

Perth and Kinross Council
Development Management Committee – 24 May 2017
Report of Handling by Interim Head of Planning

Mixed use (residential and employment) development at Perth Airport, Scone.

Ref. No: 16/01935/IPM
Ward No: N2 - Strathmore

Summary

This report recommends approval of the in principle application to formally establish the principal of a mixed use (residential and employment) development at land immediately adjacent to Perth Airport, Scone. The development is considered to primarily comply with the current Development Plan but, subject to a condition restricting the residential element until after the proposed Cross Tay Link Road is a committed project.

BACKGROUND AND PROPOSAL

- 1 The site extends to over 5.2 Ha and is located on the eastern boundary of Perth Airport some 3.5 miles north east of Perth and half-way between the settlements of Scone and Balbeggie. The site itself is fairly flat agricultural land with a few trees and hedgerows. The northern boundary is defined by the runway associated with the airport. Immediately west of the site are dwellings, buildings and businesses contained within the boundary of Perth Airport. To the east, the site is bounded by agricultural land. The site fronts onto the A94 and beyond this to the south is agricultural land. Vehicular access to the site is currently taken off the A94 and an adopted core path passes along the southern side along the boundary of the site.
- 2 The entire application site is located within the identified boundary of Perth Airport and is allocated (MU3) in the Perth and Kinross Local Development Plan 2014 (LDP) for mixed use development (residential and employment). The LDP identifies an indicative number of dwellings of 50 units and that the employment use must take up at least 50% of the site.
- 3 The proposed development is as per the LDP requirements and is therefore seeking 'In Principle' permission for general employment use for 50 dwellings and general employment use. The exact scale and mix relating to the above will be arrived at through the production and submission of further detailed planning applications with associated supporting information.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal it required to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request (16/00857/SCRN) was submitted in May 2016 and the opinion given found that an EIA is not required in this instance.

- 5 The planning application has been accompanied by a supporting Planning Statement, Transport Assessment, Flood Risk and Drainage Assessment, Habitat Assessment, a Design and Access statement, Pre-Application Consultation Report and Sustainability Checklist.

PRE-APPLICATION PROCESS

- 6 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 16/00007/PAN and 16/00010/PAN) outlined a public exhibition was held locally on 28 July 2016. The Ward Councillors for the area (Cllrs Alan Grant; Dennis Melloy; Ian Miller and Lewis Simpson) have been consulted as well as Scone and District Community Council and Burrelton and District Community Council.

NATIONAL POLICY AND GUIDANCE

- 7 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 8 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

- 9 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Supporting Business and Employment: paragraphs 92 - 108
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

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

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Designing Places 2001

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

Designing Streets 2010

- 12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

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

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 14 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 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, study and visit, and where businesses choose to invest and create jobs"

- 15 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application:

Policy 1: Locational Priorities

- 16 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area which includes Perth Airport is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and add to the region's economy.

Policy 2: Shaping Better Quality Places

- 17 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

- 18 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Policy 5: Housing

- 19 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing Market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

Perth and Kinross Local Development Plan 2014

- 20 The Local Development Plan (LDP) 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 LDP 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."
- 22 The application site is located within the identified boundary of Perth Airport and is allocated (MU3) for mixed use development for 50 dwellings and employment use on at least 50% of the site. The principal relevant policies are in summary:

PM1A – Placemaking

- 23 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

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

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 Where a settlement has a defined settlement boundary, development will not be permitted outside of that boundary.

Policy ED1 – Employment and Mixed Use Areas

- 27 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy RD1 – Residential areas

- 28 In identified areas, residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 29 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1A - Transport Standards and Accessibility Requirements

- 30 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B- Transport Standards

- 31 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

- 32 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

- 33 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 CF3 - Social and Community Facilities

- 34 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit would be provided.

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 35 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

- 36 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 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 ER6 - Managing Future Landscape Change

- 39 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 EP1 – Climate Change, Carbon Reduction and Sustainable Construction

- 40 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

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 EP3A - Water, Environment and Drainage

- 42 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

Policy EP3B - Water, Environment and Drainage

- 43 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

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

Policy EP3D - Water, Environment and Drainage

- 45 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

Policy EP5 – Nuisance from Artificial light and Light Pollution

- 46 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 47 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.

EP11: Air Quality Management Areas

- 48 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 49 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Policy EP13 – Airfield Safeguarding

- 50 Developments will be refused if they are likely to have an impact on the safe operation of aircraft from the listed airfields.

OTHER POLICIES

- 51 The following supplementary guidance and documents are of particular importance in the assessment of this application:
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
 - Green Infrastructure Supplementary Guidance November 2014
 - Airfield Safeguarding Supplementary Guidance December 2011

Perth & Kinross Community Plan (2006 – 2020)

- 52 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 53 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

Perth and Kinross Local Transport Strategy

- 54 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

The Perth City Plan 2015 – 2035

- 55 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016

- 56 The report focuses on the proposed preferred route for Phase 2 of the Perth's Transport Future project which consists of a new link road from west of the A9 crossing the River Tay and linking with the A93 and A94. The report also provides detail on current costs and funding issues and other related matters in taking the project forward.

PLANNING SITE HISTORY

- 57 **16/00857/SCRN** EIA Screening Request submitted May 2016. No EIA Required.

CONSULTATIONS

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

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 59 Following the submission of further drainage details an initial objection to the proposal has been removed by SEPA. There remains a requirement for a condition in relation to both foul and surface water drainage to be attached with any permission.

Scottish Natural Heritage (SNH)

- 60 No objection.

Scottish Water

- 61 No response received.

Transport Scotland

- 62 No objection.

Scone and District Community Council

- 63 Object to the proposal due to the embargo in the LDP for housing sites of 10 or more until such time as the Cross Tay Link Road (CTLR) is a committed project. They have also expressed concern at the lack of an EIA submitted with the application and in particular have raised concern about air pollution in Perth.

Burrelton and District Community Council

- 64 No response received.

INTERNAL

Environmental Health

- 65 No objection in principle to the application but recommend a condition is included with any permission to protect residential amenity for future residents.

Land Quality Officer (Contaminated Land)

- 66 The proposed development is immediately adjacent to land that is identified as having a former military use. There is the potential for contaminants associated with this land use to have impacted the proposed development site, potentially affecting its suitability for the proposed use. A condition is recommended to be applied with any approval.

Biodiversity Officer

- 67 The Ecological report highlights the potential for breeding birds and breeding/roosting bats to be present. Further investigation of these features will be required as part of any future detailed planning application prior to commencement of any development.
- 68 The indicative landscape proposals suggest there will be a greater diversity of habitats than exists at present, which will enhance biodiversity.

Strategic Planning and Policy

- 69 This proposal is sited on greenfield land and is allocated for 50 residential units and employment use. The embargo on residential use is clear that the Council should not allow any consents for sites of 10 or more houses until the CTLR is a committed project. In order for the site to meet the development requirements, it would be necessary for the employment land to be delivered prior to the housing site coming forward. This would also ensure that, in terms of timing, the development of residential units would not be undertaken until the CTLR is a committed project and housing development embargo has been lifted from the area.

Developer Negotiations Officer

Affordable Housing

- 70 The application proposes more than 5 dwelling houses, which would mean that the Affordable Housing Policy would apply. A condition to reflect this should be attached to any planning application granted.

Primary Education

- 71 This proposal is within the catchments of both Robert Douglas Memorial Primary School and Balbeggie Primary School. A condition to reflect this should be attached to any planning application granted.

Transport Infrastructure

- 72 The application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.

Community Greenspace including Access

- 73 No objection.

Transport Planning

- 74 No objection. The applicant has modelled the proposal and has shown that the network can cope with proposed housing numbers and commercial land. It is however recommended that a negative suspensive condition is applied until the CTLR is a committed project.

Structures and Flooding

- 75 No objection

Economic Development

- 76 Development will have a considerable positive economic impact. It will take time to reach its maximum potential as units become occupied. A local multiplier effect will be experienced as other suppliers grow to increased local demand or start up to serve the influx of new businesses.

REPRESENTATIONS

- 77 No letters of representation has been received.

ADDITIONAL STATEMENTS

78	Environment Statement	Screened - Not required
	Screening Opinion	Yes
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Transport Assessment, Habitat Assessment, Flood Risk and Drainage Assessment

APPRAISAL

Policy Appraisal

- 79 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.
- 80 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Principle

- 81 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Perth Core Area and is specifically listed within the policy as a Tier 1 settlement. TAYplan identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross to meet the projected population. The proposal therefore complies with the objective of this policy.
- 82 The site is allocated (MU3) for mixed use for residential (50 dwellings) and employment uses in the LDP and is also within the boundary of Perth Airport itself. Because of its status in the LDP the general principle of development for mixed use is therefore considered acceptable. The proposal is in line with its allocation with 50% for employment use and indicative number of 50 dwellings for residential. A number of site specific requirements must be met by the developer. They are as follows:
- Development must be compatible with airport uses
 - Water supply and storage requires investigation
 - Enhancement of biodiversity and protection of habitats
 - Links to core paths and rights of way incorporated into the development
 - Improvements to the adjacent footway along the A94
- 83 LDP Policy PM1 requires that all development must contribute positively to the quality of the surrounding built and natural environment.
- 84 In my view, the principle of residential and employment development on this site is acceptable given the nature of the immediately adjacent uses of the airport, employment and residential. The delivery of the residential element will need to be conditioned to ensure it does not happen prior to the CTRLR being a committed project. Proposed Condition 3 will ensure this requirement can be controlled and enforced and be in accordance with *Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) of 14 December 2016*.

Transport and Access

- 85 The application site includes the entirety of allocation MU3 and also an area of land that allows for this development site to be linked with the existing Airport road network. Following discussion between the applicant and Transport Planning, it has also accepted that a separate access onto the A94 can be provided. The intention for the link with the Airport will now be for pedestrians and cyclists only, although it will be utilised during the construction period for the development.

- 86 The applicant's modelling work has shown that the network can cope with proposed housing numbers and level of commercial land. It is also recommended that a negative suspensive condition is applied until the CTLR is a committed project. As above, proposed Condition 3 will ensure this requirement can be controlled and enforced.
- 87 The applicant will be required at the detailed planning application stage to demonstrate improvements to the adjacent A94 footpath and connection with the core path network. Condition 4 (m and n) will ensure this requirement is delivered.

CTLR and Residential Embargo

- 88 The employment element (50%) of the proposal is not affected by the LDP embargo; which affects housing development of 10 or more dwellings until such time as the CTLR is a 'committed project'. Therefore the principle of employment development, some 50% of the proposed site use, is fully compliant with the LDP.
- 89 The other 50% (residential use) is however constrained by the LDP's Spatial Strategy in that no new housing over 10 units should be consented until the CTLR is a committed project.
- 90 The recent (14 December 2016) Committee Report on Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route focuses on the proposed preferred route for Phase 2 of the CTLR and linking with the A93 and A94. The report also provides greater detail on current costs and funding issues and other related matters in taking the project forward. An updated and clearer definition of when the CTLR Proposal is classified as a 'committed project' is provided at paragraph 1.36. It defines the CTLR as a committed project as the following:

"..... the CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced"

- 91 To ensure compliance with the Spatial Strategy and policies of the LDP, it is proposed that, in relation to the housing development, a negative suspensive planning condition is attached to any permission granted prohibiting any residential development until such time as the CTLR is a committed project. This solution also ensures that planning permission is available immediately for the employment element of the proposal to ensure the associated economic benefits can be realised as and when demand requires.
- 92 As the proposal is 'In Principle' we would also not be granting any planning permission at this stage for any development to commence on site. The use of a negative suspensive condition (No.3) will effectively prevent any housing coming forward until the CTLR is a committed project. A Direction under the Planning Act to provide a longer timescale to submit a detailed application for the housing element is considered reasonable.

Flood Risk and Drainage

- 93 The LDP requires that water supply and storage requires investigation. A Flood Risk and Drainage Assessment was submitted in support of the proposal. Following submission of further information by the applicant neither SEPA nor Flood Risk and Structures have any significant issues regarding flooding and drainage (foul and surface water).
- 94 Foul drainage from the proposed development will require to be drained to package treatment plants that will either discharge to a drainage field or through a final treatment arrangement before discharging into the Annaty Burn. The package treatment plant may involve reinforcement of the existing site treatment plant or a new package treatment plant. A detailed assessment to find the best option will be required in respect to site layout, ground conditions, position of discharge point to existing well and SEPA requirements in respect to discharge to the Annaty Burn which is designated under the Urban Waste Water Treatment Directive. Any treatment system must be to adoptable standards and capable of connection to the main drainage network.
- 95 Surface water from the site will require to be treated and attenuated through an appropriate SUDS scheme. The final arrangements of any SUDS scheme will be subject to detailed design and investigations of ground conditions however the topography of any SUDS ponds or basins appears realistic in principle with the site falling north to south and the potential receiving waters being to the south of the development area.

Noise and Air Quality

Noise

- 96 The application has been supported by a noise impact assessment, which considers noise from the A94 and Perth Airport itself. This is an important assessment because Environmental Health has no powers to deal with noise complaints arising from either of these from future residents.
- 97 Each of these sources has been considered in turn in line with the Technical Advice Note (TAN) of PAN 1/2011. The properties most affected by road noise will be subject to a daytime noise level of 63.5 dB. Ideally the target in garden area of the proposed dwellings should be 55dB; therefore an 8.5dB reduction is required. This is proposed to be achieved by use of an acoustic boundary barrier of 2.6m, which can typically reduce noise by around 10dB.
- 98 Night time noise levels were not taken here but are considered to be 10dB lower than the daytime levels. This is not ideal but has been accepted in the past for assessing night time noise. However for night time, the indoor levels, particularly in the bedrooms are much more important. An external level of 54dB should give internal levels of around 39dBA in bedrooms. Ideally the night time internal level should be 30dB or less. Depending on the layout of the houses they may benefit from the mitigation of the barrier, however if they are at first floor level and overlooking the barrier, they will benefit very little.

Environmental Health recommend that the layout of the houses closest to the A94 be fully considered with respect to noise and reassessed to ensure reasonable night time levels can be achieved in the bedrooms. This issue can be covered at the detailed planning stage.

- 99 Noise from the airport was also considered at the most exposed part of the site. The measured levels were much less than for the road at 40dB and therefore of much less significance. It does not currently operate at night time so there are no sleep disturbance issues as it stands.
- 100 Due to the relatively low daytime noise levels and the fact there are already a number of properties around the airport with no known issues, there are no concerns regarding airport noise. Should use of the airport increase, Environmental Health have clarified they would have no statutory power to deal with such noise issues.
- 101 In conclusion Environmental Health has no objection to the principle of the application, but do recommend certain conditions (No's.12 and 13) be attached to protect the residential amenity of future residents.

Air Quality

- 102 The site is outwith the Perth Air Quality Management Area (AQMA) and I note Scone District Community Councils objection on the grounds of adverse impact on the AQMA in particular at Bridgend and Perth City Centre. It is considered that the level of development proposed is quite low in terms of air quality and fundamentally Environmental Health have not raised air quality as an issue nor requested an Air Quality Assessment be submitted with the application.

Contaminated Land

- 103 The proposed development is immediately adjacent to land that is identified as having a former military use. The Land Quality Officer has commented that there is the potential for contaminants associated with this land use to have impacted the proposed development site, potentially affecting its suitability for the proposed use. In line with both SEPA and Council guidance a condition (No.14) relating to contaminated land is recommended with any planning permission.

Open Space Provision including Access

- 104 The LDP requires links to the core path and rights of way to be incorporated within the development. The nearest core paths are the footway along the side of the A94 (SCON/123) which links Balbeggie and Scone and SCON/10 which links the A94 with St Martins northwards along the edge of Muirward Wood. This core path links to others within the wood which leads to Scone. Whilst no details are provided at this stage it is considered feasible that the site will be able to connect up with the core path along the A94 or an alternative route just inside the site boundary could be provided.

- 105 The indicative landscape plan shows an area of open space between the new housing area and airport and a play area will be required to be provided within the development as the nearest are in Scone and Balbeggie.
- 106 The proposed tree and hedge species are considered appropriate although it is recommended only low growing shrubs should be planted along the western boundary as tall tree species planted could block afternoon and evening sunlight to the existing houses. Hedging should be incorporated within garden ground.
- 107 Detailed landscape plans should be submitted prior to the development of the individual phases. These should provide further information on proposed core path links and design and function of public open space and include an equipped play area.

Biodiversity

- 108 The Phase 1 Ecological report submitted by the applicant highlights the potential for breeding birds and breeding/roosting bats to be present. As part of any future detailed submission further investigation of these features will be required at the appropriate time of year.
- 109 The indicative landscape proposals suggest there will be a greater diversity of habitats which will enhance biodiversity of the current agricultural site and is therefore considered to provide a positive impact.

Impact on Perth Airport

- 110 As this is an operating airfield, there is a safeguarding zone within which development is controlled. This is explained in Perth and Kinross Supplementary Guidance on Airfield Safeguarding (December 2011), which includes consultation zones around the airfield for particular heights of development.
- 111 This does not mean that development cannot be permitted within these areas, and the Civil Aviation Authority (CAA) will be consulted if any vertical height and surface restrictions are exceeded. The consultation zones plan within the Supplementary Guidance shows those areas that are specifically safeguarded by the Airport and it indicates that development of the allocated site is acceptable in principle.
- 112 No issue has been raised by any user of the airport. It is expected that the development will be reasonably low level and not interfere with the use and function of the airport.

Scale, design and layout

- 113 As the application is 'In Principle' there is no information at this stage in terms of detailed design and layout of the site. The Indicative Landscaping Scheme and Indicative Phasing Plan indicates a split of the site into 50% housing, including open space, and 50% employment, which is consistent with the allocation in the LDP.

- 114 As for scale, it is unlikely that any buildings, specifically employment, will exceed 15 metres in height, and there is an inbuilt height restriction given the safeguarding provisions for the Airport, which are likely to restrict buildings over 10 metres, in line with CAA CAP738 'Safeguarding of Aerodromes'.

Developer Contributions

Affordable Housing

- 115 The Council's Affordable Housing Policy requires 25% of the total number of houses to be affordable housing. A condition (No.9) to require this should be attached to any planning application granted.

Primary Education

- 116 In terms of primary school capacity the proposal is within the catchments of both Robert Douglas Memorial Primary School and Balbeggie Primary School. A condition (No.10) to require this should be attached to any planning application granted.

Transport Infrastructure

- 117 With reference to the Council's Transport Infrastructure Developer Contributions Supplementary Guidance the proposal will require a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. A condition (No.11) to require this should be attached to any planning application granted.

Economic Impact

- 117 The development of up to 50 dwellings will provide a reasonable increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 50 dwellings the estimated expenditure on convenience and compassion goods will be in the region of £284,050 per annum. This expenditure should have a positive impact on Scone and Perth City Centre in particular.
- 118 The creation of additional employment uses adjacent to an existing employment generator should also have a significant economic impact and provide additional choice for potential investors in the area or those already at Perth Airport looking to expand their business.

- 119 If it is assumed that site coverage of the employment area is 40%, which is reasonable for this location then that equates to c.10,000 sqm of potential new floorspace. Employment densities vary depending upon the type of business from one employee per 10sqm for offices to one employee per 70sqm for warehousing (Employment Densities Guide 2nd Edition 2010 Drivas Jonas Deloitte for English Partnerships'). Depending on the final employment uses, the number of new jobs created here could be somewhere between 143 and 1,000.
- 120 The proposal accords national and local policy aimed at stimulating the economy including the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. This development will have a considerable economic impact after the development stage. It will take time to reach its maximum potential as units become occupied. A local multiplier effect will be experienced as other suppliers grow to increased local demand or start up to serve the influx of new businesses.
- 121 In summary this development would have a positive impact on the local economy.

LEGAL AGREEMENTS

- 122 Not required at this stage but will be required for future detailed applications.

DIRECTION BY SCOTTISH MINISTERS

- 123 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

- 124 The proposal primarily accords with National Guidance and Development Plan policy in relation to mixed use development immediately adjacent to residential and commercial uses and is in line with its allocation within the LDP. The development can be satisfactorily accessed, with appropriate road infrastructure improvements. Together with the future implementation of the CTRLR it offers good connectivity with Scone, Perth and beyond. To ensure compliance with the LDP, a condition preventing the residential element coming forward in advance of the CTRLR being a committed project will need to be applied.
- 125 Accordingly the proposal is recommended for approval subject to the following conditions and associated legal agreement.

RECOMMENDATION

A Approve the application subject to the following Direction and Conditions:

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the in Principle Permission (16/01935/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years.

Conditions

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason - This is an application in principle and to ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 The phasing plan as submitted is purely indicative and is not approved.

Reason - The application is for planning permission in principle only at this stage.

- 3 No development of any housing shall commence until the proposed Cross Tay Link Road (CTLR) as part of the Perth Transport Futures Project is a 'committed project'. For clarification the definition of a 'committed project' in relation to the CTLR project is as follows:

"The CTLR becomes a committed project when all funding, land required for the scheme, statutory approvals, trunk road orders and consents are in place, a contractor appointed and construction on site has commenced"

Reason - To ensure compliance with the Council's Spatial Strategy for the Perth Core Area and prevent housing being developed in advance of the CTLR being a committed project.

- 4 No development shall commence on any phase until further planning application/applications have been submitted to the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:
- a) The delivery of the development in agreed phases.
 - b) Details of any cut and fill operations.
 - c) Full details of the proposed means of disposal of foul water to serve the development.
 - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
 - e) The siting, design, height and external materials of all buildings or structures.
 - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
 - g) Details of any screen walls/fencing/planting to be provided.
 - h) Details of all landscaping, planting including structural planting and screening associated with the development.
 - i) Details of a play area and the equipment to be installed.
 - j) Details regarding access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide).
 - k) Detailed specification of all street and footpath lighting.
 - l) Detailed specification of noise mitigation measures to be incorporated along properties that face the A94 and Airport.
 - m) Detailed plan of connection between the site and core paths.
 - n) Detailed specification of footway improvements on adjacent A94.

The development shall be implemented in accordance with the planning application(s).

Reason - Permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 5 In pursuance of condition 4 c), and prior to the commencement of any works, full details of the finalised foul drainage scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Scottish Water. All work must be capable of connection with the main drainage system and shall be carried out in accordance with the approved scheme.

Reason - In the interests of public health and to prevent pollution.

- 6 In pursuance of condition 4 d) and prior to the commencement of any works, full details of the finalised SUDS scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme.

Reason - To ensure adequate protection of the water environment from surface water run-off.

- 7 In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-

- a) The submission of sustainability checklists
- b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
- c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

Reason - To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the LDP Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 8 In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-

- a) Existing and proposed finished ground levels relative to a fixed datum point.
- b) Existing landscape features and vegetation to be retained.
- c) Existing and proposed services including cables, pipelines, substations.
- d) The location of new trees, shrubs, hedges, grassed areas and water features.
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

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

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

- 9 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 10 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 11 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 12 Road noise shall be reassessed at the Approval of Matters Specified by Condition (AMSC) stage at those properties most affected by the A94 to ensure reasonable internal noise levels within any bedrooms can be achieved.

Reason – In the interest of residential amenity.

- 13 A barrier shall be constructed in line with recommendations contained within the Report on Road and Air Traffic Sound for Morris Leslie at Nugent Drive, Scone, Perth and Kinross by Charlie Fleming Associates dated 31 August 2016. Details of the agreed barrier shall be submitted and approved by the Planning Authority as part of the Approval of Matters Specified by Condition (AMSC) stage.

Reason – In the interest of residential amenity.

- 14 Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

Reason - To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the Development Plan.

- 15 A detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species.

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

- 16 A Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
 - (b) in relation to every tree identified, a schedule listing:
 - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
 - ii. any proposed pruning, felling or other work; and
 - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
 - ii. all appropriate tree protection measures required before and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
 - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

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

- 17 All existing trees and hedging on the site shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified applications.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 1 None.

D INFORMATIVES

- 1 Applicants are advised that should their application(s) for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 2 The applicant is 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.
- 3 The applicant is 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.
- 4 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 6 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Background Papers: Perth's Transport Future Project: Phase 2 Cross Tay Link Road Preferred Route - Report by Depute Chief Executive, Environment (Sustainability, Strategic and Entrepreneurial Development) – 14 December 2016

Contact Officer: Steve Callan – Ext 75337

Date: 5 May 2017

Nick Brian
Interim Head of Planning

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