

Perth and Kinross Council
Planning and Placemaking Committee – 19 April 2023
Report of Handling by Head of Planning & Development
(Report No. 23/107)

PROPOSAL: S42 application to amend conditions 19 and 20 (cycle and scooter parking) of permission 21/00096/FLM.

LOCATION: North Muirton Primary School, Uist Place, Perth, PH1 3BY

Ref. No: [22/02204/FLM](#)

Ward No: P12 – Perth City Centre

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application was previously presented to the Planning and Development Management Committee on 5 May 2021. The application approved was for the replacement of North Muirton Primary School with a larger building to serve an expanded school catchment. The application was subject to a number of conditions and this application seeks to alter the wording of two conditions, 19 and 21, covering cycle and scooter parking.
- 2 The school is being developed in phases and the storage area, as approved, will not be completed until after the school is operational which would be in breach of the noted conditions. This application seeks to amend the wording of the conditions to allow additional time for it to be provided. The applicant had sought a one year extension, however it is considered that a temporary area should be provided in the interim with the agreed permanent area provided on completion.
- 3 The conditions to be varied are as following;
- 4 Condition 19 – Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 94 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

- 5 Condition 20 – Prior to the occupation or use of the approved development a secure scooter parking facility for a minimum of 30 scooter spaces shall be provided within the site to the satisfaction of the Council as Planning Authority.

Pre-Application Consultation

- 6 The Pre-Application Consultation (PAC) requirements have been fulfilled in association with the submission of planning application 21/00096/FLM and there is no further PAC needed procedurally in relation to this S42 application.

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

- 8 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 9 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 10 The Council's assessment of this application has considered the following policies of NPF4:
- 11 Policy 13: Sustainable Transport.

Perth and Kinross Local Development Plan 2

- 12 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal relevant policies are, in summary:
- 14 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

National Roads Development Guide 2014

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

OTHER POLICIES

- 16 No other policies.

Site History

- 17 **20/00002/PAN** Erection of a primary school and associated works.
- 18 **20/00588/SCRN** Demolition of existing school, erection of a primary school and associated works.
- 19 [21/00096/FLM](#) Full Planning Permission Major was Approved On 5 May 2021 for Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works.

CONSULTATIONS

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

External

- 21 No external consultations required.

Internal

Transportation And Development

- 22 No objection to proposal, temporary facility requested and agreed with applicant.

Representations

- 23 No representations were received.

ADDITIONAL STATEMENTS

24

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

APPRAISAL

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

Principle

- 26 The detail of the development subject of this application has been previously established through the approval of the extant planning permission (21/00096/FLM) and is therefore not reviewed as part of this S42 application.
- 27 The proposal does not change the provision of the cycle and scooter storage areas, only the timing. Therefore, the proposal raises no issues in policy terms.

Design and Layout

- 28 The cycle and scooter storage is proposed to be sited permanently to the north of the school adjacent to the playground, however it will not be completed before the new school is occupied. The agent has submitted a plan to show that a temporary storage area can be provided to the south of the school, thereafter to be removed and landscaped once the permanent shelter is in situ.

Roads and Access

- 29 The temporary storage area ensures provision for cycles and scooters is provided in the interim until the completion of the works to the north which will allow the permanent shelters to be provided. The conditions can therefore be reworded so that the temporary area shown on the plans is in place until the permanent area is provided.

Conditions

- 30 As this approval of this application will form a new permission, the previous conditions have been repeated. It should also be noted that from the previous application submitted, there is a requirement to add a time condition. This has increased the number of conditions by one and therefore the new reworded conditions are condition 20 and 21.

VARIATION OF APPLICATION UNDER SECTION 32A

- 31 This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 32 Not required.

DIRECTION BY SCOTTISH MINISTERS

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

CONCLUSION AND REASONS FOR RECOMMENDATION

- 34 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and nothing has been found that would justify overriding the Development Plan.
- 35 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application.

Conditions and Reasons for Recommendation

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

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

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

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

3. All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within

any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

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

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

5. The development shall be completed in accordance with the Construction Method Statement (CMS) and a Dust Management Plan (DMP) agreed under permission 21/00096/FLM plan ref 99 and 100.

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

6. Noisy Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

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

7. The development shall be completed in accordance with the sustainable urban drainage system (SUDS) scheme agreed under permission 21/00096/FLM plan ref 101.

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

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

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

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

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

10. The development shall be occupied in accordance with the Flood Action Plan agreed under permission 21/00096/FLM plan ref 76.

Reason - The site is located within the 1/200 (0.5% AEP) flood extent and therefore has a medium to high risk of flooding.

11. The Finished Floor Level of the replacement North Muirton Primary School shall be a minimum of 7.55m Above Ordnance Datum, as stated in Section 3.0 of the Flood Risk Assessment dated 11 January 2021 plan ref (prepared by Goodson Associates P13704 - Rev A).

Reason - The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

12. The development hereby approved shall be constructed so as to be flood resilient in order to reduce the extent of potential flood damage and thereby reduce repair costs and speed up building restoration should a flood event occur.

Reason - The site is located within the 1/200 (0.5% AEP) flood extent which has a medium to high risk of flooding and therefore this mitigation is required.

13. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 2 November 2020 as approved under 21/00096/FLM plan ref 30 submitted and hereby approved, shall be fully adhered to, respected and undertaken as part of the construction phase of development (Particular attention is drawn to Section 8: Impact Assessment).

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

14. The development shall be completed in accordance with the details of the location and specification of the swift nest boxes or bricks agreed under permission 21/00096/FLM plan ref 67 -70.

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

15. The development shall be completed in accordance with the details of the location and specification of the swift nest boxes or bricks agreed under permission 21/00096/FLM plan ref 67 -70

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

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

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

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

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

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

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

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

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

20. Prior to the occupation or use of the approved development the temporary agreed cycle storage area (plan ref 126) shall be provided. Thereafter, the secure waterproof cycle parking facility (agreed under reference 21/00096/FLM) for a minimum of 94 cycles, shall be provided prior to the completion of the development.

Reason - To encourage active travel and meet advice within NPF4.

21. Prior to the occupation or use of the approved development, the temporary agreed scooter storage area (plan ref 126) shall be provided. Thereafter, the secure scooter parking facility (agreed under reference 21/00096/FLM) for a minimum of 30 scooter spaces shall be provided prior to the completion of the development.

Reason - To encourage active travel and meet advice within NPF4.

22. Prior to the occupation or use of the approved development a minimum of four electric charge bays shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason - To encourage the shift to alternative fuelled vehicles.

23. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type B Road construction detail. The Type B Road construction detail shall continue into the entrance for a distance of 5 metres from the boundary of the public road surface.

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

24. The development shall be completed in accordance with the Construction Traffic Management Scheme (TMS) agreed under permission 21/00096/FLM plan ref 95, 96, 84, 85, 86, 87, 88, 89, 94, 98.

Reason - In the interests of pedestrian and traffic safety.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. No work shall be commenced until an application for a building warrant has been submitted and approved.

4. SEPA operate an advance flood warning system that helps the Council facilitate the timely closure of the flood gates. The early warning system is supplemented by the Council's telemetry system that monitors various watercourses in the Perth area to provide additional flood warning alarms and river level data.
5. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
6. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
7. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
9. The Street lighting column that is present at the site discussion must be had with the Street Lighting Partnership to obtain the locations of plant and the possible relocation of the lighting column. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.
10. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
11. Displayed in a prominent place at or in the vicinity of the site of the development. Readily visible to the public. Printed on durable material.

Background Papers: No letters of representation
Contact Officer: Joanne Ferguson
Date: 6 April 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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