

Perth and Kinross Council
Development Management Committee – 19 November 2014
Report of Handling by Development Quality Manager

Erection of a hotel and ancillary facilities (approval of matters specified in conditions) on Land South Of Burnfoot, Kinfauns, Perth

Ref. No: 10/01899/AMM
Ward No: 1 - Carse of Gowrie

Summary

This report recommends refusal of this approval of matters specified in conditions application for the erection of a hotel. The development in its current form has health and safety implications due to the layouts in relationship with high pressure pipelines that cross the site. The development also fails to satisfactorily deal with transportation issues which were set down as conditions in the outline consent. Additionally the proposal represents overdevelopment of the site due to the massing of the building which consequently has an adverse impact on landscape character and visual amenity.

PROPOSAL AND DESCRIPTION

- 1 The site is triangular in nature and extends to approximately 8.4 hectares in area. It is 4.5km to the south-east of Perth's City Centre and identified as Green Belt in the recently adopted Development Plan. The former Kinfauns Petrol Station which is now demolished is located to the western boundary of the site. The A90 dual carriageway, a trunk road, is to the north and the Perth to Dundee railway line as well as the River Tay is to the south of the site. The Kinfauns grade separated junction is to the east where access from the trunk road network would be obtained.
- 2 The hotel complex is located in the western corner of the site. Two interlocking curved buildings at five storeys (18 metres approx) in height would provide three hundred bedrooms, a spa/gym, formal dining room, bistro dining, bars, library, cabaret theatre, concessions, galleries and offices for the use of any long stay business guests. A square building at two storeys (7 metres approx) in height would house the exhibition centre and this is connected to the northern element of the hotel complex.
- 3 Significant external landscape works would be undertaken. This would include the formation of a tree lined drive which connects the site entrance to the hotel lobby. On the northern side of this drive 480 car parking places will be provided. To the south a series of external spaces are to be formed and include gardens, grasslands, woodlands, ponds and wetlands. It is anticipated that internal paths within the site will connect to the wider path and cycle networks.
- 4 Following the approval of the outline consent in December 2007 and prior to the approval of matters specified in conditions application the Development Quality Manager met with the developer to discuss design principles. This consultation

in spring/summer 2010 sought clarification on whether to take forward a classical design often referred to as 'pastiche' or a more contemporary modern design. The guidance provided by the Development Quality Manager was that a contemporary design would be the preference.

- 5 The application for the approval of matters specified in conditions was validated on 14 December 2010. As the application deals with the matters specified in conditions the acceptability of the principle of the proposed development is not at issue. However, as the development falls within Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations and screened as being EIA development on 18 January 2011 there is a legal requirement for the approval of reserved matters, as part of a 'multi-stage consent' to be accompanied by an Environmental Statement. Since the screening direction the Council carried out a scoping exercise in April 2012 to inform the content of the Environmental Statement, which resulted in the applicant submitting the Environmental Statement in March 2014.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent 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 for certain types of project before 'development consent' can be given.
- 7 The 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. This 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 Environmental Statement was not lodged at the outline stage and its submission at reserved matters stage (following a screening exercise) is unusual but not unlawful. The effect of submission at this later stage still provides for all environmental issues associated with the development to be considered now, notwithstanding the outline planning approval which exists on the site.
- 9 The statement covers the environmental issues likely to be raised by the proposal and was informed by a scoping exercise. At that time key environmental concerns identified through that scoping opinion were:-
 - Description of the Development, Alternative Design Solutions and Construction
 - Socio-Economics
 - Landscape and Visual Impact
 - Cultural Heritage / Historic Environment
 - Transport (incl transport assessment/green travel plan)
 - Noise, Vibration and Odour

- Ground Conditions
- Water Resources (incl flood risk assessment)
- Ecological Assessment

HIERARCHY OF APPLICATIONS

- 10 The outline consent was granted prior to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As a consequence there was no requirement imposed on the applicant to undertake pre-application consultation with the local community at that time. Due to this application dealing with the approval of matters specified by conditions associated with the 2005 consent (ref:- 05/02416/OUT) no pre-application consultation with the local community is required by the Town and Country Planning (Development Management Procedure (Scotland) Regulations).

POLICY

National Policy and Guidance

- 11 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 12 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

- 13 Of relevance to this application is/are,

A successful Sustainable Place

- Paragraphs 58 – 73 Promoting Town Centres
- Paragraphs 74 - 83 Promoting Rural Development
- Paragraphs 92 – 108 Supporting Business & Employment
- Paragraphs 135 – 151 Valuing the Historic Environment

A Low Carbon Place

- Paragraphs 152 - 174 Delivering Heat & Electricity
- Paragraphs 175 – 192 Planning for Zero Waste

A Natural, Resilient Place

- Paragraphs 193 – 218 Valuing the Natural Environment
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268 Managing Flood Risk & Drainage

A Connected Place

- Paragraphs 269 – 291 Promoting Sustainable Transport & Active Travel
- Paragraphs 292 – 300 Supporting Digital Connectivity

The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- PAN 40 Development Management
- PAN 60 Planning for Natural Heritage
- PAN 65 Open Space
- PAN 68 Design Statements
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

Designing places

- 14 This is the first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

DEVELOPMENT PLAN

- 15 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Council Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 16 The vision set out in the TAYplan states that:

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

Policy 1: Location Priorities

- 17 Focuses the majority of development in the region's principal settlements and prioritises land release for all principal settlements using the sequential approach in this Policy; and prioritise within each category, as appropriate, the reuse of previously developed land and buildings.

Policy 2: Shaping Better Quality Places

- 18 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 19 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Perth and Kinross Council Local Development Plan 2014

- 20 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The principal policies are, in summary:

Policy PM1A - Placemaking

- 22 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaptation.

Policy PM1B - Placemaking

- 23 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 24 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 25 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy PM4 - Settlement Boundaries

- 26 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy ED3 - Rural Business and Diversification

- 27 Favourable consideration will be given to the expansion of existing businesses and the creation of new business. There is a preference that this will generally be within or adjacent to existing settlements. Outwith settlements, proposals may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity. This is provided that permanent employment is created or additional tourism or recreational facilities are provided or existing buildings are re-used. New and existing tourist related development will generally be supported. All proposals are required to meet all the criteria set out in the policy.

Policy TA1B - Transport Standards and Accessibility Requirements

- 28 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 29 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 30 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 31 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 32 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 33 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

- 34 The integrity of sites included on the Inventory of Gardens and Designated Landscapes will be protected and enhanced.

Policy NE1 - Environment and Conservation Policies

- 35 National, local and European protected species should be considered in development proposals.

Policy NE2A - Forestry, Woodland and Trees

- 36 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE3 - Biodiversity

- 37 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.

Policy NE4 - Green Infrastructure

- 38 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy NE5 - Green Belt

- 39 Development in the Green Belt will only be allowed where it conforms with the 5 criteria set out. The Housing in the Countryside Policy RD3 does not apply in the Green Belt.

Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

- 40 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 41 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 42 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 43 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP4 - Health and Safety Consultation Zones

- 44 Full account will be taken of advice from the Health and Safety Executive in determining planning applications for development within the consultation zones identified on the proposals and inset maps.

Policy EP8 - Noise Pollution

- 45 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP15 - Development within the River Tay Catchment Area

- 46 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC. The supplementary planning guidance 'River Tay Special Area of Conservation' is referenced.

OTHER POLICIES

Tayside Landscape Character Assessment (TLCA) 1999

- 47 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The TLCA is a 'material consideration' when considering any development proposal in Perth & Kinross. The site is located within the Firth Lowlands landscape character- unit.

SITE HISTORY

- 48 A planning application for the erection of a hotel and ancillary facilities (in outline) was withdrawn on the 5 January 2005 reference 04/01205/OUT.
- 49 Application 05/02416/OUT for the erection of a hotel and ancillary facilities (in outline) was granted on the 5 December 2007.
- 50 EIA screening and scoping - An Environmental Statement was not lodged at the outline stage and its submission at reserved matters stage (following a screening exercise) is unusual but not unlawful as discussed under the Environmental Impact Assessment of this report. An EIA scoping exercise was carried out with the Council in April 2012 and the Environmental Statement in support of the reserved matters application was submitted by the applicant in March 2014.

EXTERNAL CONSULTATIONS

Scottish Government

- 51 Under the Environmental Impact Assessment (Scotland) Regulations 2011 the Scottish Government are a statutory consultee to any submitted EIA. The comments detailed below are representative responses to either the content of the Environmental Statement and the appropriateness or otherwise of the submitted development proposal.

Transport Scotland (Scottish Government)

- 52 No objection. Transport Scotland is generally satisfied with the submitted ES but would ask that conditions be attached to any consent to cover boundary treatment along the Trunk Road to avoid a conflict between the proposed car park and the trunk road. They also seek details of noise attenuation details along the boundaries of the site.

Historic Scotland (Scottish Government)

- 53 No objection. Confirm they are content that the Statement of Significance provides a robust assessment of the potential impacts of the proposal on sites which fall within their remit as well as the mitigation proposals regarding screening.

Health and Safety Executive (HSE)

- 54 The Padhi+ database generated an advice against decision because the sensitivity level of this type of development is 3 and therefore would only be allowed in the outer zone of any Major Hazardous Installation or Pipeline. HSE's observations were sought on the letter generated by the Padhi+ system and they have advised that should a decision go against HSE's advice then the Scottish Government should be informed vis HSE's call-in policy/procedure.

Scottish Natural Heritage

- 55 Object unless the proposal is made subject to conditions so that the works are done strictly in accordance with the mitigation measures. This would include works to be undertaken in accordance with a Construction Management Plan to be agreed with the Council and the proposed Drainage Strategy to be implemented in full to ensure there is no adverse impact on the River Tay Special Area of Conservation (SAC).

Scottish Environment Protection Agency

- 56 Have no adverse comments to make with regards to the content of the Environmental Impact Statement with regards section 9 noise/ vibration and odour. No information has been submitted to indicate the means by which the proposed development is to be heated. If it is proposed that any form of solid fuel combustion boiler (such as a biomass boiler) they advise that they would wish to be further consulted. Accordingly they recommend this matter is controlled by condition.

Scottish Water

- 57 Has offered no objection to this proposal but confirm this will not necessary guarantee a connection to their infrastructure.

Network Rail

- 58 Offer no objection to the application but provide details relating to basic engineering operations that should be brought to the developer's attention.

INTERNAL CONSULTATIONS

Perth and Kinross Access Officer

- 59 A direct pedestrian connection should be made with the new bus stop (now built) on the westbound side of the trunk road which is adjacent to the site. The eastbound bus stop on the A90 is over 1km (therefore a 10 to 15 minute walk), people may take a short cut across the trunk road despite the obvious dangers. A further connection should be made from the paths within the site to the existing footway, at the west end of the site, to provide a functional route to Kinfauns Holdings/Walnut Grove.
- 60 The section of the Coronation Road between Burnfoot and Kinfauns Church is in a poor state of repair and accordingly inadequate to absorb additional access from this development, it is recommended that this should be upgraded.

Environmental Health

- 61 No objection to the application.

Perth and Kinross Heritage Trust

- 62 No objection.

REPRESENTATIONS

- 63 One letter of representation objects to the application for the following reasons:-
- The proposal does not appear to comply with the conditions attached to the outline permission.
 - The hotel is neither “iconic” nor “unique” therefore fails to comply with condition 6.
 - Siting of the building and landscaping of the site is inappropriate. Large floor space/footprint is placed too close to the site boundaries. A reduction in scale may allow a design and layout more fitting for the present site to comply with condition 1.
 - Car parking results in population too close to the pipeline therefore fails to comply with condition 4.
 - The proposal does not appear to comply with the masterplan and condition 7 (greenroof, circular exhibition hall and no car parking on pipeline zones).
 - Impact on Greenbelt.
 - Impact on landscape character.
 - Impact on Kinnoull Hill.

ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Undertaken
Environmental Impact Assessment	Yes
Appropriate Assessment	Undertaken
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Incorporated into Environmental Statement.

APPRAISAL

- 64 As this is an application concerning the approval of matters specified in conditions, the acceptability of the principle of the proposed development is not an issue. Accordingly the test set out in section 25 of the 1997 Act does not apply here. However the relevant development plan policies, national and other appropriate policy and guidance should be taken into account in assessing the acceptability or otherwise of the matters specified in conditions.
- 65 The determining issues associated with this application (having regard to the Development Plan, national and other appropriate policy and guidance detailed above) are:-
- The effects of the proposed development on the high pressure pipeline.
 - The effects of the proposed development on the Trunk Road, the road network and other transport networks.
 - The effect of development on the historic environment.
 - The effect of the proposed development on the natural and water environment.
 - Noise, odour and human health impacts associated with the use of the development as well as the implications the development may have on nearby sensitive receptors.
 - The impact of the proposed development on the landscape and visual amenity of the surrounding area.
 - Whether the design contains elements and quality which are “iconic and unique to Perth”.
 - Whether the scale and massing of the proposal represents overdevelopment of the site, having regard for the issues detailed above.

The effects of the proposed development on the high pressure pipeline.

- 66 At the outline stage the then Director of Planning recommended refusal of the proposed development and confirmed that insufficient consideration had been given to overcome the objections of statutory consultees, the Health and Safety Executive being one such consultee.

- 67 Despite the recommendation of refusal, consent was granted by the planning committee subject to conditions. Condition four was imposed due to the proximity of the pipeline and is worded as follows:-
- 4 *(a) that no normally occupied or permanent buildings should be located closer than 150 metres from the Shell St Fergus to Mossmorran NGL pipeline or closer than 110 metres from the BP Forties pipeline; and*
- (b) that no activities involving more than 100 people take place on land closer than 150 metres from the Shell St Fergus to Mossmorran NGL pipeline or closer than 110 metres from the BP Forties pipeline all as detailed on amended plan marked 'A' all to the satisfaction of the Council as Planning Authority.*
- 68 The pipelines enter the site on the northern boundary and leaves on the west. Taking account of condition 4(a) the proposed layout as detailed in this application is considered to adhere to the requirements of condition 4(a) as no occupied or permanent buildings are located closer than 150 metres from the Shell St Fergus to Mossmorran NGL pipeline or closer than 110 metres from the BP Forties pipeline.
- 69 With regards to condition 4(b) the majority of the car parking activity associated with the hotel and ancillary uses is either located over the pipelines or within the exclusion distance specified in the condition. While hotel patrons could use this part of the site in a staggered manner resulting in activity below 100 persons within the exclusion area required by the condition 4(b) there is also the potential for more than 100 persons to spill out into this space, especially with the presence of the exhibition centre and the cabaret theatre which is likely to result in crowds leaving the venue at the end of scheduled events.
- 70 Taking the above into account the proposal is in clear tension with condition 4(b) and would conflict with the recently adopted Development Plan Policy EP4 which relates to Health and Safety Consultation Zones. It is worth noting that the layout could have been designed to ensure that car parking and potential spill out areas were located out with the distances specified in condition 4(b) however the extent of this change would require a fresh application and any subsequent changes whether positive or negative drawn together and reported in the Environmental Statement.
- 71 Members should note that the pipeline operator Shell (UK) Ltd has made representation through their planning representative DPP LLP. Their agent notes that the condition 4 included on the outline consent takes cognisance of the PADHI guidelines which operates a consultation distance zoning system for developments in close proximity to Major Hazard Installations. While they note that condition 4 recognises the need to control development in close proximity to the pipelines the pipeline operator highlights that the PADHI guidelines actually recommended advising against a hotel development of more than 100 beds if located within the Inner or Middle Zone due to the substantial increase in numbers at risk. They reiterate that this particular proposal does not meet the advice of the PADHI guidelines as the proposed hotel development is located

approximately 200m from the pipeline (within the middle zone) and Shell (UK) Ltd does not support the development.

- 72 Consultation with HSE has resulted in an advice against decision because of the sensitivity level of this type of development and note that this should be located on the outer zone. They note that if the decision by the Council goes against HSE's advice this must be informed to the Scottish Government through the call-in policy/procedure.

The effects of the proposed development on the Trunk Road, the road network and other transport networks.

- 73 Since the approval of the outline application the A90 has been upgraded. To the east of the site the Kinfauns Grade Separated Interchange onto the A90 is complete which now allows access to the site from this junction. Bus stops with shelters are also installed on the eastbound and west bound side of the A90. As a consequence condition 14, 15 and 17 (detailed below) are satisfactorily addressed.

14 No development shall be commenced until the Kinfauns Grade Separated Interchange on the A90 has been completed.

15. There shall be no means of direct vehicular or pedestrian access to the trunk road for either the construction or operation of the development.

17. Prior to the occupation of the proposed development a shelter shall be provided at the relocated eastbound bus stop on the A90 at Kinfauns. The specification and location of the shelter shall be agreed in writing with the planning authority, after consultation with TS-TRNMD.

- 74 The proposed sites access and road layout is considered to be acceptable as this satisfactorily allows vehicles to enter and leave in a forward gear. The level of car parking provided within the site is considered to be appropriate while the method of dealing with the disposal of surface water is acceptable. It should be noted that the full technical details will require consent through the Road Construction Consent process but for the purpose of this application the requirements of condition 11 and 12 are considered to be met.

- 75 At the time of the outline planning application in 2005 the Council were exploring the possibilities of locating a park and ride facility to the east of Perth. Condition 13 below included scope for a park and ride facility to be located next to/at the site. Since the outline application the recently adopted 2014 local plan now allocates this facility (Ref RT1) within the settlement boundary of Kinfauns due to its strategic location adjacent to the A90. The requirement for the park and ride at the hotel site has now been superseded by events.

- 76 Due to the proximity of the site to the Trunk Road condition 16 was imposed on the outline consent. It sought to avoid light spillage onto the carriageway to avoid drivers being dazzled by headlights from within the site thus negating the risk to safety on the road network.

16. *Prior to the commencement of any development a barrier of a type approved by the planning authority, after consultation with the TS-TRNMD, shall be provided and maintained along the proposed boundary of the site with the trunk road.*
- 77 The trunk road operator Bear Scotland notes that ‘a close board fence’ is required to be installed along the length of the site boundary to address dazzling issues. The extent and the location of the proposed fence is not delineated on the applicants proposed block plan/landscaping plan accordingly its relationship between the car park, the Trunk Road and its supposed relationship with a landscape buffer is not adequately shown.
- 78 The applicant’s Transport Statement set out a number of other commitments to be brought forward. This included the establishment of a pedestrian footpath from the site to the interchange to facilitate pedestrian movement to eastbound bus stop. This has already been installed as part of the interchange improvements.
- 79 The Transport Statement also acknowledged the need for a travel plan and a hotel courtesy bus as these options were the only serious alternative to the private car. These particular matters were secured separately by condition as detailed below.
18. *Concomitant with the occupation of the proposed development a private bus service shall be introduced for use by both staff and guests. The operational details of this shall be defined within the Green Travel Plan referred to in Condition 17. (Reference to condition 17 appears to be a typographical error and condition 19 should have been stipulated).*
19. *No part of the development shall be occupied until a Green Travel Plan, aimed to encourage more sustainable means of travel by both staff and customers, has been submitted to and approved in writing by the planning authority, in consultation with TS-TRNMD. The Green Travel Plan shall identify the measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan and will include, inter alia:*
- *Details of proposed pedestrian and cycle infrastructure within the site and connections to the existing networks.*
 - *Details of proposed measures to improve the existing public transport facilities such as service enhancements, provision of timetable information and season ticket initiatives*
 - *Details of the operation and management of the proposed courtesy bus service between Perth, Kinfauns and Dundee*
 - *Details of the proposed monitoring schedule and reporting procedures.*
 - *Details of the overall management of the travel plan identifying the persons responsible for implementation.*

- 80 The Environmental Statement references the Green Travel Plan which is located in the Technical Appendices of the Environmental Statement (Appendix 6: Chapter 8 Appendix Transport). The Green Travel Plan and its contents are central to assessing how the proposed development sits with the requirements of condition 19.
- 81 The commitments within the Travel Plan sufficiently commit to improve the existing public transport facilities such as service enhancements (bus shelters already installed) as well as providing timetable information and season ticket initiatives. While the travel plan provides commitments to provide pedestrian and cycle infrastructure it fails to detail how the site is connected into the existing network. Comments from the Council's Access Officer confirm that there should be connections to the neighbouring footpath adjacent to the site, something which is reflected in the applicant's Transport Statement. However the site layout does not appear to accommodate these connections and only limits access to the A90 interchange. The Access Officer also recommends that the Coronation Road should be upgraded to accommodate the potential increased use of this route however this would fall out with the scope of this 'matters specified by conditions' application.
- 82 The operation and management of the proposed courtesy bus service between Perth, Kinfauns and Dundee is contained within the Travel Plan. It is indicated by the applicant that the bus service will be operated by the hotel. Service between the hotel and Perth as well as the hotel and Dundee is scheduled to every half an hour. The Travel Plan specifically limits this time period to the initial phase of the hotels operation with the frequency being reviewed and revised accordingly.
- 83 There are no measurable timescale associated with the 'initial phase' as specified in the travel plan. This could result in this courtesy bus service, only operating for a matter of weeks or days. No detail is provided on the size of the bus or whether it is sufficient to accommodate the requirements of staff or guests. While an initial service is stipulated at a half hour cycle to Perth and Dundee it is likely that the frequency of these trips during the middle of the night is not warranted.
- 84 Overall it is considered that the content of the travel plan is weak and fails to adequately address the requirements contained within condition 19 of the outline consent. It fails to ensure there are adequate measures or mechanisms to ensure that it delivers a meaningful alternative to the use of private cars.

The effect of development on the historic environment.

- 85 In this case the potential impact on the setting of Elcho Castle (Scheduled Ancient Monument) and Kinfauns Castle (Listed Building) are particularly important considerations and my assessment predominantly focuses on these assets. Under the Cultural Heritage/Historic Environment in the Non-Technical Summary the conclusions of the Statement of Significance which formed part of the outline application are described.

- 86 One of the conclusions is that the site is invisible from Elcho Castle and Kinfauns Castle in summer by reason of the intervening trees. During a site visit in the summer it was evident that the existing tree cover/intervening areas of woodland surrounding these listed buildings do provide a high level of screening. However, this will not be the case when the trees have shed their cover, accordingly the impact on the setting of these buildings will increase during the winter months. The visual material submitted with Environmental Statement illustrates the screening from the listed building as a best case scenario and not a worst case scenario as the photography is taken in the summer months. It should be noted that during the Environmental Statement scoping process the applicant was advised that wirelines should be provided. This has not been provided and the Conservation Officer expresses concern with the omission. Submission of the wirelines would have allowed a comparison to be made between the wireline and photographs thereby fully understanding the scale of the proposed hotel building and its relationship from the selected heritage viewpoints without the vegetation screening. Notwithstanding this Historic Scotland generally accept the findings and conclusions brought through the environmental statement and that the magnitude of impact on the setting of assets does not warrant an objection to the proposed development.
- 87 A further conclusion in the Statement of Significance suggests that the trees could be thickened along the railway line. It is unclear why this is limited to just the railway line (south) boundary of the site. The degree of visibility in the months of winter and early spring and the height/mass of the hotel from Kinfauns Castle as well as its Historic Garden and Deigned Landscape is also an important consideration.
- 88 While additional boundary trees will improve the existing baseline currently surrounding the site it should be noted that this is a form of long-term mitigation that will take numerous growing cycles for this benefit to be realised.
- 89 Taking the above into account, the proposed development would not have a significant effect on any scheduled ancient monument, listed building, or historic garden and designed landscape, or on the setting of any of these assets to warrant refusal of the application. Therefore the development is not considered to contravene policies HE1A or HE2 of the adopted Local Development Plan.

The effect of the proposed development on the natural and water environment

- 90 The development plan framework 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. NE1A relates to International Nature Conservation Sites, NE1B relates to National Designations, NE1C covers Local Designations while NE3 Biodiversity confirms that protection should apply to all wildlife and wildlife habitats, whether formally designated or not.

International Nature Conservation Sites

- 91 Development which could have a significant effect on an international nature conservation designated site (or proposed site) will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, that there are no alternative solutions and there are imperative reasons of overriding public interest. In this particular case the site is connected via watercourses to the River Tay Special Area of Conservation (SAC).
- 92 The development site is located directly adjacent to the River Tay on the northern bank. The features for which the River Tay SAC is classified, namely Atlantic salmon, otter, river, brook and sea lampreys, and clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels. The main impact on the qualifying features that are present is the potential release of sediments and other pollutants into the sites water courses that are connected to the SAC.
- 93 SNH has confirmed that the proposal is likely to have a significant effect on the qualifying interests of the site. However they have advised Perth and Kinross Council that if the pollution prevention measures contained within the detailed construction method statement outlined within the Construction Environmental Management Plan (CEMP) are carried out during construction then the potential significant effect on the qualifying interests of this designation can be avoided.
- 94 An Appropriate Assessment has been undertaken by the Planning Authority in line with regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations"). This has ascertained that if the proposal is done strictly in accordance with mitigation measures that are being secured by condition, as discussed above, then this will avoid significant impacts on the River Tay SAC.
- 95 In light of this the proposal would comply with policy NE1A of the adopted local development plan.

National Designations

- 96 The Kinnoull Hill Site of Special Scientific Interest is located approximately 2 km from the development, the site is designated due to its importance for geology, heathland and flora. The proposed development will not affect the notified features of this SSSI. Accordingly the elements of Policy NE1B that are applicable to nature conservation designations is not contravened.

Local Designations and Biodiversity

- 97 Policy NE1C confirms that development which would affect an area designated as being of local nature conservation or geological interest will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected. While Policy NE3 stipulates that all

wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the set out criterion.

- 98 There is no adverse effect on local nature conservation or geological interest designations. Similarly the proposal is not considered to impact on wildlife and wildlife habitats if the development is undertaken in accordance with the construction method statement.

Drainage Strategy and relationship with River Tay SAC.

Flood Risk

- 99 Since SEPA's earlier response on this application, SEPA launched their new Flood Maps on 15 January 2014. This now shows that the development site is at risk of flooding.
- 100 However, they have identified that the predicted 1 in 200 year still water level in this area is 4.49m AOD derived from the CFB method and the development lies above the 5m AOD. Accordingly they believe that the development site is not at risk of fluvial flooding, as a result, no objection is offered on flood risk grounds. They do however recommend that finished floor levels are raised above surrounding ground levels and that ground levels should slope away from the development to ensure that any surface water does not pond against the hotel.

Surface Water

- 101 Due to development reducing surface permeability by replacing vegetated ground with roofs, roads and paved areas the amount of water infiltrating into the ground will be reduced and increases in surface run-off will occur. The alteration of natural flow patterns (in both total quantity and in peak flow) can lead to problems elsewhere within the river catchment, particularly flooding downstream. It is therefore important to ensure that surface water is managed in an appropriate manner as required by condition 11 of the outline application.
- 102 Scottish Environment Protection Agency (SEPA) offer no objection to the Surface Water Drainage Strategy. The Council's Flooding Engineer has confirmed that he is content with the measures within the drainage strategy and notes that these will also be secured via the Roads Construction Consent (RCC).

Water Supply

- 103 At the time of the outline consent there was concern that Scottish Water's network could not accommodate the development. Scottish Water has been consulted on the current application and they have advised that they do not object however a separate application is required to be submitted to them to connect into their Infrastructure.

Foul Drainage

- 104 Foul drainage will be discharged to the River Tay after being treated by a system including a constructed wetland. Sections 3.2.16 and 9.10.38 of the Environmental Statement refer to their being an overflow in an *emergency*. SEPA advise that it would be more accurate to refer to it as an overflow utilised when not all of the effluent is evapotranspired.
- 105 While the applicant refers to the effluent being of spring water quality, SEPA advise that to achieve such a quality of effluent consistently would be challenging. However SEPA confirm they would be prepared to accept a discharge of suitably treated effluent to the River Tay and the applicant would require a CAR Licence from SEPA for this discharge.
- 106 Overall the proposal is considered to comply with the requirements of condition 9 reproduced below:-
9. *The applicant shall submit as a reserved matter a fully detailed construction method statement to be prepared and agreed by the Council prior to the commencement of construction, giving details of the following measures to ensure materials cannot leach into watercourses:*
- a) *Pollution prevention, including the possible use of siltation traps, settlement tanks and bunds*
 - b) *Material, fuel and chemical storage – appropriate siting of stock piles and use of buffer strips, bunding and fencing*
 - c) *All work associated with the proposal shall be strictly undertaken in accordance with the water and sewerage measures outlined in section 4.11 'Water Quality and Drainage Effluent Treatment' of the supporting information.*

Noise, odour and human health impacts associated with the use of the development as well as the implications the development may have on nearby sensitive receptors.

Human Health Impacts

- 107 Consultation with the Council's Environmental Health Team confirms that the ground investigation survey adequately alleviates condition 8 of the consent which relates to contaminated land.
- 108 They note that the developer now proposes to use a biomass boiler and confirm this matter requires to be controlled by condition as there are two different assessment regimes depending on the size of the boiler which has not been specified by the applicant.

Noise

- 109 At the construction stage the applicant states in ES 9.7.40 that good construction practice measures as set out BS5228-1 will be followed. In 9.7.45

the ES states construction vibration level generated by construction processes is unlikely to exceed 1mm/s and 9.7.58 states that predicted vertical peak particle velocity at West Lodge's building foundation will not exceed 1mm/s. Noise and vibration impacts for the construction on existing receptors are reported as negligible in the ES and the Environmental Health Section confirm this conclusion is acceptable.

- 110 During the operation of the development the ES states that noise levels from the plant and equipment associated with the proposed development are envisaged to be low and not significant. While it would be prudent to ensure existing residents are not affected by noise from the proposed hotel Environmental Health state that due to the road traffic on the A90 Dundee Road being the predominate source noise in the area a condition based on Noise Rating Curves may not be enforceable. However they advise that should complaint be received from neighbours they still have power Environmental Protection Act to investigate and pursue if required.
- 111 Noise associated with traffic and deliveries is detailed at 9.7.112 of the ES. The modelling indicates that with the proposed development operational there is likely to be a maximum increase in peak hour road traffic noise levels of less than 1 dB during the AM/PM peak hour. Therefore the predicted increase in road traffic noise will give rise to a negligible or minor noise impact on the proposed receptors. However to protect existing residential amenity with regards to early or late hour delivery noise Environmental Health recommend conditional control.

Odour

- 112 The ES identifies two sources that are likely to produce odours from the proposed development; the kitchens exhaust ventilation system and the waste water treatment system. The ES states in 9.10.79 & 80, that the residual effects of odour impacts on receptors from Kitchen ventilation and the waste water treatment systems will be negligible. Conditions to protect existing residential amenity with regards to odours are recommended by Environmental Health.

External Lighting

- 113 An external lighting strategy has been submitted with this application which states that the strategy seeks to avoid light pollution with the proposed luminaries suitable for avoiding light pollution which feature precise light control with the use of lights that dim and turn off after certain time during the night. Environmental Health recommends conditional control.

The impact of the proposed development on the landscape and visual amenity of the surrounding area.

- 114 During the scoping exercise the applicant was referred to the Guidelines for Landscape and Visual Impact Assessment (GLVA) Second Edition, this document prepared by the Landscape Institute provides an authoritative statement on the principles of Landscape and Visual Impact Assessment. It

also contains information on the presentation techniques that can be used to communicate the results of the landscape and visual assessment.

- 115 The Environmental Statement includes an assessment of the anticipated landscape and visual impacts of the proposed development; it concludes that the proposal will not cause unacceptable landscape and visual impacts, a conclusion that officers cannot agree with.

Visual Impact

- 116 The applicant has set a zone of visual influence around the hotel as the study area, it would appear to extend around the 2.5km mark however this is not detailed in the submitted plan and a scale is not provided. The applicant has selected a number of viewpoints to represent views from within the study area. Having studied the viewpoint selection it is clear that some, due to topography, have no visibility of the site or proposed development (Such as Principal Viewpoint 3, Kinfauns Settlement). In light of this, some of the selected viewpoints add nothing to the assessment and their inclusion in the assessment is effectively purposeless.
- 117 Following the GLVIA, the applicant could have produced a zone of theoretical visibility (ZTV). This would have demonstrated where the hotel building could be theoretically visible from taking account of the areas topography. This would have shown that the theoretical visibility extending beyond the applicant's 2.5km zone of visual influence to include the ridgelines of the Sidlaw hills (including Kinnoull Hill) and towards the summit of Moncrieffe Hill. The preparation of the ZTV would then have allowed the selection of viewpoints where the building would be 'theoretically visible' and assist in demonstrating the extent of area that the development could be viewed from.
- 118 While certain viewpoints chosen and illustrated by the Environmental Statement confirm there is no visibility due to current trees and forestry plantations (such as Principal Viewpoint 2 Binn Hill). It fails to assist in the determination of the potential long-term effects from this receptor as it is likely that management of this plantation could increase the visibility and effect of the scheme, especially if it was clear felled. The use of wirelines could have been used to allow this to be adequately assessed.
- 119 Notwithstanding the shortcomings detailed above there is also significant concern with the applicant's analysis from the viewpoints on the magnitude and significance of the effects which also casts doubt of the competency of this chapter in the ES. To illustrate this point it is worth looking at the applicant's analysis of Secondary Viewpoint B from Kinnoull Hill. The ES states:-

Secondary Viewpoint B – from a 50 metres break in the vegetation, tree cover and land undulation from Kinnoull Hill – is situated approximately 2.5 km north west of the Site at an elevation of 150m aODm. This viewpoint, in Photo 6_8, represents views from the footpath and users of this route, in the AGLV. No residential dwellings are represented by this view. Partial screening of this Site from this viewpoint is created by trees and vegetation. The view's context

includes suburban dwellings in Walnut Grove, which impact adversely on the view's context, and the Sleepless Inch sewage works which also impacts adversely on the view's context. It should be noted that very few views from this footpath exist, due to dense vegetation, tree cover and undulating land, which blocks long distance views. Due to its relatively far distance from the Site, the adverse impacts to the context resulting from Walnut Grove and the sewage works, the number of users, partial screening (and the infrequency of visual breaks between trees, vegetation and undulating land form) and no residential properties being affected, the sensitivity of this view, during construction and operation periods, is rated negligible.

- 120 The applicant fails to take cognisance of the importance of Kinnoull Hill as an iconic viewpoint. The people who ascend to take in the landscape from the cliffs of Kinnoull are greeted with a 'post card' type of view which illustrates and portrays the distinctiveness of the Perthshire Landscape. In this case the River Tay squeezing through the Igneous and Lowland Hills before meandering through the Firth Lowlands towards the expansive Tay Estuary.
- 121 Table 6_4 of the ES designates receptor sensitivity as 'negligible' from this viewpoint. The viewpoint assessment makes no meaningful reference to the sensitivity of receptors within the commentary, it merely highlights that there are no residential receptors. Officers fundamentally disagree with the sensitivity level prescribed in the table and consider that recreational and tourist users who are present at this viewpoint should be viewed as 'high' sensitivity receptors as they are likely to be focused on the surrounding landscape.
- 122 While the presence of built development in the form of Walnut Grove and the Treatment Works on the other side of the river bank can be viewed from Kinnoull Hill. The formation of the hotel would form an intervention at the centre of the 'postcard' landscape creating a significant focal point that would draw attention away from the interaction between the river and the surrounding Firth Lowland agricultural landscape. Accordingly the applicant's contention that the impact is negligible from this viewpoint severely undermines their assessment. The magnitude of change in the Planning Authority's view would be moderate nearing substantial, as it would cause a noticeable effect and change.

Landscape Character

- 123 The Scottish Government's SPP acknowledges that different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character. The natural and cultural components of the landscape should be considered together, and opportunities for enhancement or restoration of degraded landscapes, particularly those affecting communities, should be promoted through the Development Plan where relevant. It acknowledges that the most sensitive landscapes may have little or no capacity to accept new development.
- 124 Policy 3 of TAYplan seeks amongst other things to safeguard landscapes and geodiversity. The adopted Local Development Plan Policy ER6 confirms that development and land use change should be compatible with the distinctive

characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. There is also a requirement to take account of the Landscape Character Type (LCT) of the Tayside Landscape Character Assessment 1999 (TLCA).

- 125 The site lies within the Firth Lowlands Landscape Character Type (LCT) of the Tayside Landscape Character Assessment 1999 (TLCA). This comprises a small part of the TLCA study area covering the northern side of the Firth of Tay, between Perth and Dundee. The estuarine lowland known as the Carse of Gowrie is principally an agricultural area and the landscape is dominated by large, geometric, arable fields. It is bounded to the north by the steep escarpment of the Sidlaw Hills, the area forms one of the most fertile parts of Scotland.
- 126 In this area field boundaries are often absent, the distinction between different fields marked by drainage ditches or simply by changes in crop. Hedges and hedgerow trees are more common along roads and tracks, though even here many hedges, though trimmed, have become gappy, and lost trees have not been replaced.
- 127 The assessment in the ES considers that the Firth Lowlands LCT is considered to have a low sensitivity to change. The Planning Authority would agree, due to the medium scale of the landscape, which is generally open in nature, with a smooth and gentle undulating landform which contains extensive areas of homogenous character and similar ground cover.
- 128 The landscape guidelines for this LCT focus new development towards the market towns and smaller villages which this proposal does not achieve. It promotes the use of local building materials as well as pointing towards the use of local vernacular design, massing and scale. While the applicant has advised that they have tailored their scheme to incorporate local building materials, nevertheless, the majority of the elevations use a modern rendering system. Given the requirement for the proposed building to be "iconic and unique" (which is discussed in greater detail below) the planning authority acknowledges a departure from this guideline will likely be required.
- 129 An important guideline also seeks to encourage the management and replanting of hedgerow trees to restore the historic legacy of trees in this area. There is an opportunity to integrate this into the site boundaries but this is not achieved on the eastern boundary and the 1 metre buffer of landscaping on the northern boundary (which also incorporates fencing) could be greatly improved to soften the edge between the hotel complex and the carriageway. However, a greater form of mitigation could be deployed to ensure that the site integrates into the landscape in the long-term.
- 130 It should be noted that there are surrounding landscape character types that visibility will extend to. The Igneous Hills LCT (Sidlaw Hills) to the north and the Lowland Hills LCT (Moncrieffe Hill) and no assessment is provided on how the proposed development may affect these landscape character units.

131 Overall it is considered that the quality of the material submitted in support of the application is poor and the assessment contained within the Environmental Statement misleading and cannot be relied upon. The Landscape and Visual Impacts are greater than predicted (as shown by the conclusions reached by the officers on the Kinnoull Hill Viewpoint) and the applicants proposed mitigation is not considered to meet the recommendations contained within the TLCA. As a consequence the proposal is considered to be contrary to Policy 3 of TAYplan as well as Policy ER6 which relates to managing future change to conserve and enhance the diversity and quality of the area's landscape and Policy NE5 green belt of the adopted local plan.

Whether the design contains elements and quality which are “iconic and unique to Perth”.

132 Condition 6 of the consent requires the retention of the buildings use as a five-star hotel development but also seeks an “iconic and unique design to Perth”.

6. *The premises shall be used solely for the purposes of a five-star hotel, the elements and quality of which should fit the description of “iconic and unique to Perth”. The use of the premises for any other purpose, including another purpose in Class 7 of the Schedule to the Town and Country Planning (Use Classes)(Scotland) Order 1998, will require to be the subject of a further planning application to the Planning Authority.*

133 As highlighted at the outset of this report the applicant was advised at pre-application meetings that there was a preference, in principle, to progress with a contemporary design rather than a classical pastiche scheme. The proposed hotel design is contemporary in nature using two interlocking curved structures to form the bulk of the hotel accommodation with the use of modern external finishes and a grass roof. While the design will evoke different emotions from the person viewing the proposed building it is considered that the design cannot be viewed as iconic as it is not ground breaking and does not set a new standard. It is not a benchmark for new design but a design that has taken account of other contemporary buildings which are benchmarks themselves.

134 Accordingly to comply with the condition set by the committee it is considered that the building should demonstrate uniqueness, it should be one of a kind, something unlike anything else, a building that people will automatically associate with Perth, a landmark building. It is considered that the scheme as designed does not achieve this accolade.

Whether the scale and massing of the proposal represents overdevelopment of the site, having regard for the issues detailed above, and;

135 It is clear from the assessment thus far that the scale and layout of the proposed hotel has been determined by the numerous constraints in the vicinity of the site (Trunk Road, Railway, High Pressure Pipelines and the River Tay). While the principle of the development is not before this assessment, it is important to note that the scale of the proposed development was not

established by the outline planning consent. It is clear that the applicant has tried to design a scheme which takes cognisance of the constraints surrounding the site layout however the building appears to be shoe horned into the extremely tight western corner of the site. As a consequence the site cannot accommodate a building of this size and design in visual terms despite the efforts which have sought to break up the massing of the building.

- 136 When you take account of the wider landscape and visual impacts of the proposal especially on iconic viewpoints from Kinnoull Hill and the landscape setting of Perth which is now protected by a greenbelt policy, it can only be concluded that the scale and massing of the proposal represents overdevelopment of the site and the design does not mitigate this impact. Consequently the site conflicts with the objectives contained with Local Development Plan Policy PM1A and Policy PM1B.

LEGAL AGREEMENTS

- 137 None required.

DIRECTION BY SCOTTISH MINISTERS

- 138 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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 REASON FOR RECOMMENDATIONS

- 139 The decision to approve the outline consent placed significant weight on the economic benefits of the scheme, these are not in contention. With regard to the determining issues that were identified at the outset of the appraisal section of this report in the assessment of the reserved matters application it can be concluded that:-
- The proposed development has an adverse effect on the high pressure pipeline due to the proposed layout of the development and has health and safety implications.
 - The majority of the effects of the proposed development on the Trunk Road, the road network and other transport networks have been accommodated by earlier works or via this submission however the requirement for the green travel plan and connections to the wider path network are not adequately dealt with.
 - The effect of development on the historic environment is not considered to be significant to warrant an objection.
 - The effect of the proposed development on the natural and water environment is acceptable.
 - Noise, odour and human health impacts associated with the use of the development are considered to be acceptable as well as the implications the development may have on nearby sensitive receptors and could be made subject to conditional control.

- The presentation of material to assist the landscape and visual assessment is poor. The environmental statement underestimates the magnitude and significance of landscape and visual effects. This is especially the case from Kinnoull Hill where the Planning Authority considers a significant adverse visual impact occurs.
- While design is a subjective matter it is my opinion that the design of the hotel does not contain elements and quality which are “iconic and unique to Perth”.
- In having regard to the above findings the proposal represents overdevelopment of the site.

140 These conclusions are based on the detailed scheme before as submitted while bearing in mind that the principle of this proposed development has been established by the granting of outline planning consent by the Council. All other material considerations have been considered however none are found to outweigh the conclusions which are detailed above. Accordingly the application is recommended for refusal.

RECOMMENDATION

REFUSE THE APPLICATION FOR THE FOLLOWING REASONS:

- 1 The proposed layout of the development results in activities involving more than 100 people taking place on land closer than 150 metres from the Shell St Fergus to Mossmorran NGL pipeline or closer than 110 metres from the BP Forties pipeline which is contrary to the requirement of condition 4(b) of the outline consent and would conflict with the recently adopted Development Plan Policy EP4 which relates to Health and Safety Consultation Zones.
- 2 The proposed development layout does not include appropriate pedestrian links to surrounding footpaths as required and stipulated in the applicants transport statement which is in conflict with condition 13 of the outline consent. Additionally the content of the Travel Plan is inadequate therefore fails to adequately comply with condition 19 the outline consent. Consequently this conflicts with the recently adopted Development Plan Policy CF2 and TA1B which relates Public Access as well as Transport Standards and Accessibility Requirements.
- 3 The proposed development would have an over-dominant impact on the landscape and visual amenity of the surrounding area with particular adverse impacts on iconic viewpoints from Kinnoull Hill. Consequently this conflicts with the recently adopted Development Plan Policy ER6 which relates to managing future change to conserve and enhance the diversity and quality of the area’s landscape and Policy NE5 green belt which seeks to control the spread of built development in sensitive landscapes particularly in the vicinity of Kinnoull and Corsie Hills.
- 4 The massing of the proposed building represents over-development of the site. Such development would conflict with the objectives of PM1A and PM1B Place Making as the proposal is neither iconic or unique to Perth and would not

positively contribute to the quality of the built and natural environment. In this case the benefit of the scheme in economic terms would not outweigh the harm to character and amenity of this area of Perth and Kinross.

JUSTIFICATION

The proposal is not considered in accordance with the requirements of conditions imposed on the outline planning permission. Furthermore the scheme as submitted is not in accordance with the terms of the Development Plan and there are no material considerations of weight that would justify a departure there from.

PROCEDURAL NOTES

It should be noted that the Health and Safety Executive has advised against the proposal. Accordingly there is a requirement to refer this application to the Scottish Ministers should the committee decide to approve this submission.

INFORMATIVES

None.

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

Background Papers: 1 representation
Contact Officer: John Russell – Ext 475346
Date: 31 October 2014

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