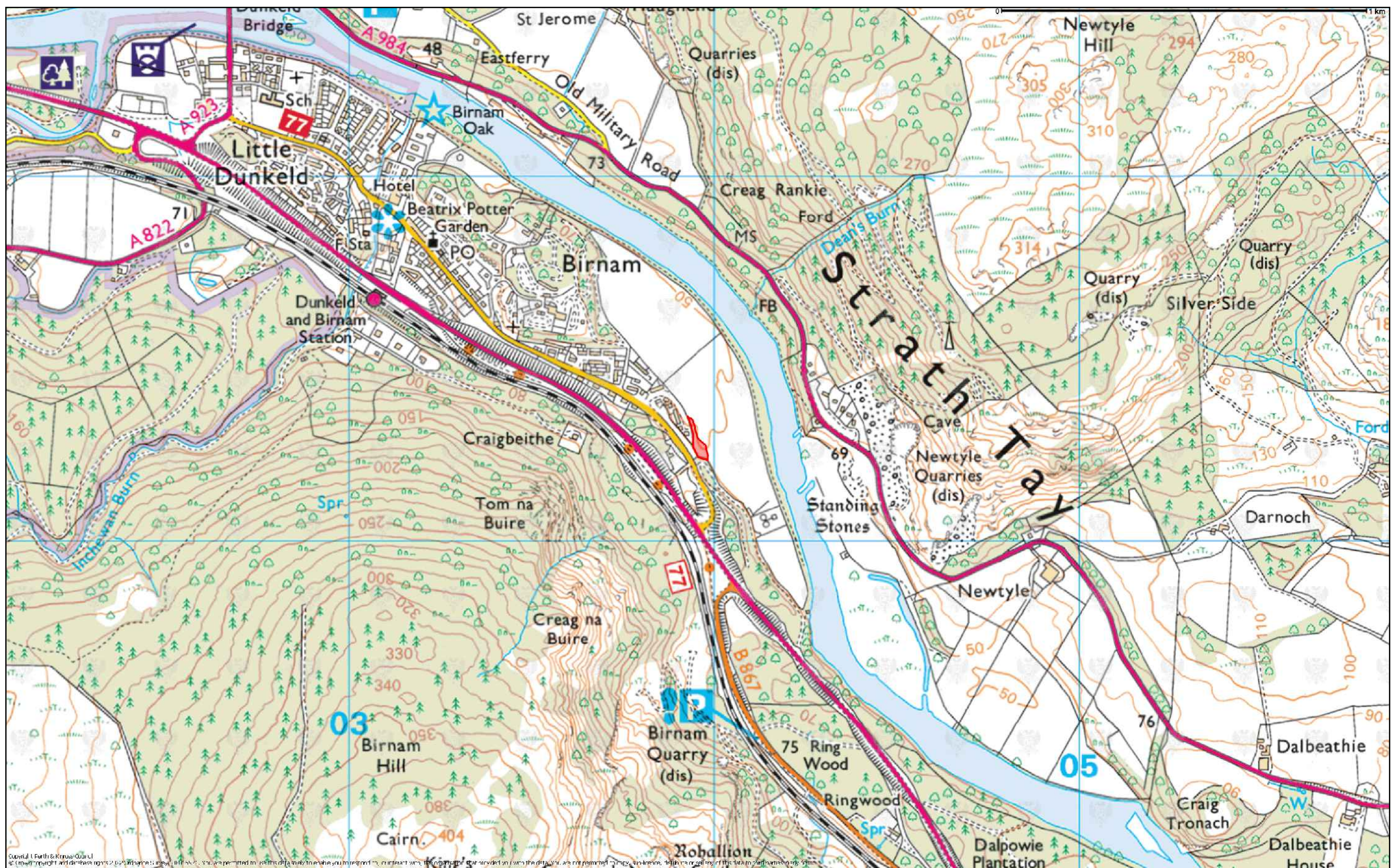
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Planning and Placemaking Committee - 25 January 2023

Scale 1:10000



22/01698/FLL

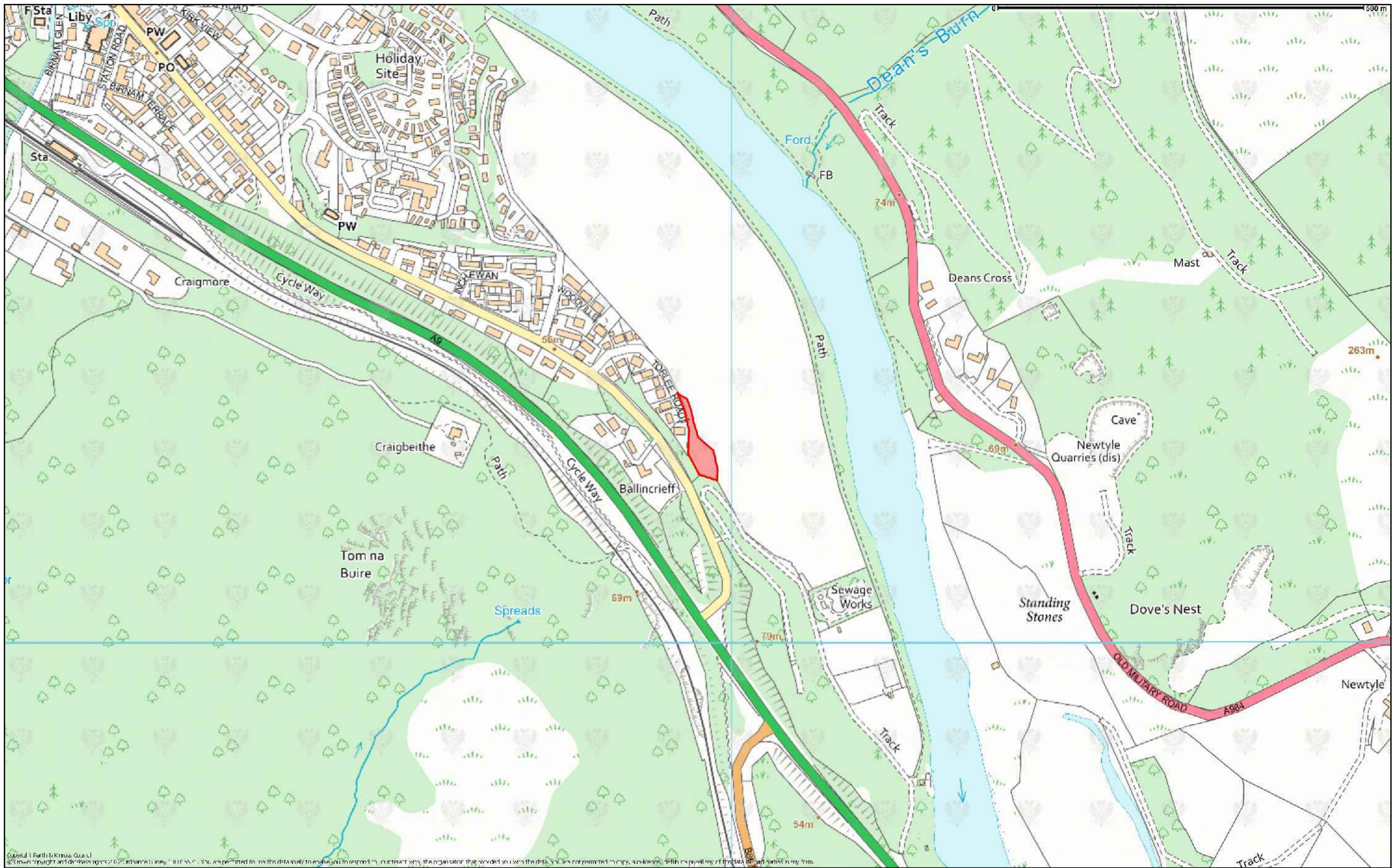
Formation of vehicular access and hard standing, erection of fence and associated work, Land 35 Metres South East Of No 11 Torlee Road Torlee Road, Birnam











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Planning and Placemaking Committee - 25 January 2023  
Scale 1:5000



22/01698/FLL  
Formation of vehicular access and hard standing, erection of fence and associated work, Land 35 Metres South East Of No 11 Torlee Road Torlee Road, Birnam







Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/67)

**PROPOSAL:** Formation of hardstanding areas and landscaping, erection of storage shed, gates, alterations to fencing and associated works

**LOCATION:** King George V Playing Field, Muirs, Kinross

Ref. No: [22/01784/FLL](#)

Ward No: P8- Kinross-shire

### Summary

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located within the settlement boundary of Kinross and forms part of a wider area of open space which is in recreational use. The application site forms a linear strip of land located between existing dwellings and a multi-use sports pitch.
- 2 The proposal is to enclose the area by erecting a new fence and gate at either end of the strip, alter the boundary fence to pitch forming a new 1.2m pedestrian barrier rail, formation of a spectator/warm up hardstanding area with dugouts, erection of a storage shed and associated work.
- 3 This application follows on from similar proposal which was refused under delegated powers due to the combination of the removal of trees and the impact on the amenity of the area. Subsequently the application was appealed to the LRB with the review dismissed for the same reasons. Prior to the submission of this application the applicant has discussed the proposal with the Tree Enforcement Officer.

### Pre-Application Consultation

- 4 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

## **National Policy and Guidance**

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

## **National Planning Framework 4**

- 6 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and now comprises part of the statutory development plan.
- 7 The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document.
- 8 The following sections of the NPF will be of particular importance in the assessment of this proposal:
- Policy 14 Design, quality and place
  - Policy 21 Play, recreation and sport

## **Planning Advice Notes**

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

## **Development Plan**

- 10 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2019.

## **Perth and Kinross Local Development 2019**

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 14A: Open Space Retention and Provision: Existing Areas
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## **Other Policies**

### **Placemaking Supplementary Guidance 2020**

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

## **Site History**

- 14 **98/01532/FUL** Full Planning Permission was Approved On 14 January 1999 for Formation of an all weather pitch facility with 3m high fencing and floodlighting
- 15 **20/00288/FLL** Full Planning Permission was refused on 30 May 2020 for Alterations to boundary fence, formation of hardstanding area, erection of a storage shed and associated works with a subsequent review to the Local Review Body dismissed.
- 16 **21/02225/FLL** Full Planning Permission application was withdrawn on 8 April 2022 for Formation of hardstanding area, erection of storage shed, gates, alterations to fencing and associated works.

## **CONSULTATIONS**

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

### **External**

- 18 No external consultations required.

### **Internal**

### **Estates**

- 19 Confirmation that PKC are the landowners and King George V Playing Fields Management Committee are the tenants of the Council.

## **Environmental Health**

- 20 No objection conditions required in relation to noise.

## **Transportation and Development**

- 21 No comments to make on proposal.

## **Biodiversity/Tree Officer**

- 22 No objection to proposal conditions requested in relation to landscaping and tree protection.

## **Community Greenspace**

- 23 Have requested replacement planting and that gates are not locked to restrict access through.

## **Representations**

- 24 9 representations were received. The main issues raised within the representations are:

- Contrary to LDP2
- Loss of public access/area for dog walking
- Loss of a tree
- Impact on biodiversity
- Not in keeping with amenity of the area
- Danger from hockey balls
- Noise

These issues are addressed in the appraisal section, but it should be noted that the safety issue in relation to the balls and fence heights is not a matter for planning and the applicant should be aware of health and safety requirements in relation to the public.

## **ADDITIONAL STATEMENTS**

25

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

## **APPRAISAL**

- 26 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy



considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **Principle**

- 27 The site is located within the settlement boundary of Kinross within an area of zoned open space. Policy 14 Open Space Retention and Provision seeks to protect areas of open space and development will be supported where it is ancillary to the principal use of the site as a recreational resource. The proposal does not involve a change of use (as the land is in recreational use) the proposal is only for the structures etc so in principle the development complies with Policy 14, together with that of Policy 21 of NPF 4 which also seeks to support proposals for play and sport.
- 28 The application is required for the engineering works, shed and enclosures etc required to supplement the existing use this is considered against Policy 1 Placemaking and Policy 17 Residential Areas. These policies seek to ensure that the residential amenity of existing dwellings is protected from development and the wider visual amenity of the area is maintained. The pitch is located in close proximity to the existing dwellings and with the grassed/tree strip providing a buffer.
- 29 The previous proposal involved the removal of the trees which contributed to the amenity within the area enhancing the open space gap and providing a degree of separation between the field and dwellings. In contrast this proposal retains the trees (1 to be replaced) to address the reasons for refusal. The area as it is currently in recreational use and can be used for the activities noted in the submission although the proposal will provide a formal setting.
- 30 The proposal on balance with the retention of the trees visually retains the character of the landscaped strip whilst the works provides a complementary formal area ancillary to the recreational use of the site.

### **Design and Layout**

- 31 The proposal will enclose the area with gates and a fence along the entire length of the pitch. Within this an area of approx. 560sq metres is to be made level and finished in a permeable hard surface to be used a warm up area. A kerb upstand is proposed along the boundary with the dwellings and around the five trees to be retained and the new one to be planted. A storage shed (7sq m in area) is proposed centrally within the strip.
- 32 The closing of the strip will allow the existing fence (which encloses the west side of the pitch) is to be lowered from 3.6m to 1.2m providing greater visibility for spectators and provide two pitch side dugouts. Two additional sections of the existing perimeter fence of the pitch on the north and south boundary are to be increased to 4.5m in height.

- 33 The works proposed are acceptable in terms of the siting of the small shed, formation of the hardstanding which is softened by the retention of the trees.

### **Residential Amenity**

- 34 There are a number of residential properties within close proximity to the proposed hardstanding area, the existing hockey pitch and playing fields with the gardens area being approximately 11 metres away.
- 35 The area is within recreational use so although the proposal makes the area more user friendly it doesn't change how the area could be currently utilised and the activities which take place on the pitch are not altered. Noise has been raised as an issue however the proposal is for an associated use with the sports pitch so it would not be considered to generate any significant increase in noise as this area can currently be occupied when sports are taking place. Spectators can use the area at present to watch matches through the existing mesh fence.
- 36 Environmental Health have confirmed that their Service has not received any noise complaints with regards to noise from the use of these pitches.
- 37 This development means that spectators could be slightly closer to existing residential properties but it is considered that noise from the public and teams can be controlled, monitored and reacted to through good management of the area through the implementation of a noise management plan (NMP).
- 38 A condition is recommended (Condition 5) for a Noise Management Plan which will be required to layout the proposed procedures, codes of conduct for the public and team members to be implemented for the control of noise from the spectators and teams using as warm up area. The NMP shall state the person responsible to monitor the area and control noise levels as well as any anti- social behaviour that may arise.
- 39 The Environmental Health Officer recommended a lighting condition but no new lights are proposed as part of this application and the existing lighting is covered under a previous permission.

### **Visual Amenity**

- 40 The proposal retains the trees with the removal of one which is to be replaced. The retention of the trees retains the visual buffer that they provide its accepted that they don't screen the development, but they retain an amenity value and soften the impact of the hardstanding. The tree proposed is not considered to be an acceptable replacement so a recommended species and size will be covered by condition.

### **Roads and Access**

- 41 There are no alterations proposed to the existing vehicular access. Concerns have been raised about loss of access through the area. The open space is nearly exclusively within recreational use with two rugby pitches, the hockey

pitch and clubhouse with car park. There is a core path to the south which is not impacted.

- 42 There is an existing path which runs around the pitch however this is not an asserted right of way or core path. The proposal would result in this route being closed however access would still be available through the wider area of open space. Community Greenspace have requested that the gates remain open however this would need to be discussed as part of the lease process rather than controlled through planning. In planning terms there is still access provided as a short detour around the pitch.

### **Drainage and Flooding**

- 43 The site does not lie within an area of flood risk and the hardstanding is porous. The proposal is not considered to raise any drainage or flooding concerns.

### **Natural Heritage and Biodiversity**

- 44 A tree report has been submitted providing an assessment of the trees at the site, advice on the potential impact of the proposed development on the trees, mitigation measures to safeguard the trees, and recommendations for tree works, and planting recommendations.
- 45 The Tree Officer has examined the plans and submissions, and is content that the proposed works should, if executed appropriately safeguard the amenity provision afforded by the trees at the site. The report advises that 1 x rowan tree be removed.
- 46 It is considered however that an Arboricultural Method Statement be submitted that clearly sets out the sequence of site operations to be undertaken, tree protection measures, tree works, root pruning (if roots encountered), soil removal, hard landscaping, site storage, plant & machinery storage, type of plant to be used, pre-start agreement with contractors, concrete preparation. (Condition 3)
- 47 In relation to the proposed planting – the landscape plan has proposed 1 x *Griselinia littoralis*, and a hedgerow of *Viburnum tinus* at the boundary wall, both evergreen shrubs. Community Greenspace recommended that 3 trees be planted however these would need to be out with the site which could not be controlled by condition. It would be preferable instead to plant a heavy standard size, rootballed, broadleaf tree in place of the rowan, rather than the *Griselinia*, such as, rowan, *Sorbus aucuparia* Hupehensis, or lime, *Tilia cordata* Greenspire, or Turkish hazel, *Corylus colurna*. This will be covered by condition (Condition 4).
- 48 The development proposal and landscape scheme submitted takes account of the existing trees at the site, and should not adversely impact their future viability, subject to approval of an Arboricultural Method Statement.
- 49 Only one tree is proposed for removal. The biodiversity opportunities that the tree and area can provide are noted as a concern in representations

particularly in relation to birds, red squirrels and bats. No Ecology Survey has been submitted with the proposal. The Biodiversity Officer considers (from images supplied) that there is likely to be little opportunities for roosting bats due to the age, size and overall good condition of the trees. Therefore a survey isn't considered necessary.

### **Developer Contributions**

- 50 The developer contributions guidance is not applicable to this proposal.

### **Economic Impact**

- 51 Is it considered that the development will provide improved facilities for the hockey club and some opportunities for local construction companies.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 52 This application was not varied prior to determination.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 53 Not required.

### **DIRECTION BY SCOTTISH MINISTERS**

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

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 55 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 56 Accordingly the proposal is recommended for approval subject to the following conditions.

### **A RECOMMENDATION**

#### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. Prior to the commencement of development an Arboricultural Method Statement (AMS) be submitted and agreed in writing with the Council as Planning Authority. The AMS shall clearly sets out the sequence of site operations to be undertaken, tree protection measures, tree works, root pruning (if roots encountered), soil removal, hard landscaping, site storage, plant & machinery storage, type of plant to be used, pre-start agreement with contractors, concrete preparation. The statement as agreed shall be implemented in full as part of the development of the site.

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

4. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include replacement of the propsoed *Griselinia littoralis* with a heavy standrad size, rootballed, broadleaf tree such as, rowan, *Sorbus aucuparia* Hupehensis, or lime, *Tilia cordata* Greenspire, or Turkish hazel, *Corylus columna*. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority

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

5. Prior to the commencement of the development a Noise Management Plan shall be submitted for the written approval of the planning authority. The plan shall include all sources of noise associated with the use of the spectator and team warm up area including user noise, including noise from antisocial behaviour, activity noise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. A scheme of any proposed noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None required.

## **D INFORMATIVES**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
4. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.



5. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: 9 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

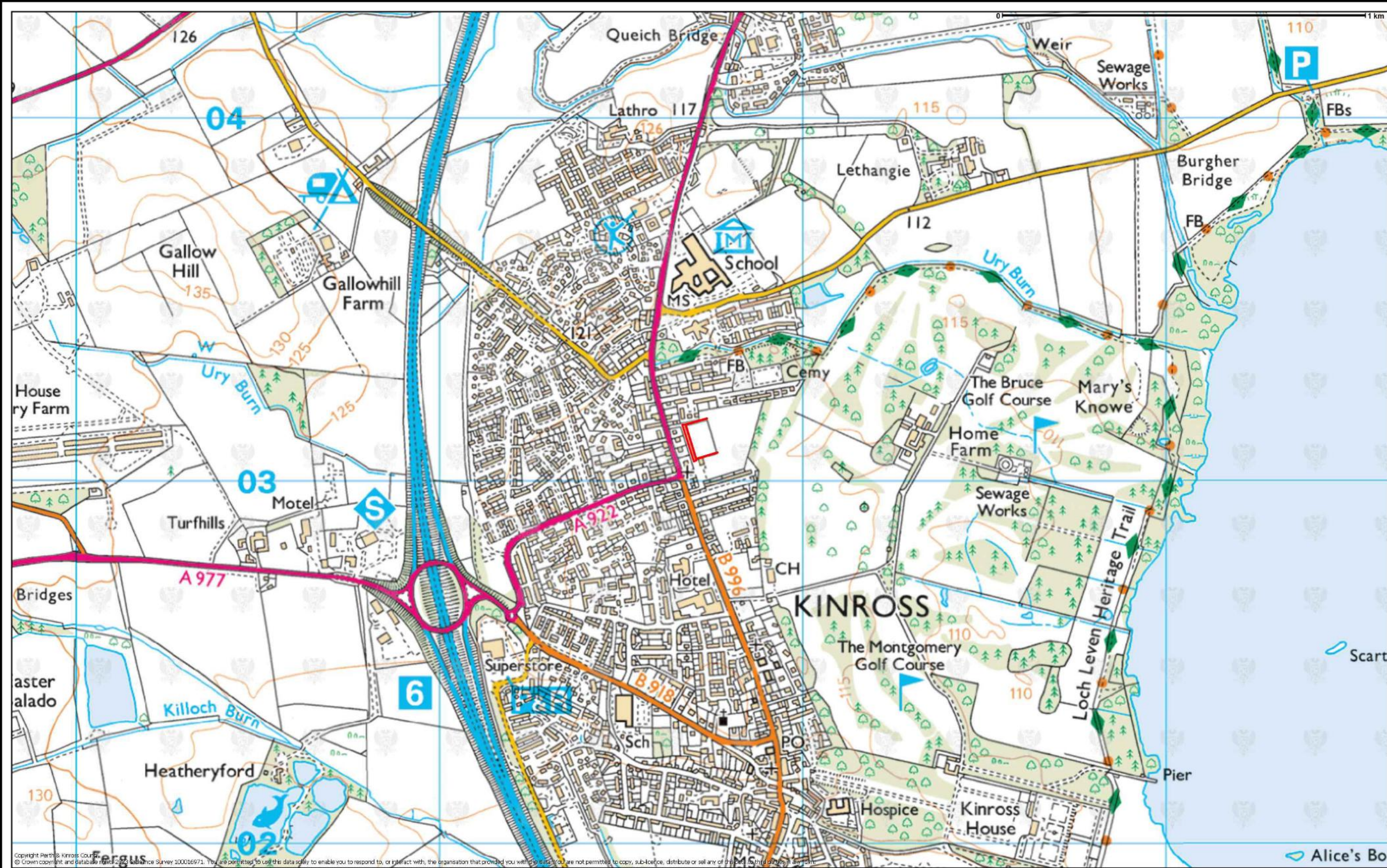
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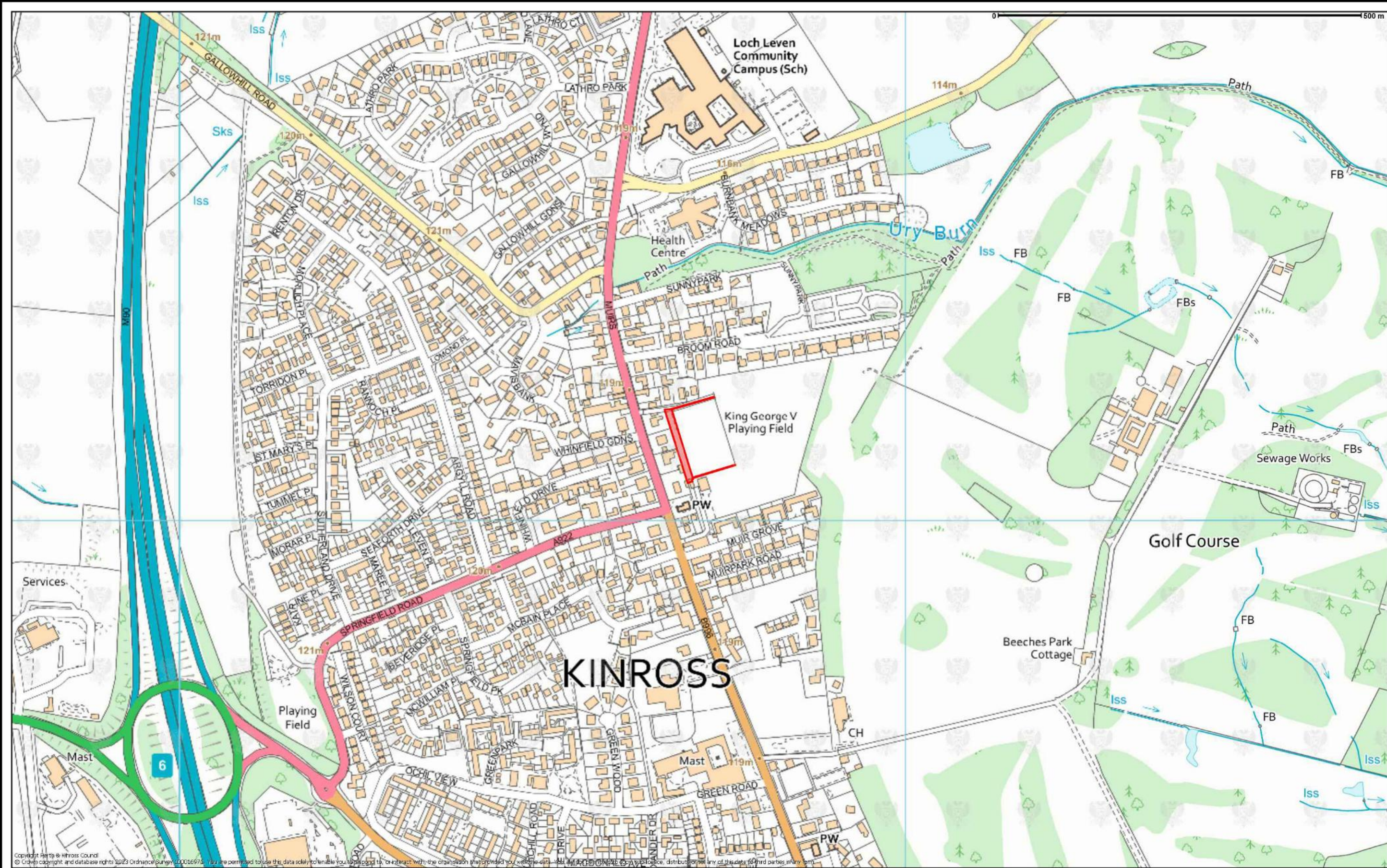


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Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No. 23/68)

**PROPOSAL:** Alterations

**LOCATION:** The Ell Shop, 9 The Cross, Dunkeld PH8 0AN

Ref. No: [22/01816/LBC](#)

Ward No: P5- Strathtay

### Summary

This report recommends approval of the application as the proposal has due regard to the special interest of the listed building, and it complies with the development plan.

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application property comprises the ground floor of a category B listed building known as The Ell House (Historic Environment Scotland ref: LB5646) and lies within the Dunkeld Conservation Area. The property was previously in use as a shop (Class 1). In 2021, planning permission (20/01886/FLL) was granted for the property to be used as an office for professional services (Class 2). The property is currently in use as an estate agency.
- 2 Listed building consent is sought to paint the two entrance doors on the ground floor of the east elevation black. The doors are currently pale yellow.
- 3 Listed building consent is also sought to install a non-illuminated sign above the ground floor windows in the centre of the east (front) elevation of the property. The sign is to be formed from MDF and is to be painted in Dusted Moss 1 with painted black letters. It will be 2440mm wide, 485mm high and 18mm deep and will not project from the building. To attach the sign to the building, there will be two elongated interlocking French cleats along the top and bottom of the sign that will have fixings into the stonework.
- 4 An application for planning permission (ref: 22/01817/FLL) to paint the two entrance doors on the ground floor of the east elevation black is also under consideration by this committee. Advertisement consent (ref: 22/01818/ADV) for the display of the sign has previously been approved under delegated powers.

## **Pre-Application Consultation**

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

## **National Policy and Guidance**

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

## **National Planning Framework 4**

- 7 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023 and adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

## **Planning Advice Notes**

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

## **DEVELOPMENT PLAN**

- 9 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2019.

## **National Planning Framework 4**

- 10 NPF4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 11 The Council's assessment of this application has considered the following policy of NPF4:
- 12 Policy 7 Historic Assets and Places states:
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

## **Perth and Kinross Local Development 2019**

- 13 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 14 The principal relevant policy is, in summary;
- Policy 27A: Listed Buildings

## **OTHER POLICIES**

### **Historic Environment Policy for Scotland 2019**

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

## **SITE HISTORY**

- 16 [20/01886/FLL](#) Full Planning Permission was approved on 15 February 2021 for change of use from shop (Class 1) to office for professional services (Class 2).
- 17 [22/00901/ADV](#) Advertisement Consent application was withdrawn on 13 October 2022 for display of sign, as the wrong address had been used on the application.
- 18 [22/01213/LBC](#) Listed Building Consent application was withdrawn on 13 October 2022 for alterations, as the wrong address had been used on the application.
- 19 [22/01817/FLL](#) Full Planning Permission currently under consideration for alterations to change door colour.
- 20 [22/01818/ADV](#) Advertisement Consent was approved on 12 December 2022 for the display of a sign.

## **CONSULTATIONS**

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

### **External**

- 22 **Historic Environment Scotland:** No comments.
- 23 **Dunkeld and Birnam Community Council:** Object to the position of the proposed sign, as the central positioning of the sign would give the impression that the new business is run from the entire building (including the residential

property above the application property), detracting from the building's heritage and history. Suggest that the proposed sign should occupy the same space on the building as the previous sign, i.e. above the southernmost window and adjacent entrance door on the east elevation of the building, to protect the historic appearance of the building.

## Internal

- 24 **Conservation Team:** No comments or concerns.

## REPRESENTATIONS

- 25 No representations were received.

## ADDITIONAL STATEMENTS

26

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

## APPRAISAL

- 27 Sections 14 & 59 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the Council to have special regard to the desirability of preserving Listed Buildings or their settings or any features of special architectural historic interest which the building possesses. The determining issue in this case is therefore the effect of the proposal on the character and special interest of the category B listed building.

### Historic buildings considerations

- 28 The two doors on the front (east) elevation are to be painted black. Black is a traditional colour that is generally considered to be appropriate for doors on a listed building. As such, the proposed colour for the doors does not adversely affect the character and special interest of the listing building.
- 29 The proposed sign has a simple design. It is not to be illuminated and is not to project from the building. The use of MDF is acceptable and is preferable to the use of plastic. The sign is to be finished in a neutral colour with painted lettering. For these reasons, the proposed sign does not detract from the character or special interest of the listed building.

- 30 Dunkeld and Birnam Community Council (DBCC) has objected to position of the proposed sign and has suggested that it should be repositioned to be above the southern of the two entrance doors. The proposed sign is to be installed above the ground floor windows in the centre of the front (east) elevation; this is an appropriate location for a sign, which does not detract from the character of the listed building. If the sign was to be located above one of the doors, it is possible that the business may require another sign above the other door. By displaying one sign in the centre of the building, separate signs above both entrance doors are not required, to the benefit of the appearance of the listed building.
- 31 To help protect the fabric of the listed building, a condition is recommended to ensure non-ferrous materials are used to attach the sign to the stonework and holes into the stonework are minimised.
- 32 The application property is surrounded by listed buildings. Given the scale, nature and siting of the proposal, the proposal is not detrimental to the setting of the neighbouring listed buildings.
- 33 Given the above, the colour, design, materials, scale and siting of the proposal are appropriate to the character and appearance of the listed building and its setting and are not detrimental to any features of special architectural historic interest. As such, the proposal meets the requirements of Sections 14 & 59 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- 34 For the reasons detailed above, the proposal is in accordance with Policy 7: Historic Assets and Places of NPF4 and Policy 27A: Listed Buildings of LDP2.

### **Economic Impact**

- 35 The proposed sign is likely to be beneficial to the business operating from the application property.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 36 None required.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 37 To conclude, the application must be determined having regard to Section 14 (2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 38 Accordingly the proposal is recommended for approval subject to the following conditions.



## **A RECOMMENDATION**

### **Approve the application**

#### **Conditions and Reasons for Recommendation**

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

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

2. Non-ferrous materials shall be used to attach the sign to the stonework and the holes into the stonework shall be the minimum necessary.

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

## **B JUSTIFICATION**

The proposal has due regard to the special interest of the listed building, and it complies with the development plan.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This listed building consent will last only for 3 years from the date of this decision notice, unless the development has been started within that period (see section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006).
2. This is approval of your application Ref no 22/01816/LBC for listed building consent only. It does not include any approval for your related planning application Ref no 22/01817/FLL. No work should commence until planning permission is granted.

Background Papers: No letters of representation  
Contact Officer: David Rennie  
Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

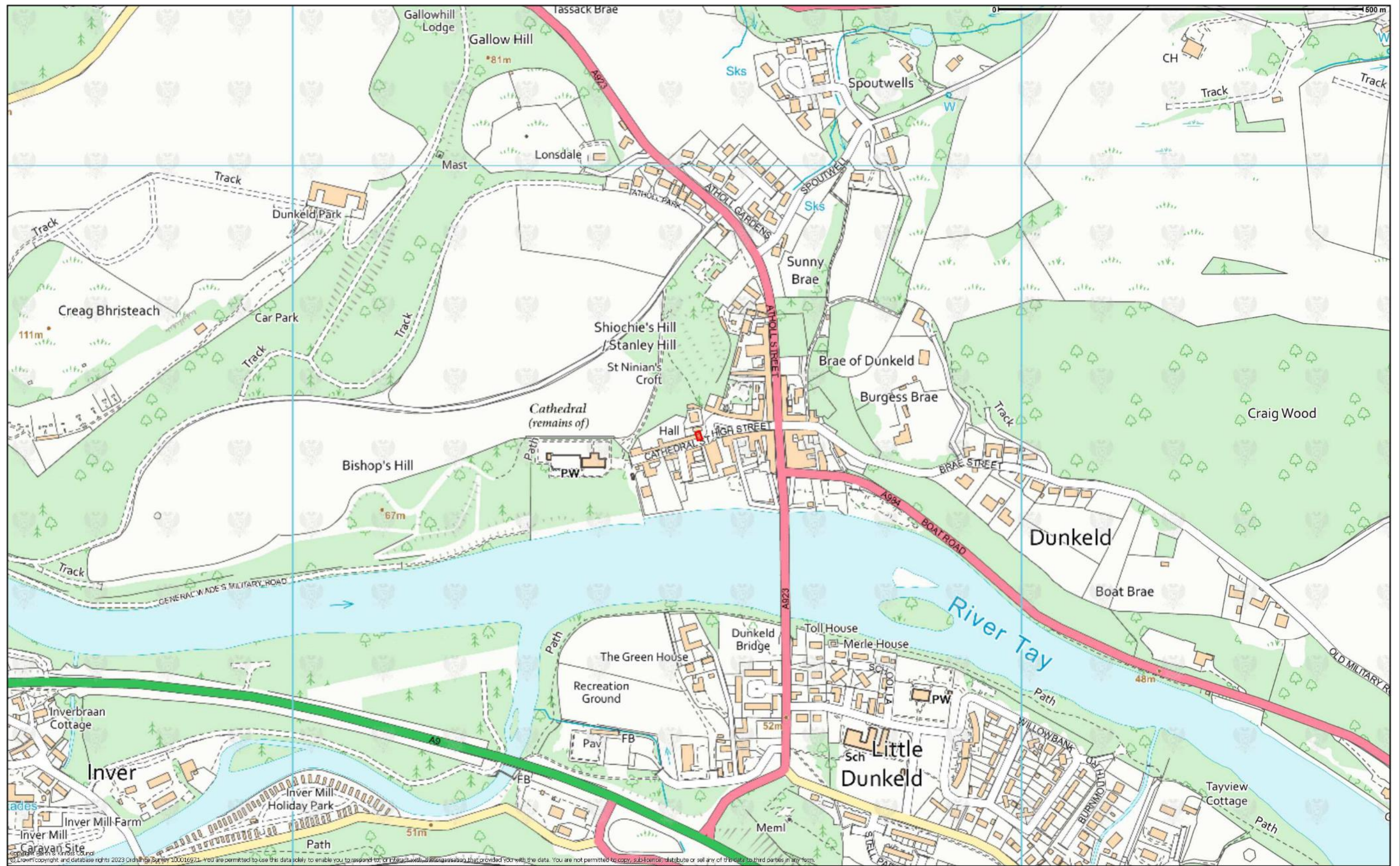
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<p>Scale 1:5000</p>				









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	Scale 1:2500			



Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No. 23/69)

**PROPOSAL:** Alterations to change door colour

**LOCATION:** The Ell Shop, 9 The Cross, Dunkeld PH8 0AN

Ref. No: [22/01817/FLL](#)

Ward No: P5- Strathtay

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application property comprises the ground floor of a category B listed building known as The Ell House (Historic Environment Scotland ref: LB5646) and lies within the Dunkeld Conservation Area. The property was previously in use as a shop (Class 1). In 2021, planning permission (20/01886/FLL) was granted for the property to be used as an office for professional services (Class 2). The property is currently in use as an estate agency.
- 2 Full planning permission is sought to paint the two entrance doors on the ground floor of the east elevation black. The doors are currently pale yellow.
- 3 An application for listed building consent (ref: 22/01816/LBC) for alterations including the painting of the two doors and installation of signage (previously approved under ref 22/01818/ADV) is also under consideration by this committee.

### Pre-Application Consultation

- 4 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

## NATIONAL POLICY AND GUIDANCE

- 5 The Scottish Government expresses its planning policies through The National Planning Frameworks, Planning Advice Notes (PAN), Creating

Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **National Planning Framework 4**

- 6 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023 and was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

#### **Planning Advice Notes**

- 7 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 47 Community Councils and Planning

#### **DEVELOPMENT PLAN**

- 8 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2019.

#### **National Planning Framework 4**

- 9 NPF4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- Policy 7: Historic assets and places
  - Policy 14: Design, quality and place

#### **Perth and Kinross Local Development 2019**

- 11 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 12 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 28A: Conservation Areas: New Development
  - Policy 27A: Listed Buildings



## **OTHER POLICIES**

### **Perth & Kinross Placemaking Supplementary Guidance 2020**

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

## **SITE HISTORY**

- 14 [20/01886/FLL](#) Full Planning Permission was approved on 15 February 2021 for change of use from shop (Class 1) to office for professional services (Class 2)
- 15 [22/00901/ADV](#) Advertisement Consent application was withdrawn on 13 October 2022 for display of sign, as the wrong address had been used on the application.
- 16 [22/01213/LBC](#) Listed Building Consent application was withdrawn on 13 October 2022 for alterations, as the wrong address had been used on the application.
- 17 [22/01816/LBC](#) Listed Building Consent currently under consideration for alterations, specifically the painting of two doors black and installation of signage.
- 18 [22/01818/ADV](#) Advertisement Consent was approved on 12 December 2022 for the display of a sign.

## **CONSULTATIONS**

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

### **External**

- 20 Historic Environment Scotland: No comments.
- 21 Dunkeld and Birnam Community Council: Object to the changing of the colour of the doors on the grounds that black is not part of a "limited and approved colour palette" and the doors would not match the colour of another door on the building.

### **Internal**

- 22 Conservation Team: No comments or concerns regarding the proposed change of door colour.



## REPRESENTATIONS

- 23 No representations were received.

## ADDITIONAL STATEMENTS

24

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

## APPRAISAL

- 25 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Perth & Kinross Placemaking Supplementary Guidance 2020.
- 26 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### Principle

- 27 Alterations to a commercial premises are generally considered to be supportable in principle. Nevertheless, consideration must be given to whether the proposal has any adverse impacts on visual amenity or on the historic environment.

## **Conservation Considerations**

- 28 The two doors on the front (east) elevation are to be painted black. Black is a traditional colour that is generally considered to be appropriate for doors on a listed building and for doors within a conservation area.
- 29 PAN 47 (Community Councils and Planning), paragraph 14, states that “community councils are advised to limit their attention to proposals which raise issues of genuine community interest”. Dunkeld and Birnam Community Council (DBCC) objected to the changing of the colour of the doors on the grounds that black is not part of a “limited and approved colour palette”. For clarification, the colour palette referred to was set by the National Trust for Scotland (NTS) for their owned properties in Dunkeld. The Council does not have a set palette of colours but rather seeks traditional colours that are appropriate for the host building and the surrounding area. As NTS are the owners of the property, the applicant would require the agreement of NTS to change the colour of the doors; this is separate from and in addition to the requirement for planning permission.
- 30 On the southern elevation of the building, there is a door serving a residential property within the building. DBCC objected to the proposal as the doors on the east elevation would not match this door. Given that the doors serve different properties and are on different elevations of the building, it is not considered necessary to require all the doors to be the same colour. Indeed, different colours provide a distinction between the doors serving the commercial premises and the door serving the residential property. It is noted the doors are currently different colours.
- 31 The proposed colour for the doors does not adversely affect the special architectural and historic interest of the listing building. As such, the proposal is in accordance with Policy 7(c): Historic Assets and Places of NPF4 and Policies 1A: Placemaking and 27A: Listed Buildings of LDP2.
- 32 The proposed colour for the doors will have a neutral impact on the character and appearance of the conservation area. As such, the proposal is in accordance with Policy 7(d): Historic Assets and Places of NPF4 and Policies 1B: Placemaking and 28A: Conservation Areas: New Development of LDP2.

## **Developer Contributions**

- 33 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Impact**

- 34 The economic impact of the proposal is likely to be minimal and limited to the works to paint the doors.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 35 None.

## **DIRECTION BY SCOTTISH MINISTERS**

- 36 None.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 37 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 38 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.
- Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.
2. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.
- Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

## **B JUSTIFICATION**

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

## **C INFORMATIVES**

1. This is approval of your application Ref no 22/01817/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 22/01816/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at [www.ukradon.org](http://www.ukradon.org) and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: No letters of representation  
Contact Officer: David Rennie  
Date: 10 February 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

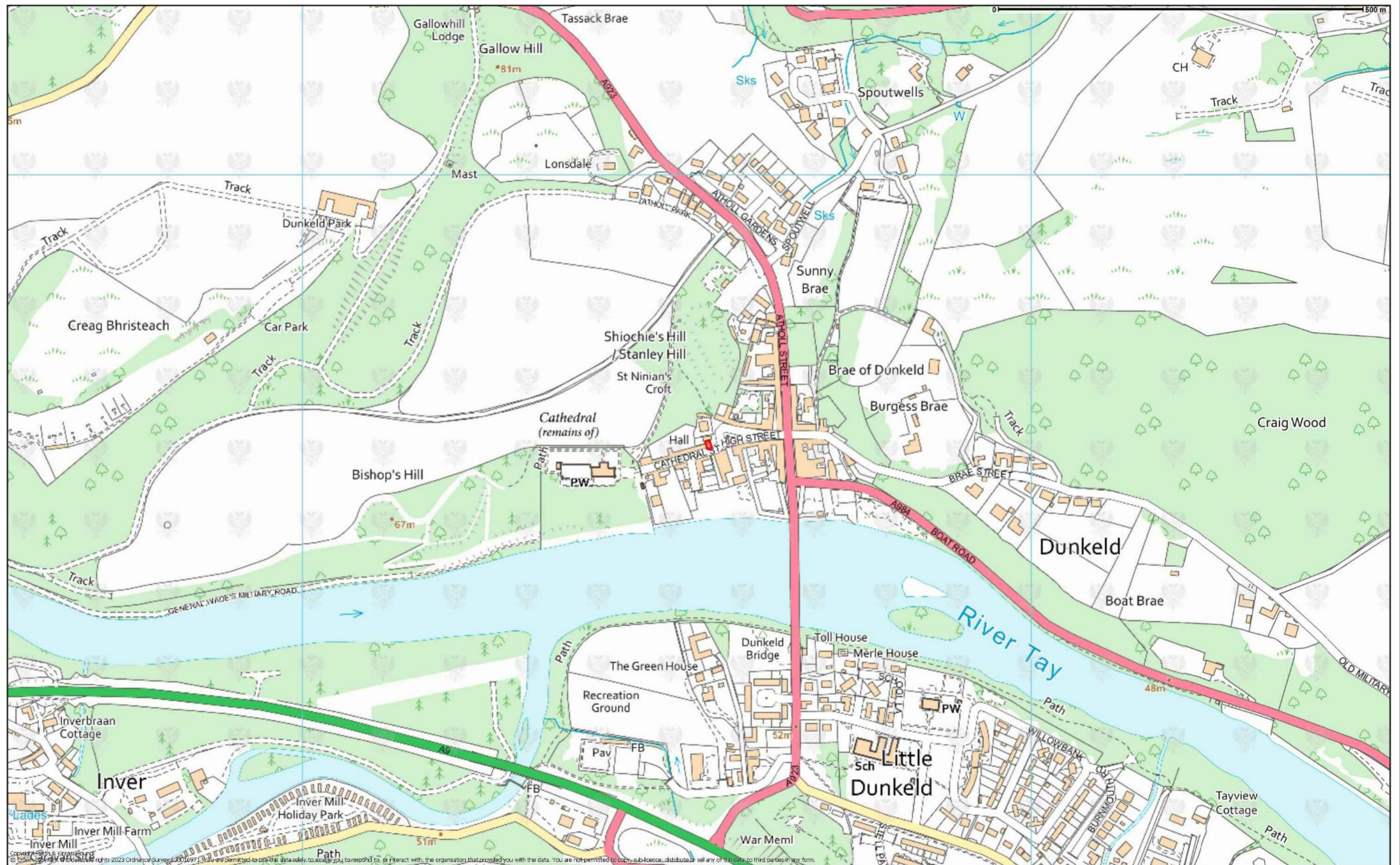
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Planning and Placemaking Committee 22 February 2023

Scale 1:5000



22/01817/FLL

Alterations to change door colour, The Ell Shop 9 The Cross Dunkeld PH 8 0AN









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Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Report of Handling by Head of Planning & Development  
 (Report No 23/70)

**PROPOSAL:** Erection of garage building

**LOCATION:** 8 Middleton Park, Keltybridge, Kelty, KY4 0GZ

Ref. No: [22/01924/FLL](#)

Ward No: P8- Kinross-shire

### Summary

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

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site comprises a modern detached two-storey dwellinghouse, located at the end of a residential cul-de-sac in Keltybridge. The property has previously been altered and extended to form a hipped roof sunroom on the rear (west) elevation, to form first floor accommodation over the attached double garage, and to form a utility room extension on the south gable end. This application seeks detailed planning permission for the erection of a single storey, flat roofed garage on the southeast corner of the house.

### Pre-Application Consultation

- 2 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake any formal pre-application consultation with the local community.

## NATIONAL POLICY AND GUIDANCE

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

### National Planning Framework 4

- 4 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023 and was adopted on 13 February 2023. NPF4



has an increased status over previous NPFs and comprises part of the statutory development plan.

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 79 Water and Drainage

### **Creating Places 2013**

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

### **Designing Streets 2010**

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

### **National Roads Development Guide 2014**

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

### **DEVELOPMENT PLAN**

- 9 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2019

### **National Planning Framework 4**

- 10 NPF4 is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces. The principal relevant policy in this instance is;
- Policy 16(g): Householder development proposals

## **Perth and Kinross Local Development 2019**

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

- Policy 1A + 1B: Placemaking
- Policy 17: Residential Areas
- Policy 58B: Unstable Land
- Policy 53C: Water Environment and Drainage: Surface Water Drainage

## **OTHER POLICIES AND GUIDANCE**

- 12 The Perth & Kinross Placemaking Guide 2020.

## **SITE HISTORY**

- 13 [10/00286/FLL](#) - Full Planning Permission was approved 26 March 2010 for extension to house to form a sunroom
- 14 [15/02216/FLL](#) - Full Planning Permission was approved 10 February 2016 for alterations and extension to dwellinghouse.
- 15 [22/01410/FLL](#) - Full Planning Permission application was withdrawn 31 October 2022 for erection of garage building.

## **CONSULTATIONS**

### **Internal**

- 16 As part of the planning application process the following bodies were consulted:
- 17 **Transportation and Development:** No changes are proposed for the existing vehicle access to the property from Middleton Park. No changes are proposed for the number of parking spaces for the property. Insofar as the roads matters are concerned, no objections have been raised.

## **REPRESENTATIONS**

- 18 Ten representations were received. The main issues raised within the representations are:
- Over-development of the site
  - Garage would project forward of the principal elevation
  - Height of garage and proximity to boundary
  - Reduction in light
  - Adverse impact on the character and visual amenity of the area

- The submission may not meet the minimum submission requirements
- Implications for peaceful enjoyment of possessions (Human Rights)

- 19 These issues are addressed in the Appraisal section of the report.
- 20 It is noted that only one representation has been received from an adjacent property, with all others coming from further afield including Australia.

## **ADDITIONAL STATEMENTS**

21

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

## **APPRAISAL**

- 22 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance, namely the Perth & Kinross Placemaking Guide.

### **Submission Standards**

- 23 The submission standards of the application have been brought into question, with Heads of Planning Scotland (HOPS) validation guidance note being cited. However, the relevant submission requirements are detailed in the Town and Country Planning (Development Management) (Scotland) Regulations 2013, as amended. The validation of the application has been conducted in accordance with these Regulations and the application meets the required standard.

### **Principle**

- 24 Developments which are incidental to the enjoyment of an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the scale, form, massing, design, position, proportions and external appearance of the proposed

development, within the context of the application site, and whether it would have an adverse impact upon visual or residential amenity.

### **Design and Layout**

- 25 As noted above, the detached two-storey dwellinghouse, located at the end of a residential cul-de-sac in Keltybridge, has previously been altered and extended a number of times.
- 26 The current proposal is for the erection of a single storey, flat roofed garage on the southeast corner of the house. The garage would have a single-ply membrane roof, with fair faced block to the walls and timber multi-fold doors. The proposed garage has an irregular-shaped footprint, to match the boundaries to the south and east of the house. It is to be located off-set from the principal (east) elevation and would project forward of it. The general proportions and off-set siting of the structure are not unusual nor disproportionate and are acceptable.

### **Visual Amenity**

- 27 Whilst the proposed garage would be to the front of the application house, it is located at the far side of the house and would be set back some 10m from the adjacent house frontage (no.7) when approaching along the street. It would be substantially subordinate to the two-storey, pitched roof house. Whilst its external finishes would differ from the house, this would not have an adverse visual impact as the fair faced block and timber cladding will be complimentary.
- 28 Letters of representation have raised objection to the proximity of the proposed garage to the boundary, as being uncharacteristic of the residential development. However, it is noted that the much taller two-storey gable ends of the application house and its neighbour to the north (no 9) are already in close proximity to the boundary. Given the significantly lower height of the proposed garage and the spacious garden grounds of No.7 and No.8, its height and proximity to boundary are considered to be acceptable in this instance.
- 29 Overall, the scale, form, massing, design, position, proportions and external finishing materials of the proposed development are acceptable in the context of the existing house and surrounding built environment. Accordingly, the proposed single storey garage would not have an adverse impact upon visual amenity.
- 30 The proposal therefore complies with Policies 1A, 1B and 17 of LDP2 and Policy 16(g) of NPF4, which seek to ensure that development contributes positively to the quality of the surrounding built environment in terms of design, proportions and appearance, in order to respect the character and amenity of the place.

## **Residential Amenity**

- 31 Given the relative positions, heights, orientations, distances and intervening boundary treatments, the residential amenity of neighbouring properties would not be significantly affected by the proposed development in terms of loss of daylight or overshadowing, particularly due to the existing boundary hedging which lies within the neighbour's property and, therefore, control. Additionally, there is sufficient garden ground to adequately accommodate the proposed development without resulting in over-development of the application site itself.
- 32 The proposal therefore complies with Policy 17 of LDP2 and Policy 16(g) of NPF4, which seek to ensure that development does not have a detrimental effect on residential amenity.

## **Human Rights**

- 33 One letter of representation has stated that the proposal has potential Human Right implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1).
- 34 Having assessed the potential impacts of the proposed development, it has been established that there is no substantiated interference with privacy, home or family life, or the peaceful enjoyment of their possessions. Accordingly, the decision to recommend approval of the application constitutes a considered, justified and proportionate control of the use of property, and is appropriate in the public interest, without unduly impacting Article 8 or First Protocol, Article 1.

## **Roads and Access**

- 35 The proposed development would replace existing vehicular hardstanding with a garage. Adequate off-street parking provision would be retained within the site, and the ability to turn vehicles at the end of the cul-de-sac would be maintained. Therefore, there are no road or access implications associated with this proposed development.

## **Drainage and Flooding**

- 36 The application site is not located within any SEPA flood risk envelopes. The proposed garage would be located over an area of existing hardstanding. Accordingly, the roof of the garage would be subject to a similar amount of surface water as its equivalent footprint in hardstanding. The surface water of the proposed garage would be tied into the existing drainage arrangement. The requirement to produce a new SUDS scheme is not considered to be proportionate to the small scale of development proposed. This approach is consistent with similar domestic developments throughout the street.



## **Developer Contributions**

- 37 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Impact**

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

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 39 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

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

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 41 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 42 Accordingly, the proposal is recommended for approval subject to the conditions below.

## **A RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

Reason - This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVE NOTES**

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. An application for Building Warrant may be required.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
5. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Background Papers: 10 letters of representation

Contact Officer: Keith Stirton

Date: 10 February 2023

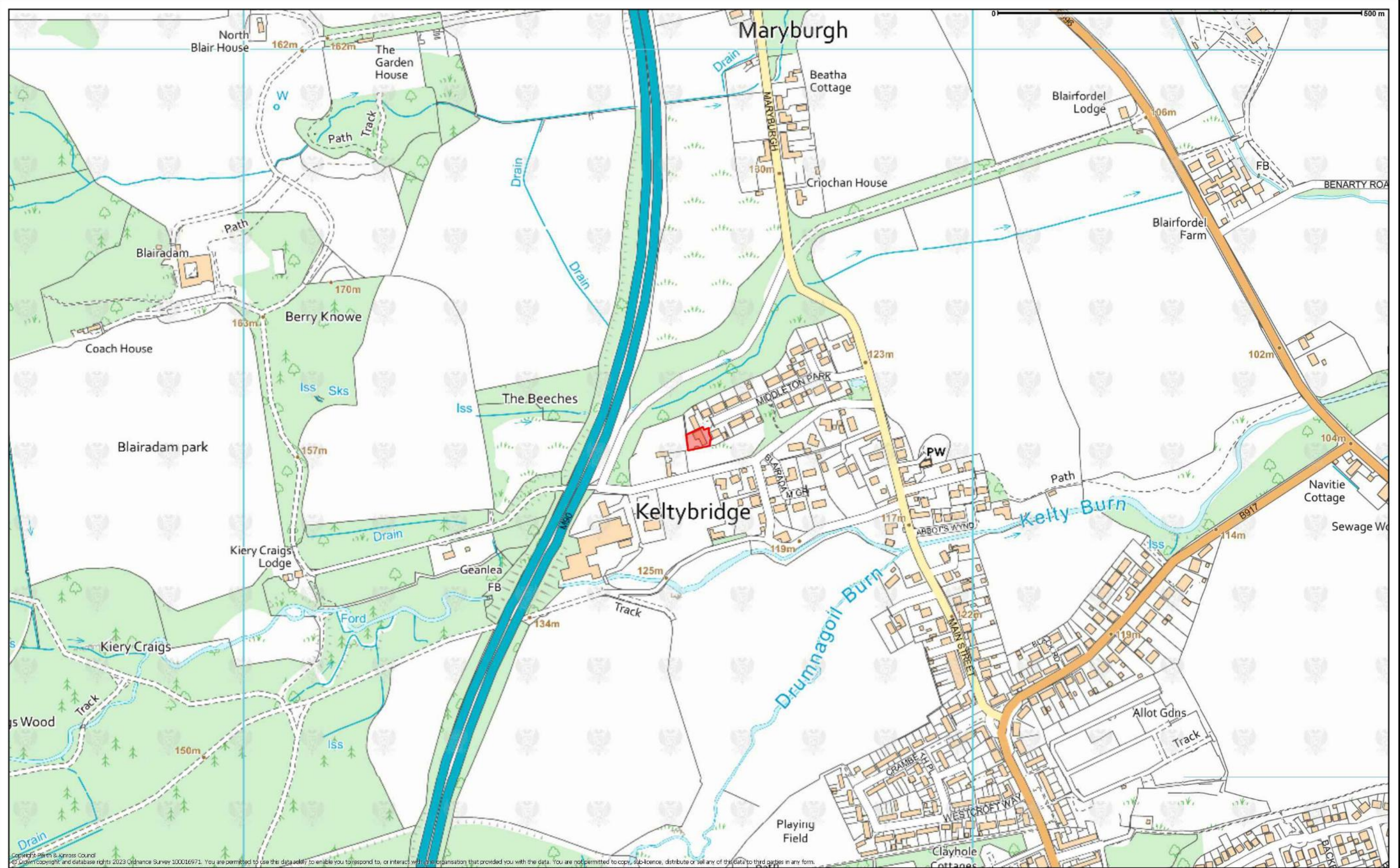
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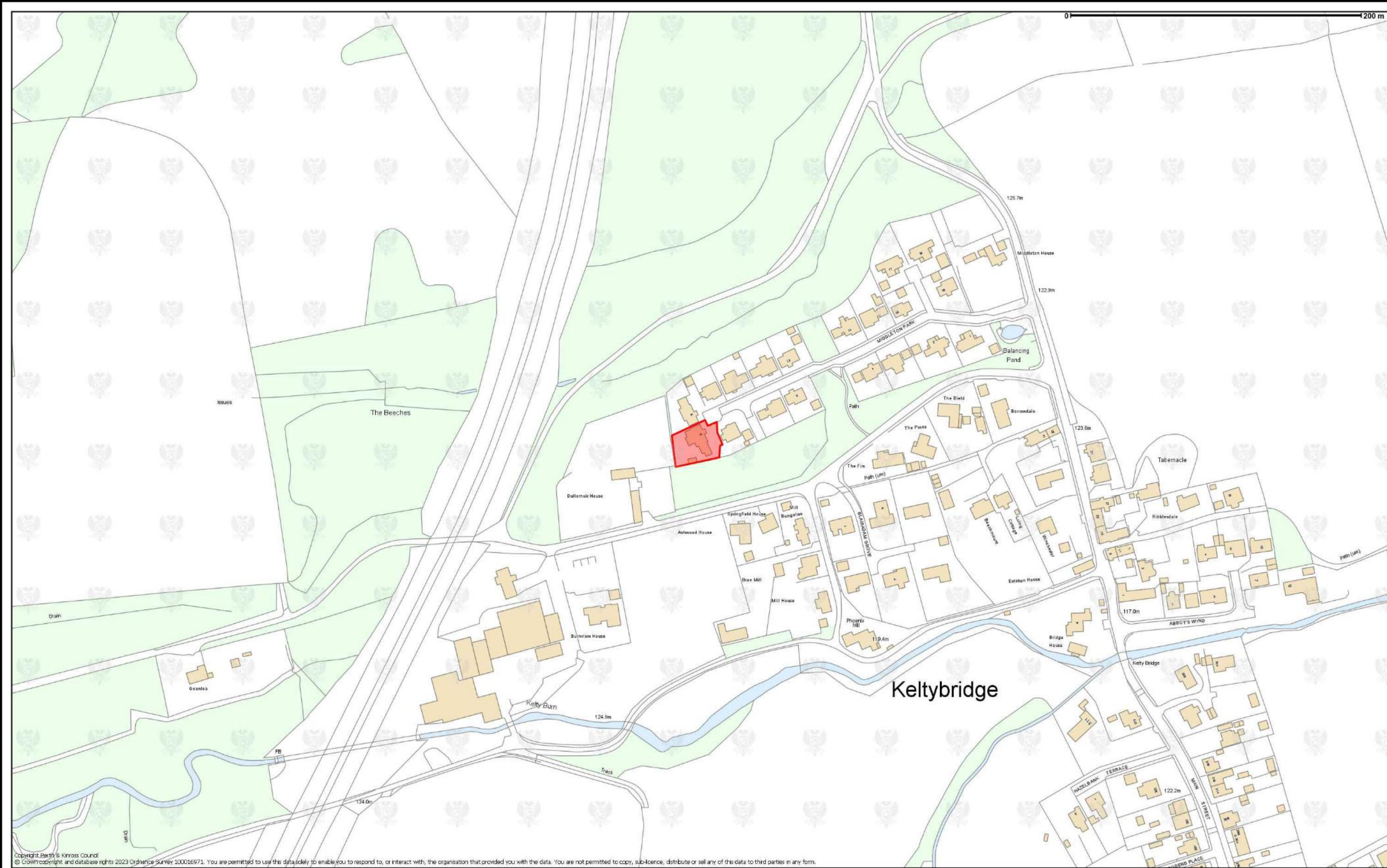




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Perth and Kinross Council  
Planning and Placemaking Committee – 22 February 2023  
Pre-Application Report by Head of Planning and Development  
(Report No 23/71)

**PROPOSAL:** Change of use from stable block to visitor centre including shop, restaurant, ticket offices and associated facilities, formation of adventure playpark, footpaths and car parking, erection of pavilion building and green houses, installation of biomass plant and solar meadow, and associated infrastructure

**LOCATION:** Scone Palace, Queen's Drive, Old Scone, Perth, PH2 6BE

Ref. No: [22/00025/PAN](#)  
 Ward No: P2- Strathmore

### Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major development for change of use from stable block to visitor centre including shop, restaurant, ticket offices and associated facilities, formation of adventure playpark, footpaths and car parking, erection of pavilion building and green houses, installation of biomass plant and solar meadow, and associated infrastructure at Scone Palace, Queen's Drive, Old Scone, Perth, PH2 6BE. The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

### BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 (as amended), the applicants submitted a Proposal of Application Notice (PoAN) on 29 November 2022. The purpose of this report is to inform the Planning and Placemaking Committee of a forthcoming planning application in respect of a major development for the change of use from stable block to visitor centre including shop, restaurant, ticket offices and associated facilities, formation of adventure playpark, footpaths and car parking, erection of pavilion building and green houses, installation of biomass plant and solar meadow, and associated infrastructure at Scone Palace, Perth. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 This PoAN seeks to formally establish a major development. The exact range of uses, scale and design of the development will be arrived at during pre-application discussions.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 3 Due to the scale of the proposal it will require to be screened as to whether the proposal is an EIA development under the EIA 2017 Regulations. It is noted that a screening opinion has already been provided, reference 22/02252/SCRN, and is not subject of an EIA development.

## **PRE-APPLICATION PROCESS**

- 4 The PoAN (reference 22/00025/PAN) confirmed that a public exhibition was to be held at Robert Douglas Memorial Institute, 102 Abbey Road, Scone on Tuesday 13th December 2022 between the hours of 15.00 and 20.00. The date of the 2nd event was unknown at the time of submission, however, is in advance of 14 days after the first event. The Ward Councillors, local MP, MSP and Scone and District Community Council have been notified. The results of the community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework (NPF4), the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

### **National Planning Framework 4**

- 6 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 7 The Council will consider NPF4 as a material consideration when assessing any forthcoming planning application.

### **Planning Advice Notes**

- 8 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal:-
  - PAN1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 69 Planning & Building Standards Advice on Flooding
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport
  - PAN 79 Water and Drainage

## LOCAL POLICY AND GUIDANCE

### Perth and Kinross Local Development Plan 2019

- 9 The Local Development Plan 2 (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 10 The LDP2 sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 11 Under the LDP2, the following policies are of particular importance in the assessment of this application:
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 6: Settlement Boundaries
  - Policy 8: Rural Business and Diversification
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 26A: Scheduled Monuments and Archaeology: Scheduled Monuments
  - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
  - Policy 27A: Listed Buildings
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
  - Policy 38A: Environment and Conservation: International Nature Conservation Sites
  - Policy 39: Landscape
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
  - Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
  - Policy 41: Biodiversity
  - Policy 42: Green Infrastructure
  - Policy 43: Green Belt
  - Policy 47: River Tay Catchment Area
  - Policy 52: New Development and Flooding
  - Policy 53A: Water Environment and Drainage: Water Environment
  - Policy 53B: Water Environment and Drainage: Foul Drainage
  - Policy 53C: Water Environment and Drainage: Surface Water Drainage
  - Policy 55: Nuisance from Artificial Light and Light Pollution
  - Policy 56: Noise Pollution
  - Policy 57: Air Quality
  - Policy 58A: Contaminated and Unstable Land: Contaminated Land

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

## **OTHER POLICIES**

- 12 The following supplementary guidance and documents are of particular importance in the assessment of this application:-
- Developer Contributions Supplementary Guidance April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Placemaking Supplementary Guidance 2020
  - Perth and Kinross Community Plan 2013/2023
  - Perth City Plan 2015-2016
  - Perth and Kinross Local Transport Strategy (2010)

## **MOST RECENT PLANNING SITE HISTORY**

- 13 [14/00177/LBC](#) Listed Building Consent was Approved On 30 April 2014 for alterations, removal of toilet block and erection of new toilet block, alterations to entrance porch and installation of rooflights.
- 14 [14/00178/FLL](#) Full Planning Permission was Approved On 26 March 2014 for alterations, removal of toilet block and erection of new toilet block, alterations to entrance porch and installation of rooflights.
- 15 [18/00101/LBC](#) Listed Building Consent was Approved On 21 March 2018 for alterations.
- 16 [18/01682/FLL](#) Full Planning Permission application was Withdrawn On 19 November 2018 for Installation of a solar array.
- 17 [19/00038/FLL](#) Full Planning Permission was Approved On 22 February 2019 for Installation of a solar array.
- 18 [20/01459/LBC](#) Listed Building Consent was Approved On 1 December 2020 for Alterations to boundary walls.
- 19 22/02252/SCRN EIA Screening Opinion provided on 20 January. No EIA development.

## **CONSULTATIONS**

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

### **External**

- Scottish Environment Protection Agency
- NatureScot
- Scottish Water
- Historic Environment Scotland



- Perth and Kinross Heritage Trust
- Scone and District Community Council

### **Internal**

- Environmental Health
- Planning and Housing Strategy
- Developer Negotiations Officer
- Community Greenspace including Access
- Transportation and Development
- Structures and Flooding
- Waste Services
- Biodiversity Officer
- Conservation Officer

### **KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED**

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

### **ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED**

- 22 The following supporting documents will need to be submitted with any planning application:
- Planning Statement
  - Design and Access Statement
  - Pre-Application Consultation (PAC) Report
  - Transport Assessment including Construction Traffic Management Plan (CTMP)
  - Flood Risk and Drainage Assessment
  - Landscape and Visual Impact Assessment
  - Tree and Woodland Survey
  - Habitat Survey
  - Archaeological Assessment
  - Sustainability Assessment
  - Contamination Assessment

- Noise Assessment

## CONCLUSION AND RECOMMENDATION

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

Background Papers: None  
 Contact Officer: Gillian Peebles  
 Date: 10 February 2023

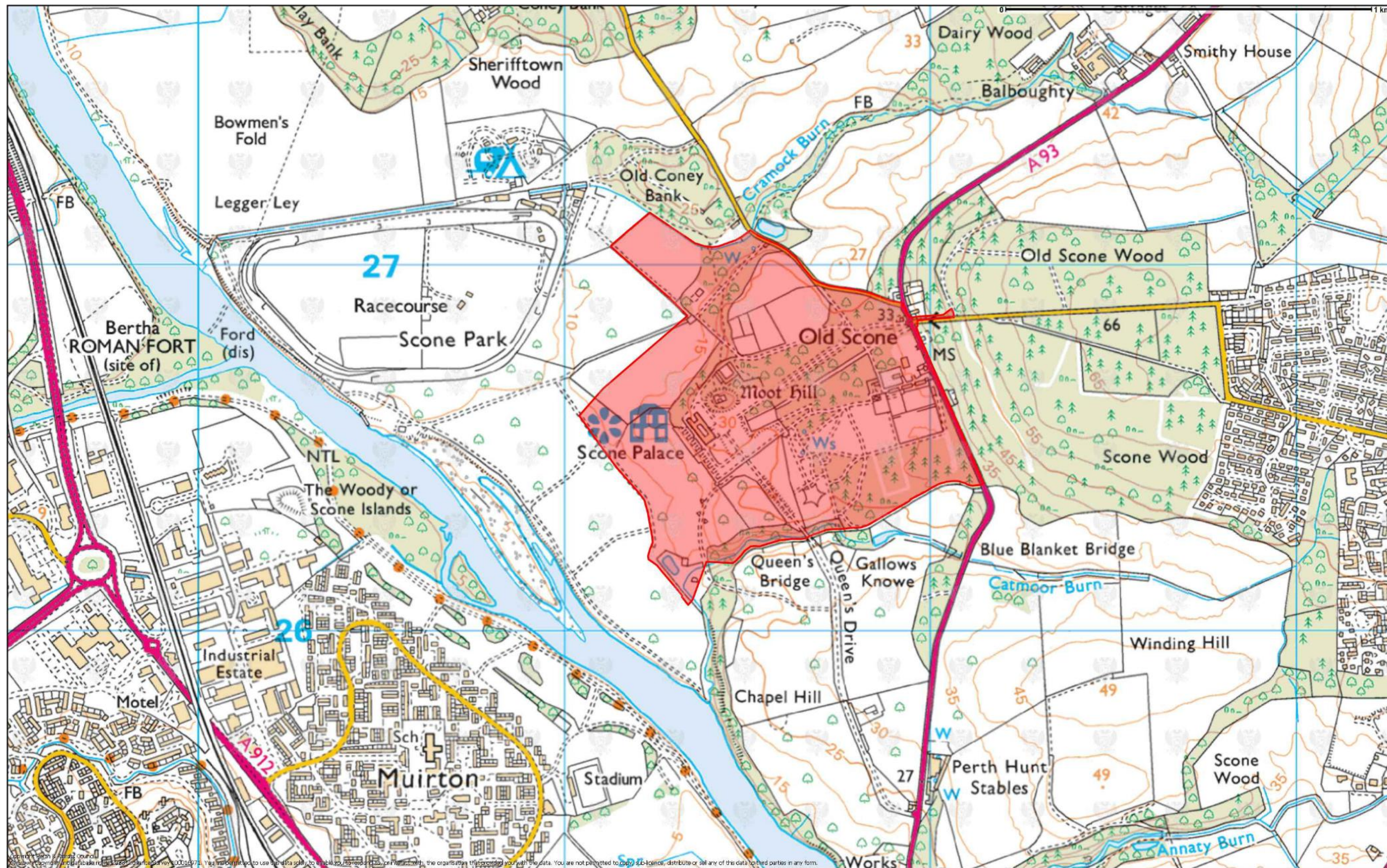
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Planning and Placemaking Committee 22 February 2023

Scale 1:10000



25/00025/PAN

Change of use from stable block to visitor centre including shop, restaurant, ticket offices and associated facilities, formation of adventure playpark, footpaths and car parking, erection of pavilion building and green houses, installation of biomass plant and solar meadow, and associated infrastructure Mansfield Estates Scone Palace Queen's Drive Old Scone PH2 6BD





