

Perth and Kinross Council  
Development Management Committee – 18 March 2015  
Report of Handling by Development Quality Manager

Change of use of former clay extraction pit to outdoor activity centre, siting of portable buildings, 6 no camping pods, 20 no tipis, the formation of car parking, the formation of a bund and associated works at the former Clay Working, Inchcoonans Quarry, Errol, PH2 7RB

Ref. No: 13/01923/FLL  
Ward No: N1 - Carse

**Summary**

This report recommends approval of a detailed planning application for the change of use of a former clay extraction pit to an outdoor activity centre, siting of portable buildings, 6 no camping pods, 20 no tipis, formation of car parking, formation of a bund and associated works at the former clay workings at Inchcoonans Quarry, Errol as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application site relates to part of the former Inchcoonans Quarry which is located just outside the settlement of Errol within the Carse of Gowrie. The application site covers an area of approx. 1.9ha of land which was formerly worked as a clay pit by the adjacent brickworks (located on the opposite side of the road) which ceased commercial operations in the early 2000s. The application site is part of a larger former extraction area that covers approx. 7.6ha, with the area subject of this planning application located at the eastern side of the larger extraction area. The application site is bounded by the public road to the south and to the west by the main part of the former exaction area - which is now established woodland. To the east of the application site are neighbouring agriculture fields whilst to the north is a man-made pond.
- 2 The application site is generally grassed over and flat, with some uneven undulations at various points across the site. There is also some evidence of ad hoc spoil heaps which have naturally vegetated over. Whilst the application site is visible from the public road, from both the east and south, the eastern and southern boundaries are aligned with sporadic broadleaf trees, some of which appear to be self-seeded. Recently, the applicant imported mixed soil materials onto the site which was subsequently subject to enforcement action by the Council as the importation of soil onto the site was considered unauthorised. The applicant has since ceased any further importation of material onto the planning application site.

- 3 This planning application seeks to secure a detailed planning permission for the creation of an outdoor recreational facility which would include a range of outdoor activities such as:
- archery
  - air rifles
  - pitch and putt
  - woodland/wildlife walks
  - airsoft/paintball
  - lasertag
  - bouncy castles
  - trampolines
  - displays and fetes
  - outdoor camping via camping pods
  - Children's off road pedal cars.
- 4 The applicant has indicated that the centre would operate on a 7 day basis between the hours of 9am-6pm Monday to Saturday and 10am-5pm on Sundays and that all the outdoor activities would be organized in a flexible arrangement within the site boundaries which would largely be centred around a central grassed area. In addition to the proposed recreational uses, three separate timber clad cabin units are proposed to be sited within the site and these buildings would be used as a reception facility, a small café and toilets. All the buildings are single storey in their appearance, would be temporary and would be placed on the ground (on timber sleepers) as moveable units which do not necessitate the need for any earth works or foundations. In order to further facilitate the outdoor camping element, a number of camping pods and tipis are also proposed.
- 5 A new vehicular access from the adjacent public road is proposed and a small car park would be formed close to the entrance with a capacity to accommodate approx. 44 cars. A second, smaller 24 space car park is proposed adjacent to the proposed café. Along the eastern edge of the site a new earth bund is proposed which would be approx. 2m in height and approx. 4m in width at its base. The applicant has indicated that the bund would be planted up with native species of trees and bushes.
- 6 Notwithstanding the man-made appearance of the site, a large portion of the site is designated a Site of Special Scientific Interest (SSSI) due to its underground geology and geomorphology. It is estimated that the sediments within the SSSI area were deposited during the diminishing of the last major ice sheet which dates them at around 13,000 – 10,000 years old.

## **NATIONAL POLICY AND GUIDANCE**

- 7 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN). Of specific relevance to this planning application are,

### **Scottish Planning Policy 2014**

8 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

9 Of relevance to this application are:

- Paragraphs 92 – 108, which relates to Supporting Business & Employment
- Paragraphs 74 - 83, which relates to promoting Rural Development

The following Planning Advice Notes (PAN's) are also applicable,

- PAN 1/2011 - Planning and Noise  
PAN 33 - Contaminated Land

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012**

11 Whilst there are no specific strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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.”*

12 In terms of specific policies of the TAYPlan, **Policy 3 (Managing TAYplans Assets)** seeks to safeguard environmental and scientific assets from inappropriate developments.

### **Perth and Kinross Local Development Plan 2014**

13 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. Within the Local Development Plan, the site lies outwith the settlement boundary of Errol where the following policies are directly applicable.

### **Policy NE3: Biodiversity**

- 14 The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

**Policy ED3: Rural Business and Diversification**

- 15 The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas.

**Policy TA1B: New Development Proposals**

- 16 All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available.

**Policy NE1B: National Designations**

- 17 Seeks to protect National Parks, National Scenic Areas, Sites of Special Scientific Interest and National Nature Reserves from inappropriate developments.

**Policy EP5: Nuisance from Artificial Light and Light Pollution**

- 18 The Council's priority will be to prevent a statutory nuisance from occurring first and foremost. Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects.

**Policy EP8: Noise Pollution**

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

**Policy PM1A - Placemaking**

- 20 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

**Policy PM3 – Contributions**

- 21 Where the cumulative impact of new developments will exacerbate a current or generate a future 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.

**OTHER COUNCIL POLICIES**

**Developer Contributions, Transport Infrastructure 2014**

- 22 This supplementary guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross.
- 23 This Supplementary Guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions and the Developer Contributions Supplementary Guidance.

## **SITE HISTORY**

- 24 A previous planning application for a similar detailed proposal (13/00106/FLL) was submitted to the Council in 2013 but was withdrawn prior to it being determined. The reason for the withdrawal of that planning application was due to insufficient information being submitted by the applicant to allow for a reasoned decision to be made.
- 25 In addition to this, the former extraction area to the west of the application site is currently subject of an ongoing enforcement investigation concerning the importation of waste materials onto the site.

## **CONSULTATIONS**

### **EXTERNAL**

- 26 **Scottish Water** - No objections.
- 27 **SEPA** - No objections.
- 28 **SNH** - Subject to conditions being imposed on any consent which limits a) any activity that disturbs the sub-surface sediments relating to the SSSI b) limits land rising over the site of the SSSI and c) limits any development that prevents access for future research (for example permanent hard standings), they have no objections to the proposal.
- 29 **Network Rail** – No objections to the proposal in terms of the intensification of use over the Inchcoonan’s level crossing.
- 30 **Transport Scotland** – No objection to the proposal in terms of increased movement at the junction with the A90.

### **INTERNAL**

- 31 **Environmental Health** – Subject to conditions, they have no objections in terms of noise, odours or contaminated land issues.

- 32 **Transport Planning** – No objections in terms of the proposed access and the increase of vehicle movements on the local roads.
- 33 **Errol Community Council** - Objects to the proposal with their principal concerns relating to the increased in traffic movements on the local roads and the impact that the proposal would have on existing residential amenity.

## REPRESENTATIONS

34 Seventeen letters of representations have been received, all of which are objecting to the proposal. In addition to these representations, the Errol Community Council has also made representations. The main issues raises within the representations are,

- Proposed Land Use is contrary to the Development Plan
- Noise and light nuisance
- Impact on residential amenity
- Impact on visual amenity
- Impact on the SSSI
- Lack of an Environmental Statement
- Traffic Movements
- Contaminated Land Issues
- Impact on wildlife
- Impact on adjacent watercourses

35 All these issues are addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Issued by the Council
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Various background reports submitted and additional information in relation to former, existing and proposed site levels.

## APPRAISAL

- 36 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 37 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to developer contributions.

### **Policy**

- 38 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within that Plan, the site lies within the landward area where land use *Policies ED3 and PM1* are directly relevant. *Policy ED3* states that the Council will offer favourable consideration to the creation of new rural businesses in the landward area providing they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity and they will contribute to the local economy through the provision of permanent employment, or visitor accommodation, or additional tourism or recreational facilities, or involves the re-use of existing buildings. In addition to this *Policy RD3* also states that new tourism-related development will be supported where it can be demonstrated that it improves the quality of new or existing visitor facilities and allows a new market to be exploited or extends the tourism season.
- 39 In terms of Policy PM1A, this Policy is applicable to all new proposals within the landward area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 40 In addition to this both the Tay Plan (*Policy 3*) and the LDP (*Policies NE1B and NE3*) seek to protect environmental sites which are rich in biodiversity from inappropriate new developments, whilst the LDP seeks to protect existing areas from pollution from noise and light (*Policies EP5 and 8*).
- 41 For reasons stated elsewhere, I consider the creation of an outdoor, recreational centre in this rural location to be (subject to conditions) in line with the aforementioned policies.

### **Land Use**

- 42 In terms of land use issues, the site is located within the landward area of the LDP. Within the rural landward area, support is offered via LDP *Policy RD3* for new businesses which offer recreational and tourist pursuits providing the use proposed is appropriate for the location and that the use will not have an adverse impact on the amenity of the area or cause unacceptable, permanent harm to the local environment.
- 43 The site is part of a former clay extraction pit that offers little in the way of potential future uses, largely due to the probable contaminated land issues associated with its former use and development restrictions relating to the SSSI. The proposed use of

the site for an outdoor recreational centre is perhaps one of the few uses that can reasonably be accommodated on the site without the need for significant earth movements, significant remediation of the land or indeed causing irreversible damage to the SSSI. The site is physically divorced from the settlement of Errol by some distance and despite the concerns from some residents of Errol, it is unlikely that the activities which are proposed on the site would have an direct adverse impact on the residential amenity of the residents of the north side of the village by the way of noise or light pollution.

- 44 A Transport Statement has been submitted with the planning application which confirms that the proposal would have limited impact on the local road network. To this end, I consider the proposed land use to be acceptable, and consider the proposal to be consistent with LDP *Policy ED3* which promotes new rural businesses in appropriate locations.

### **Visual Impact**

- 45 I note that within the letters of representation concerns have been raised that the proposal would have an adverse impact on the visual amenity of the area. Whilst the size of the site is large (1.9ha), the level of actual physical development is small and covers only a small proportion of the overall site. The new parking area and the proposed reception building would be visible from the public road to the south, however subject to landscaping proposals being agreed along the frontage I do not consider these two elements to have an adverse impact on the visual amenity of the area, particularly bearing in mind the close proximity of the industrial site on the opposite side of the road. The proposed reception building (and the other modular cabins which are set inside the site) are single storey in appearance and would not look out of character in a rural context. I do accept that when travelling from the east, some of the structures may be visible, when travelling west, however any visual impact would be minimal and would be screened to some degree by the new bund which is proposed along the eastern boundary. The bund itself is to be landscaped and planted to ensure that it does not appearance incongruous.

### **Noise Issues**

- 46 The closest residential property to the application site is Muiredge which is approximately 200 metres to the west with land in-between predominately woodland. To the south east of the site residential properties, Loan Cottages, are approximately 420 metres away and are separated from the site by flat farm land. Whilst it is likely that existing residential properties at these aforementioned locations will at times be aware of some noise from the activities proposed and the general running of the site, subject to standard noise conditions I am of the view that any impact would not be to such a degree that the residential amenity of the affected properties will be adversely affected to a degree which would cause a nuisance. The creation of a bund along the eastern boundary would also reduce the ability of noise to travel in an eastern direction.
- 47 I note that within the representations concerns have been raised that the proposal would adversely impact on the residential of properties in Errol itself by virtue of noise and light pollution. However, due to the distances involved, and bearing in mind the proposed creation of a bund along the eastern side of the site, I do not consider the

residential amenity of the residents of Errol to be compromised by this development. My colleagues in Environmental Health have reviewed the proposal and subject to conditions regarding operating times, noise controls and the implementation of the bund along the sites eastern boundary they have no objection to the proposal.

### **Light Pollution**

- 48 As part of the proposal, some internal lighting is proposed by the applicant however specific details of this lighting has not been submitted i.e. whether the proposed lighting is proposed on the buildings or on free standing columns. Whilst I have no objection in principle to the lighting of parts of the area for security purposes and for the benefit of the users, further details regarding the proposed lighting is required to ensure that unnecessary light pollution does not occur. To this end, a restrictive condition is proposed to be attached to the consent seeking clarification on lighting and if free standing lighting is required, a further planning application would be required.

### **Operation times**

- 49 Within the letters of representations, concerns have been raised regarding the proposed hours of operation (9am-6pm, Monday-Saturday and 10am-5pm on Sunday) for the activity centre. In addition to this, overnight camping is proposed via camping pods which would involve guests using facilities overnight. In principle, I have no objection to these two different uses subject to restrictive conditions relating to each, the further submission of a noise management plan for the campsite and the granting of 2 year consent for the overnight camping element to allow the Council to monitor the effectiveness of the applicant's management plan and to review the proposals. This view is shared by my colleagues in Environmental Health.

### **Impact on SSSI**

- 50 As indicated previously, a large portion of the site lies over a SSSI which has been designated because of its geological interest which is considered to be of national importance. Studies into the impact on SSSI's have shown that excavations of more than 300mm could have an adverse impact on the integrity of the type of geology which this particular SSSI is designated for. SNH have confirmed that subject to a restriction on the depth of excavation / removal of top soil, the depth of any new additional soil and the depth of any penetrations into the natural ground across the area subject of the SSSI, they have no objection to the proposal in terms of its impact on the SSSI. The applicant has confirmed that he has no objection to these specific requirements, and that the development can be implemented and function as an activity centre by complying with the restrictive conditions imposed. To this end, suitable worded conditions are proposed to be attached to the consent securing these requirements.
- 51 In terms of physical access to the SSSI for research purposes, SNH had raised some initial concerns that research access could be restricted in the event that permanent surfacing / structures were implemented. Access to the SSSI site would not be completely blocked off and a suitably worded condition is proposed to be attached to the consent to allow reasonable access to the SSSI for the purposes of science investigations and to clarify the make-up of the proposed hard surfaces.

- 52 To this end, subject to conditions I have no concerns relating to the impact on the SSSI and this position is shared by SNH.

### **Requirement for EIA**

- 53 The proposal is a schedule 2 development as defined in the Environmental Impact Assessment Regulations. This requires the Council to screen the proposal to determine whether or not the proposal should be assessed under the EIA regulations. To this end, the Council has carried out this procedure and it is the view of the Council that whilst the proposal could potentially affect an environmentally sensitive site (SSSI), the impact on the sensitive site and also on the local environment is not considered to be significant and any impacts can be suitably mitigated by appropriate conditions being imposed on any permission.
- 54 As a consequence, the proposal is not considered to be an EIA development. It should however be noted that the applicant has submitted a number of background reports (including a Transport Assessment) to demonstrate the likely impact that the proposal would have. I note that within the representations, some concerns have been raised that the proposal should have been accompanied by a full EIA and assessed against the EIA regulations, particularly due to the size of the site. The size of a site is not the sole determining factor and whilst the site is large at 1.9ha, the level of physical works (i.e. erection of structures, formation of access tracks and earth movements etc) is not excessive, and the overall scale of the development is not considered to be significant or one which would have a major impact on the local environment.

### **Contamination Land Issues**

- 55 The proposed development is on land that was subject to clay extraction and subject to restoration which included the introduction of waste materials into the site, and has therefore been historically identified as being used for landfilling. It is therefore possible that there may be waste organic material which could be producing carbon dioxide and possibly methane gas. Bearing this in mind, it is important to determine that the development site is not adversely affected by gas generated from the infilled area, that the development site is fit for its intended use, that there is no risk to future site users and in the event that a risk is identified, suitable mitigation measures are carried out by the applicant.
- 56 To this end, I recommend a standard condition be attached to the consent to secure these matters are appropriately addressed. It is noted that within the representations some concerns have been raised regarding the lack of information on ground conditions and the fact that detailed reports clarifying the ground conditions have not been submitted as part of the formal planning submission. Whilst it would have been extremely useful for a detailed contaminated land report (including any required mitigation measures) to have accompanied this planning application, the technical issues which relate to dealing with land contamination are routinely matters which are addressed after a planning permission is granted, and as such I consider it reasonable to condition the submission of the required information prior to any works commencing.

## **Developer Contributions**

### Transport Infrastructure

- 57 In terms Transport infrastructure contributions, the site lies within the catchment area for contributions in relation to Transport Infrastructure. However, whilst this development is creating some new floorspace and does have the potential to generate additional traffic movements, as the planning application was submitted prior to the adoption of the Developer Contributions, Transport Infrastructure 2014 document and the adoption of the Local Development Plan 2014 there is no requirement for any developer contributions in relation to Transport Infrastructure.

### **Road Related Issues**

- 58 It is noted that within the representations, a number of the concerns raised relate specifically to Transport Planning issues. Extensive consultations have taken place with the Council's Transport Planner and the applicants transport consultants to obtain a clear understanding of the business and the impact that the traffic generated from the development would have on the local road network. The applicant has submitted a Transport Assessment which offers detailed information on the level of traffic movements expected to be generated by the proposed development, together with details of the proposed onsite parking arrangements.
- 59 Whilst I note the comments and concerns which have been raised within the representations, the local road network is currently suitable for HGV traffic and a typical family car and a HGV can pass each on adjacent local roads without compromising road or pedestrian safety. Whilst the minor public road which serves the site is covered by the national speed limit, the natural geometry of the road is such that traffic speeds are far lower than the national speed limit with speeds of 45mph being a far more realistic for this rural area, if not less. The commercial nature of the proposal will inevitably result in some extra vehicular traffic movements which involve both cars and buses, however the movements directly associated with the proposal would be spread throughout the day and I am satisfied that the network can accommodate the extra traffic generated and that the proposal would not comprise pedestrian or traffic safety.

## **Drainage**

- 60 As you would expect for an activity centre which includes camping facilities, toilets and showering facilities are proposed within two of the buildings. As the site is outwith a sewered area and ground conditions are unsuitable for a private drainage system, it is proposed to use a portaloos system for the foul water. In principle, I have no objection to this approach and SEPA are also content that this could be a practical solution to a technical issue for the applicant. Nevertheless, as precise details of the proposed drainage arrangements have not been formally submitted, a restrictive condition will ensure that prior to any works commencing on site precise details of the proposed drainage (in particular the means of disposal of foul drainage) will be submitted for the approval in writing by the Council in consultation with both SEPA and Building Standards.

## **Trees**

- 61 The proposal would have limited impact on any existing trees as the majority of the site is free from trees. Some existing trees are proposed to be removed to accommodate the new bund along the eastern boundary however new tree planting is proposed along the new bund to ensure that it does not have an adverse impact on the visual amenity of the area. Exact details of the proposed replanting will be subject to a pre-commencement condition.

## **Enforcement Issues**

### Within the Application Site

- 62 In November 2014, the applicant imported material onto the planning application site without the benefit of a planning permission to do so - with a view of spreading the material to 'cap' the SSSI – as per the separate licences which he had obtained from SEPA and SNH. Whilst the level of material within the application site boundaries may not have been significant in terms of its coverage or depth, in the absence of any permitted development rights or a planning permission, the importation of material was considered by the Council to be unauthorised. Shortly after the deposit of the material, the applicant was informed of this position and he consequently ceased any future importation/spreading of material within the planning application site.
- 63 In addition to this, during December 2014 the applicant formed a new vehicular access (which reflected the proposed access as shown on the proposed plans) into the site from the public road. As the public road from what the access point is taken from is classified, this operation should also have benefited from planning permission.

### On the Adjacent Site

- 64 It is noted that the applicant has recently informed the Council of his intentions re-open the extraction area to the west of the application site, fell the majority of the trees which presently cover the western part of the site and to bring in further imported material - which would then be capped with top soil.

- 65 Between November 2014 and January 2015, the applicant felled a number of trees on the site and took delivery of an unspecified level of imported waste materials. It is the view of the Council that these works were unauthorised, and that in the absence of a valid planning permission to do so, the importation, deposition and spreading of waste material was a breach of planning control. On 11<sup>th</sup> December 2014, the Council issued a Temporary Stop Notice, requiring cessation of the importation of materials.
- 66 It is the view of the Council that the former commercial operations associated with the adjacent site have ceased, and that the previous planning permissions relating to clay extraction have been fully implemented and the associated restoration scheme complete. To this end, any further development associated with the importation of waste materials is considered by the Council to be unauthorised.
- 67 It is understood that the applicant intends to remedy the alleged breach of planning control in due course.
- 68 Bearing this in mind, and notwithstanding the applicants recent unauthorised activities, in terms of establishing what the current / existing adjacent land uses are (which is a material consideration in the determination of this planning application), it is considered reasonable at this stage to consider the established adjacent land use as being a former extraction area and not as an operational landfill.

## **ECONOMIC IMPACT**

- 69 Whilst it is difficult to quantify the exact economic benefit that the proposal would have on the local area, it is likely that the proposal will have a positive benefit on the local economy. The proposal would create a small number of part-time employment opportunities for instructors (who may or may not be local) and the proposed facility would offer a new tourist and recreational facility which, in turn would bring new footfall to the local area.

## **LEGAL AGREEMENTS**

- 70 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 71 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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 REASONS FOR RECOMMENDATION**

- 72 The proposal is in accordance with the relevant land use policies contained in the Local Development Plan 2014 and will provide a new, exciting and much needed outdoor pursuit centre for Perth and its surrounding area. Whilst I note issues raised within the letters of representations, the rural location of the site and its previous use, the use of the land for a recreational use is entirely compatible with the policies contained in the Local Development Plan.

## RECOMMENDATION

### **A Approve the application subject to the following conditions:**

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Only the activities listed in the supporting information may be undertaken on the site and any other additional activities must first be approved in writing by the Council as Planning Authority. The activities shall be implemented as per the layout shown on drawing 13/01923/1, unless otherwise agreed in writing by the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity.

- 3 No overnight camping, apart from the approved 6 camping pods and the two array of Tipi's (as shown on drawing 13/01923/1) shall take place on the site, to the satisfaction of the Council a Planning Authority.

Reason – In the interest of protecting existing residential amenity.

- 4 Hours of operations for the activity centre are restricted to Monday to Saturday 0900hrs to 1800hrs and Sundays 1000hrs to 1700hrs only and shall take place at no other time, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity.

- 5 Before the campsite element is operational (which includes the camping pods and Tipi's), a noise management plan shall be submitted for the approval in writing by the Council as Planning Authority. The approved plan shall be implemented in full, to the satisfaction of the Council as Planning Authority for the duration of the operation of the campsite element.

Reason – In the interest of protecting existing residential amenity.

- 6 Consent for the overnight camping element is granted for a temporary period of 2 years only. This period will commence from the time which the noise management plan, as approved under condition 5 of this consent has been formally approved by the Council as Planning Authority. Prior to the end of the 2 year period the area all development associated with the overnight camping element shall be removed and the area returned to grass, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity.

- 7 All deliveries shall be restricted to Monday to Saturday 0700hrs to 1900hrs, with no deliveries on Sundays, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity.

- 8 All plant or equipment including any ventilation system associated with operation of the commercial areas shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential amenity.

- 9 An effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings, all to the satisfaction of the Council as Planning Authority

Reason – In the interest of protecting existing residential amenity.

- 10 No amplified music or public address systems shall be permitted on the site unless approved in writing by the planning authority.

Reason – In the interest of protecting existing residential amenity.

- 11 Details of all external lighting must be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting existing residential and visual amenity.

- 12 No development shall begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Council as Planning Authority. The scheme must contain proposals to deal with the contamination to include:

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

Before the commencement of any of the uses hereby approved, the measures to decontaminate the site shall be fully implemented as approved by the planning authority. Verification that the schemes proposals have been fully implemented must also be submitted to the Council as Planning Authority.

Reason – In order to ensure that any site contamination is adequately addressed.

- 13 Prior to the commencement of any of the approved uses, the vehicular access shall be formed (and thereafter retained) in accordance with specification Type B, Fig 5.6 access detail, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting road and pedestrian safety

- 14 Prior to the commencement of any of the approved uses, turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of protecting road and pedestrian safety

- 15 Across the area of the SSSI, no more than 300mm of topsoil shall be removed from the natural ground levels as shown on plan 13/01923/7, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the Site of Special Scientific Interest

- 16 Across the area of the SSSI site, no more than 200mm of topsoil shall be added to the natural ground levels as shown on plan 13/01923/7 to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the Site of Special Scientific Interest

- 17 Notwithstanding any changes in ground levels, the natural ground levels as shown on plan 13/01923/7 shall not be penetrated by any fittings, braces, fences, poles or other penetrating apparatus to a depth of any more than 300mm across the area of the SSSI, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the Site of Special Scientific Interest

- 18 Access to the buried sediments across the SSSI area (for research purposes), as contained within the planning application site, must be maintained to the satisfaction of the Council as Planning Authority. Precise details of the proposed surfacing and exact location of the carparks, access tracks and the means of the placement of the modular units must be submitted for the approval in writing by the Council as Planning Authority, in consultation with SNH. The approved details must be implemented in full, to the satisfaction of the Council as Planning Authority prior to the commencement of any uses.

Reason – In order to protect the Site of Special Scientific Interest

- 19 Prior to the commencement of any works on site, a detailed landscaping plan including timescale for implementation shall be submitted for the approval in writing by the Council as Planning Authority. The plan must include all proposed tree planting, precise details of the eastern boundary bund (and associated planting on it) and any proposed changes in ground levels across the site from that of the natural ground levels which must conform to the requirements of conditions 15 and 16. The approved plan shall be implemented in full within the agreed timescales, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect the Site of Special Scientific Interest and in the interest of protecting existing visual amenity

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## C PROCEDURAL NOTES

None

## D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. *(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).*
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant will be required.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Background Papers: 17 letters of representation

Contact Officer: Andy Baxter – Ext 5339

Date: 4 March 2015

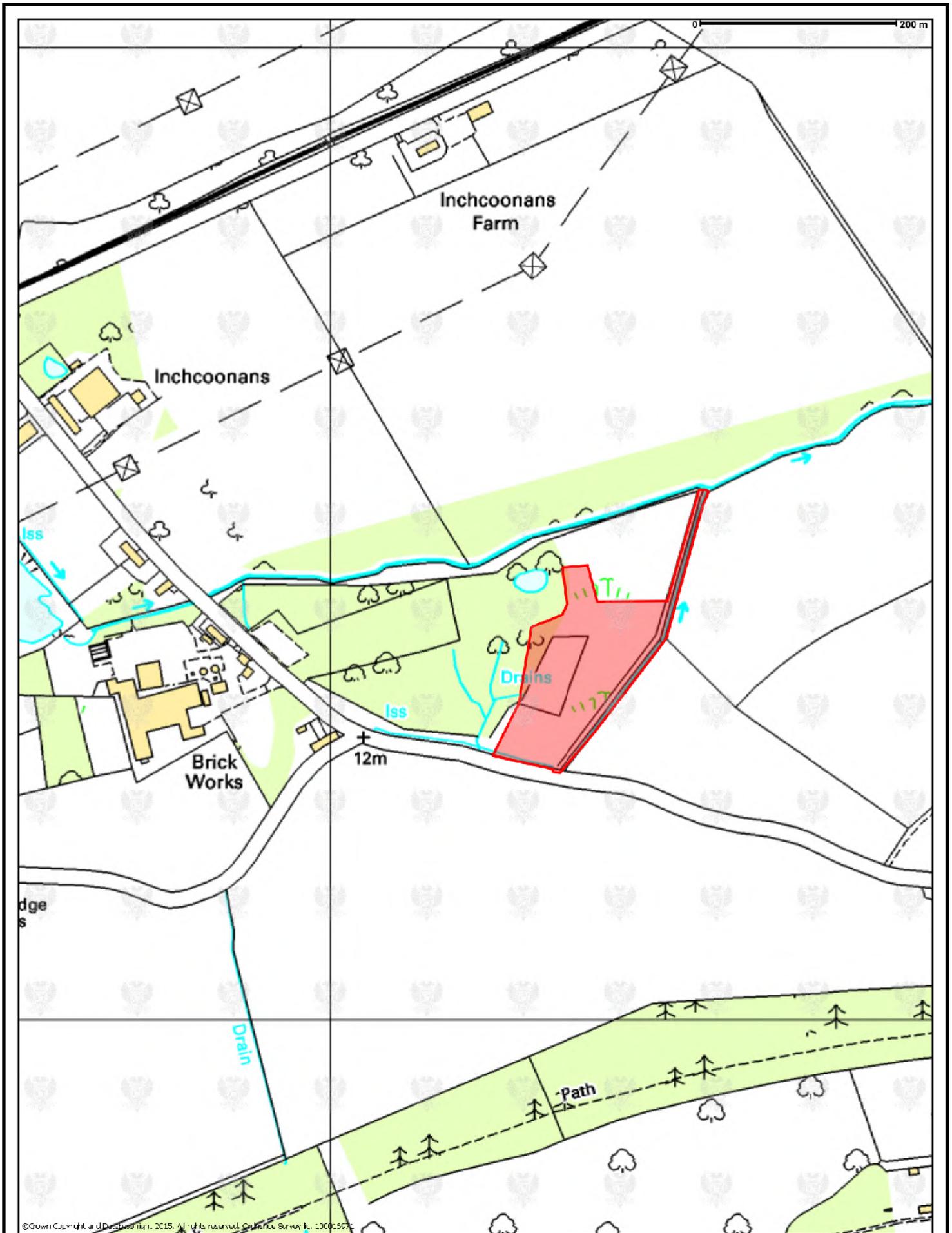
Nick Brian  
Development Quality Manager

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13/01923/fll

Change of use from clay extraction pit to outdoor activity centre, siting of portable buildings, 6 camping pods, 20 tipis, formation of car parking, formation of bund and associated works, Clay Workings, Inchcoonans Quarry, Errol





13/01923/fll

Change of use from clay extraction pit to outdoor activity centre, siting of portable buildings, 6 camping pods, 20 toilets, formation of car parking, formation of bund and associated works, Clay Workings, Inchcoomans Quarry, Errol



Scale 1:25000

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