

Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Mixed use development comprising residential development, employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works

**LOCATION:** Land 250 metres south east of Wilmarean, Luncarty (Luncarty South)

Ref. No: 17/00847/IPM  
Ward No: P5- Strathtay

**Summary**

This report recommends approval of the 'In Principle' application for a mixed use (residential and employment) development and expansion of Luncarty Village. The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The proposed site is situated along the southern boundary of Luncarty some 4.5 miles north of Perth. The site extends to approximately 45.6 hectares and is predominantly arable farmland. Broadleaved trees, hedgerows and tall vegetation are present along the field margins whilst a narrow burn runs to the southwest, outside the site boundary. Immediately north of the site is all residential, whilst the eastern boundary of the site front onto the banks of the River Tay. Immediately west of the site is the Perth to Inverness rail line and beyond this is the current A9 trunk road. To the south is further agricultural land which contains an overhead power line.
- 2 The site slopes from the north, from approximately 27m AOD to approximately 16m AOD, to the south/southwest representing a gradient of approximately 2%. The site is also characterised by an upper and lower plateau, both of which are generally flat, but divided by a transition slope with a steeper gradient varying between 10% and 15%. Within the upper plateau there are two areas of higher ground in the form of rounded hills.
- 3 The site is currently accessed off the B9099 via Scarth Road and a minor private road runs along the majority of the northern boundary of the site which serves several properties, from which a road runs south connecting with the road which crosses the site centrally from east to west up to the boundary/banks of the River Tay. The road running north-south also provides access to Denmarkfield, before again accessing the A9 over a railway bridge. Core paths run along these routes, connecting into the wider area and the path that runs parallel with the River Tay. Overhead power lines run north/south within the western part of the site and also parallel with the southern boundary, but are outwith the site.

- 4 The site forms the majority (70%) of an allocated site (H27) of 64 hectares in the Perth and Kinross Local Development Plan (LDP) for both residential and employment use. The allocation stipulates that the maximum number of dwellings that can be accommodated by 2024 is 300 and 5 hectares is required for employment use.
- 5 The applicants are seeking In Principle planning permission for mixed use development (residential and employment) along with associated, infrastructure, access, landscaping, drainage, SUDS and open space. An accompanying masterplan, phasing plan and Environmental Impact Assessment (EIA) has been submitted alongside the application.
- 6 The key elements of the proposal comprise:
  - Up to 650 homes with a mix and range of housing types;
  - 25 % (158 units) affordable homes;
  - 5 hectares of employment land (Classes 4, 5 & 6);
  - Sustainable Urban Drainage Systems and improvements to localised drainage issues;
  - Open space: formal and informal, recreational areas and play areas;
  - Additional tree planting;
  - New footpaths and cycle paths integrated with existing routes.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 8 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 9 An Environmental Statement was required to be submitted with the proposal as the scale of development adjacent to the River Tay and its Special Area of Conservation (SAC) designation exceeded the EIA thresholds.

## **PRE-APPLICATION CONSULTATION**

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it involves more than 2 hectares of developable area or above 50 dwellings. 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 14/00009/PAN) outlined that a public exhibition was held locally and the previous Ward Councillors for the area were consulted as well as Luncarty, Redgorton and Moneydie Community Council.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 12 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.

### **Scottish Planning Policy 2014**

- 13 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
- Affordable Housing: paragraphs 126 – 131
- 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

- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space

- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 65 Planning and Open Space
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

### **Creating Places**

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

### **Designing Streets 2010**

- 17 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

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

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

### **DEVELOPMENT PLAN**

- 19 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

## **TAYPlan Strategic Development Plan 2016-2036**

- 20 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 21 *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 22 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

### **Policy 1: Locational Priorities**

- 23 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area 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 make a major contribution to the region’s economy.

### **Policy 2: Shaping Better Quality Places**

- 24 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

### **Policy 4: Homes**

- 25 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 25,020 units up to year 2028 and a further 16,680 by 2036.

### **Policy 6: Developer Contributions**

- 26 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 8: Green Networks**

- 27 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
  - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
  - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

### **Policy 9: Managing TAYPlans Assets**

- 28 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

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

- 29 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 30 The principal relevant policies are, in summary

### **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM1C - Placemaking**

- 33 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A masterplan will be required in most cases.

### **Policy PM2 - Design Statements**

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

### **Policy PM3 - Infrastructure Contributions**

- 35 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**

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

### **Policy ED1A - Employment and Mixed Use Areas**

- 37 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 ED1B - Employment and Mixed Use Areas**

- 38 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

### **Policy RD1 - Residential Areas**

- 39 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. 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**

- 40 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**

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

**Policy TA1B - Transport Standards and Accessibility Requirements**

- 42 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 CF1A - Open Space Retention and Provision**

- 43 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

**Policy CF1B - Open Space Retention and Provision**

- 44 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**

- 45 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**

- 46 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 and provided



### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

- 47 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 HE4 - Gardens and Designed Landscapes**

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

### **Policy NE1 - Environment and Conservation Policies**

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

### **Policy NE2A - Forestry, Woodland and Trees**

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

### **Policy NE2B - Forestry, Woodland and Trees**

- 51 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

### **Policy NE3 - Biodiversity**

- 52 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**

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

### **Policy ER5 - Prime Agricultural Land**

- 54 Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non-prime land or it is small scale development (generally single buildings) linked to rural business.

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

- 55 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**

- 56 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**

- 57 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**

- 58 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**

- 59 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**

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

**Policy EP8 - Noise Pollution**

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

### **Policy EP11 - Air Quality Management Areas**

- 62 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**

- 63 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 EP15 - Development within the River Tay Catchment Area**

- 64 Nature conservation in the River Tay Catchment Area will be protected and enhanced. To ensure that there are no adverse effects on the River Tay SAC listed criteria will be applied to development proposals in Acharn, Balnaguard, Camserney, Croftinloan/Donavoured/East Haugh/Ballyoukan, Fortingall, Grandtully/Strathtay/Little Ballinluig, Logierait, Tummel Bridge, Concraigie and Kinloch, Bankfoot and Kirkmichael.

### **OTHER POLICIES**

- 65 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing 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 (Draft) July 2014
  - Perth and Kinross Retail Study 2014
  - Perth City Plan 2015 – 2035
  - Open Space Standards (2001)

### **SITE HISTORY**

- 66 The following history is of relevance;
- **97/00614/FUL** Residential development (in outline). Application refused 8 August 1997
  - **14/00009/PAN** Proposal of Application Notice (PAN) for residential development. Content of PAN agreed 5 November 2014
  - **15/00419/SCRN** EIA Screening Request for mixed use development. Screening Opinion provided 24 March 2015 – EIA required.
  - **15/00511/SCOP** EIA Scoping Request for residential development. Scoping Opinion provided 30 April 2015.

## **CONSULTATIONS**

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

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

- 68 No objection on grounds of flood risk.

#### **Scottish Natural Heritage (SNH)**

- 69 No objection on grounds of impact on River Tay SAC

#### **Scottish Water**

- 70 No objection. Currently capacity in the Perth Water Treatment Works and the Perth City Waste Water Treatment Works.

#### **Historic Environment Scotland (HES)**

- 71 No objection. Proposal does not raise historic environment issues of national significance.

#### **Transport Scotland**

- 72 No objection but recommend certain conditions.

#### **Forestry Commission Scotland (FCS)**

- 73 No objection. Pleased to see the amount of tree removal is minimal and is outweighed by the amount of trees to be planted within the site.

#### **Network Rail**

- 74 No objection provided requested conditions are attached to any planning consent.

#### **Perth and Kinross Heritage Trust (PKHT)**

- 75 The proposed development site lies within an area that is considered to be archaeologically sensitive. Given the scale of the proposed development site and its archaeological potential, it is recommended that a programme of archaeological works be carried out, the scope and timescale of which will be agreed with PKHT.

## **Luncarty, Redgorton and Moneydie Community Council**

76 Object to the proposal on the following grounds:

- Traffic and transport issues
- Adverse impact on core paths
- Adverse visual impact
- Archaeology
- Drainage
- Adverse impact on environment
- Adverse impact on Luncarty

## **Royal Society of Protection of Birds (RSPB)**

77 No response received.

## **Tay Salmon Fisheries Board**

78 No response received.

## **Scottish Canoe Association**

79 No response received.

## **INTERNAL**

### **Biodiversity Officer**

80 No objection provided a number of conditions are imposed with any consent.

### **Transport Planning**

81 No objection provided specific conditions are applied to address transport and placemaking requirements.

### **Environmental Health**

82 No objection in principle on grounds of noise and air quality provided a requested noise condition is included with any consent.

### **Flood Risk and Structures**

83 No objection on the grounds of flood risk or drainage.

### **Strategy and Policy**

84 Whilst it is not a specific requirement in the LDP, an area of the allocated site has not been incorporated, due to land ownership issues. It is not in the spirit of masterplanning but an application could not be refused on these grounds.

### **Contributions Officer**

- 85 Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments to secure the following:

- Affordable Housing provision
- Primary Education provision
- Transport Infrastructure provision including public transport
- Open Space provision and maintenance
- Play Area provision and maintenance
- Core Path provision and maintenance
- Sports Pitch provision and maintenance

### **Community Greenspace**

- 86 No objection but provide detailed advice regarding the design and provision of good public open space (POS) including equipped play areas, sports provision and path connections for both recreation and active travel.

### **Waste Services**

- 87 No objection.

### **REPRESENTATIONS**

- 88 The application has attracted 110 representations with 108 objecting to the proposal. The following issues raised in the objections are addressed in the Appraisal section of this report;

- Contrary to Development Plan
- Adverse impact on residential amenity
- Adverse impact on visual amenity
- Adverse impact on biodiversity
- Adverse impact on trees
- Adverse impact on Core Paths
- Traffic congestion
- Traffic safety
- Impact on primary school
- Excessive density
- Inappropriate land use
- Loss of open space/countryside/agricultural land
- Noise pollution
- Light pollution
- Flood risk
- Construction traffic impact
- Excessive height
- Loss of daylight and potential overlooking

89 These issues are addressed in the Appraisal section of the appraisal.

## 90 **ADDITIONAL STATEMENTS**

Environment Statement	Submitted
Screening Opinion	Submitted
Environmental Impact Assessment	Submitted
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted

## **APPRAISAL**

91 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

92 In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance such as the Developer Contributions Supplementary Guidance including Affordable Housing April 2016 and Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

### **Principle**

93 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. Luncarty and the proposed site is located within Tier 1 - Perth Core Area and it therefore complies with the objective of this policy.

94 The principle of large scale residential and employment development has been established through its allocation (H27) in the LDP. Based on site area of 45.6 hectares, the proposed development is a medium density proposal (16 dwellings per hectare) and is considered suitable for edge of settlement locations in the context of national policy stating the desirability of using land efficiently.

### **LDP Site Specific Requirements**

- Masterplan submitted at the time of any planning application to ensure built form and layout respond appropriately to the landscape
- The open space which abuts the River Tay must be defined by a Flood Risk Assessment and protected in perpetuity for Flood Risk reasons.
- Transport Assessment

- Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses
- Enhancement of biodiversity and protection of riverbank habitats
- Cycle paths, core paths and rights of way incorporated into masterplan and designed to improve active transport links between Luncarty and Perth.
- Path improvements to proposed core paths within the housing site and associated greenspace addressed in masterplan.
- Developer contribution towards connections and improvements to core paths in the vicinity.
- Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources.
- Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC.
- Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC.
- A desk based archaeological assessment of the site with a subsequent more detailed investigation if justified.

**Masterplan submitted at the time of any planning application to ensure built form and layout respond appropriately to the landscape**

- 95 The applicant has provided a Masterplan establishing the broad land use, phasing and placemaking principles for the majority of the site. An area of the LDP allocated site has not been incorporated due to land ownership issues.
- 96 An updated masterplan provides the necessary connections into the remaining area of land and the landowner understands that he requires the current application site to come forward to unlock his site as there is currently no viable access into it from the north or east. The landowner has been in dialogue with the Planning Authority and it is expected that he will submit a planning application for the remaining area once the parameters have been established in the current application. This approach is considered to be reasonable.
- 97 Whilst this means that the site is not being masterplanned as comprehensively as hoped it is not a specific requirement in the LDP. The proposal still address the requirements of LDP Policy PM1 - Placemaking as the submitted masterplan document fully assesses the proposed site, its constraints and opportunities before arriving at an indicative site layout showing where the roads, residential, employment, open space, play areas should be located. The design, density and siting of development respects the character and amenity of the area, new and improved links within and outwith the site and provides an appropriate provision of open space and planting.



- 98 It is considered the masterplan offers the opportunity to create a new neighbourhood that provides an attractive sense of place and a welcoming environment next to the River Tay but also easily accessible to the trunk road network. The masterplan seeks to achieve this by guiding the layout and urban form through compatible land uses.
- 99 The residential amenity of existing residents in Luncarty will change as this is a large expansion of the village and this is a concern expressed in many of the representations submitted. The change can also be a positive one as the increased population will in turn require additional and improved community facilities to be provided.
- 100 An indicative Phasing Plan has been submitted which shows the development starting in the north west corner and moving southwards before moving east towards the River Tay. The predicted timescale of the construction is anticipated to be in the region of 20 years. The phasing strategy of the updated masterplan and development moving west to east is considered acceptable.

**The open space which abuts the River Tay must be defined by a Flood Risk Assessment and protected in perpetuity for Flood Risk reasons.**

- 101 A detailed Flood Risk Assessment (FRA) was submitted as part of the EIA and was assessed by both SEPA and Flood Risk and Structures. Outer areas of the proposed site closest to the River Tay are within the 1:200 flood envelope but have been designated as landscape and open space on the proposed masterplan. Neither SEPA nor Flood Risk and Structures have raised any concern regarding flood risk. All development as shown in the updated masterplan is sited outwith the flood risk area on higher ground.
- 102 There are some areas throughout the site that are at risk of surface water flooding but as this is an In Principle application this will need to be considered at the detailed design stage for drainage infrastructure to further guide and appropriate layout and design. (Condition 26).

**Transport Assessment**

- 103 A detailed Transport Assessment (TA) and Supplementary TA was submitted in support of the application and has been assessed by both Transport Scotland and Transport Planning. This has been examined from both a technical and placemaking perspective. A significant proportion of the TA directly relates to the Trunk Road Network and Transport Scotland have not raised any issue.
- 104 A new Primary Access Road constructed near the existing junction of the B9099 /Scarth Road is proposed to access the site. This will involve the realignment and improvement of the initial section of Scarth Road (which will form part of the new Primary Access Road). An assessment of the B9099/ New Primary Access Road has been undertaken as part of the TA and it indicates that it will operate near its theoretical maximum capacity with 650 dwellings.

- 105 Discussions have taken place with the applicants regarding the traffic impact of the 5 hectares of employment land which had not been assessed in the submitted TA. The developer has since carried out an Employment Land Sensitivity Test to assess the impact of the employment land and traffic generation. The report focused on the theoretical performance of this new junction with the predicted residential and employment land (5ha) traffic flows being added to the existing observed traffic flows.
- 106 Transport Planning's assessment of the TA and Employment Land Sensitivity Test is that in terms of junction modelling, a Ratio of Flow to Capacity (RFC) of 0.85 is considered to be the upper limit of acceptable junction performance. At an RFC of 0.85 or above, the junction operation would be compromised. The report concludes that the traffic flow from 650 housing units and 5ha of employment land on the B9099/Primary Access Road junction is above an RFC of 0.85 and thus the junction cannot accommodate this additional traffic generation of the original proposal.
- 107 The TA recommends 630 housing units with 5ha of employment land (Office – 2500m<sup>2</sup>, Industrial – 5000m<sup>2</sup> and Storage – 5000m<sup>2</sup>), resulting in an RFC of 0.848 (AM peak period). This shows the B9099/Primary Access Road junction operating at the upper limit of capacity. It also shows that between the 08:45 – 09:15 periods there will be 5 vehicles queuing at this junction. No assessment of this impact on the new junction with Scarth Road is provided. Given its close proximity to the southbound slip road onto the A9, Transport Planning consider there is potential for conflict. The junction assessment also highlights the potential for major road arm blocking to occur, thereby further compromising the operation of the new junction.
- 108 Therefore any additional development (either additional residential or business) traffic will result in the junction operating above capacity. There is also the matter of future traffic growth beyond the LDP limit of 300 dwellings, which would see the junction over capacity within a short period of time (informed from the stated RFC in the TA of 0.848 at completion year of 2033). For further development beyond the 300 to be acceptable a link south to the proposed Cross Tay Link Road (CTLR) or A9 will likely be required.
- 109 Whilst it may be feasible from an engineering perspective for all vehicles to enter and exit the site from a single access, there is concern that this is not appropriate from a good planning, placemaking and connectivity perspective and would lead to the creation of a large cul de sac at the southern end of Luncarty. This approach would also not comply with one of the other site specific criteria - *Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses*. Indeed, approval beyond this number without a detailed review of the wider road network implications could have an unplanned adverse effect.
- 110 When the site was being assessed by the Directorate of Planning and Environmental Appeals (DPEA) as part of the LDP process the Reporter was quite clear that no more than 300 dwelling should be allowed off the one access and as a result a restriction was placed that no more than 300 dwellings are allowed by to be occupied by 2024. Development above 300 dwellings will

require a second vehicular access. Whilst with an average build rate of 25-30 dwellings a year, it is unlikely that this 300 threshold will be exceeded. By 2024, it is also expected that the A9 dualling and the Cross Tay Link Road will be in place and will help facilitate a second access point to the south of the site. The development of this site should therefore respect the purposes of these national and regional infrastructure projects and facilitate enhanced connectivity and placemaking of the site by appropriate connections to the new infrastructure.

- 111 Whilst the proposed masterplan shows a potential access south in the future, it is understood that it is currently not within the applicant's ownership nor control to deliver a second access at this location.
- 112 There is therefore a variance between what the applicant's TA says is possible in capacity terms and what the LDP stipulates in respect of access, traffic and placemaking objectives. It is considered that the position of Transport Planning will address the planning objectives of the site and area; to secure that, if this development is to come forward, it will be necessary to restrict the housing numbers to 300 off a single access so the impact of this number of dwellings can be more fully considered. A specific condition (No. 3) is recommended to restrict the housing numbers to a maximum level of 300, with a review of the traffic and connection impacts from a single access required upon completion of 250 dwellings through an updated TA. This assessment will provide real data and analysis of the impact of the development on the road network and the place as it has been developed. This information will be used to determine the acceptability or otherwise of an appropriate scale of increased development (beyond 300 dwellings) off the single access and identify appropriate development triggers for a second vehicular access on to the CTRL or A9 or alternative measures being provided as necessary.
- 113 Additional access points via Scarth Road and Fairview have been identified in the TA, however the impact of development traffic utilising these access points has not been assessed. With significant areas of development located to the east of these access points there is potential for vehicles to make use of these accesses which will have an impact on Fairview and Scarth Road. The TA notes the substandard nature of Scarth Road, however no mitigation is proposed beyond the initial section linking the new Primary Access Road. Condition 30 will be required to ensure this section is upgraded to the required standards.
- 114 The TA highlights that much of the development is a significant distance from the existing public transport network and new/additional local bus services will have to be provided with an appropriate financial contribution required from the first phase of the development. The road layout of Phase 1 will have to ensure that there are opportunities for buses to "loop" either using the road layout itself or through the provision of a bus turning area. Without a loop or bus turning area it is unlikely that the mode share noted in the TA for public transport will transpire. A second connection to the south would provide for further enhancement of bus connections.

- 115 Within the submitted Construction and Environmental Management Plan (CEMP) it is noted that a Traffic Management Plan will be agreed with the Council prior to development commencing. It is considered unlikely that the existing Scarth Road/Fairview route will be appropriate for any significant construction traffic and therefore the new access point and improvements to the initial section of Scarth Road will be required to be implemented prior to the commencement of any works on site.

**Design of the new A9 junction and river crossing will require to have been approved prior to finalisation of the layout for more than the first 300 houses**

- 116 Please see the above section (Paras 103-115) regarding transport assessment.

**Enhancement of biodiversity and protection of riverbank habitats**

- 117 The site is predominantly arable farmland with some hedgerows with trees of varying quality. An extended Phase 1 Habitat Survey dated January 2015 has been submitted with the application along with a Protected Species Survey from July 2016 and the ecology and biodiversity of the site has been considered in the EIA. As this is an 'In Principle' application it will be necessary to provide updated comprehensive Habitat and Protected Species Surveys with any further detailed applications for this development, as the validity of such surveys is limited by time.
- 118 Some trees and the remains of an existing hedgerow along the core path/lane leading south from Fairview will be lost as a result of the proposed layout of the masterplan. Any vegetation removal should be undertaken outside of the bird breeding season to avoid disturbance of breeding birds. If not possible a pre-commencement survey prior to the vegetation clearance should be carried out by a suitably qualified ecologist.
- 119 Trees on site have been identified as having potential bat roost features, any tree to be felled should be assessed for bat roost features and the appropriate bat surveys should be undertaken prior to felling of trees.
- 120 Otters and Beaver are known to frequent the River Tay adjacent to the site as well as the potential presence of Freshwater Pearl Mussels and there are a number of birds nesting on or close to the site.
- 121 A development of this scale offers opportunities to provide suitable nest/roost sites for particular bird species and bats. The Councils Biodiversity Officer has recommended that a proportion of all 2 storey properties should incorporate nest boxes and bat roosts. Please see Condition 4(xi).
- 122 In terms of trees and woodland both Forestry Commission Scotland and Community Greenspace reviewed the submitted tree survey proposals and both were pleased to see that the majority of the existing tree cover is to be retained. A further tree survey will need to be undertaken that directly relates to the final layout to ensure trees are protected and retained appropriately all as

described in BS 5837 2012 Trees in relation to design demolition and construction.

**Cycle paths, core paths and rights of way incorporated into masterplan and designed to improve active transport links between Luncarty and Perth**

- 123 The proposed masterplan and associated text provide many references to the core paths and cycle paths and the need to retain and enhance these. The LDP also requires core footpaths to be accommodated and the requirement for contributions for improvements. The LDP also identifies that pedestrian and cycle routes to the village should be provided and suitable boundary treatment provided to create a village edge.'
- 124 It is therefore essential that the core paths through the development site are designed to fulfil their function as functional recreational routes. Core Path LUNC/102 is the key cycle path through the site and will need to be separated from the principal street to provide a remote cycle path at least 2.5m wide with a sealed surface. LUNC/100 is the key link with the riverside path (LUNC/2) and this should also be separated over the portion which is a principal street and should be within a green corridor towards the riverside.
- 125 Luncarty residents currently enjoy taking recreation on these core paths through countryside, these will now be incorporated through streets removing this valued and important recreational facility. There should be new paths created through the woodland on the south edge to link with LUNC/2. These paths should be 2.5m wide and be designed to provide a countryside feel (i.e. not straight). LUNC/116 has been retained within a green corridor as a woodland path, this should also be designed to create a countryside feel. The riverside path LUNC/2 will provide the main recreational route and can also be used to connect to Perth for longer distance recreational/functional travel. To cope with additional use arising from the development this should be upgraded within the site and an off-site contribution should also be made.
- 126 Both the communities of Luncarty and Stanley are keen to establish a cyclepath connection between each settlement on Core Path STAN/117). A proportionate off-site contribution would be applicable and reasonable and ensure compliance with LDP Policies PM1 – Placemaking and CF2- Public Access to upgrade this path as it is expected that it will be a route which will be well-used by residents of both settlements once established. A contribution is to be provided by the applicants for the recently minded for approval expansion of Stanley village. This contribution will be controlled through the S75 process.

**Path improvements to proposed core paths within the housing site and associated greenspace addressed in masterplan**

- 127 Please see above section regarding core path improvements within and outwith the site (paras 123-126).

- 128 Community Greenspace commented that the design of public open spaces need to be multifunctional and maintenance efficient and allowing access for maintenance machinery. Small areas of public open space should be avoided and any tree planting should ensure there is sufficient space to avoid creating shade and other issues for residents in the longer term, and shrubs should not require onerous pruning. The masterplan proposes 7 pocket parks spread throughout the site and larger park area located centrally within the site.
- 129 There will be a requirement for one equipped play area to cater for 4-8 & 8-14 age groups (REAP) to the Councils Play Area Standards. Play areas should be located to be overlooked and accessible to the maximum number of residents possible. The masterplan indicates 3 play areas will be provided with the areas of open space and is compliant with LDP Policy CF1B – Open Space within New Developments.
- 130 Community Greenspace also comment that there may be a desire for a further football pitch or floodlit all weather pitch with changing facilities, parking for shared use between existing community clubs and school teams. Whilst there appears to be adequate facilities for the current teams demand is likely to grow with increasing population. The masterplan identifies the possibility of formal pitch provision being provided on site within the large area of central open space. Further consultation with existing football clubs should be undertaken to assess the future need. The level of provision and specification should be reflected within the S75.

**Developer contribution towards connections and improvements to core paths in the vicinity**

- 131 Due to the impact of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments.
- 132 The Councils Community Greenspace team have identified the need for the core paths to be improved within and in close proximity of the site, including the Luncarty to Stanley Core Path (STAN/117). The Councils Developer Contributions Officer has identified that a contribution is required to cover this to comply with LDP Policy CF2 – Public Access and is included in the Section 75 Heads of Terms.

**Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources**

- 133 AECOM were appointed by Perth and Kinross Council to independently review the District Heating (DH) feasibility study submitted by the applicant for the proposed development. The feasibility study has been assessed against the CIBSE Heat Networks: Code of Practice (CP1) to determine whether or not the developer's conclusion that the network is not viable is reasonable.
- 134 In general the information provided is considered reasonable, but only one heat source, Combined Heat and Power (CHP) has been covered and many key assumptions are not detailed. The financial assessment looks to cover expected parameters, but there is insufficient breakdown of the inputs to the

model to properly understand whether the outcomes are reliable. No breakdown of cost is provided for the energy centre and heat network other than the Capital Expenditure for Luncarty is costed at approximately £3.6m.

- 135 From the information provided AECOM consider that it is not possible to determine whether the project is viable as the level of detail required has not been provided. To determine the feasibility of the project further information would be required. Details such as fuel consumption figures, heat network losses, heat sales figures, maintenance and replacement costs and assumptions would be needed. No information has been provided on network pipe routes and sizes as it is a high level study, but cost assumptions seem to be reasonable.
- 136 Based on the feedback from AECOM and that this an In Principle application, it is considered reasonable that further investigation into a District Heating system for Luncarty is still required and is an option that should not be discounted just yet. The provision of district heating is high on the agenda with the Scottish Government and is expected to be for many years to come. Condition (No. 21) will require the applicant to re-look at this issue for the detailed stage of the planning process to ensure compliance with LDP Policy EP1 – Climate Change, Carbon Reduction and Sustainable Construction.

**Construction Method Statement to be provided for all aspects of the development to protect the watercourse. Methodology should provide measures to protect the watercourse from the impact of pollution and sediment so as to ensure no adverse effects on the River Tay SAC**

- 137 SNH commented that whilst the development lies adjacent to the main stem of the River Tay and part of the River Tay Special Area of Conservation (SAC), it does not directly impact upon the SAC. There could be indirect impacts during and post construction from run-off of sediment and other pollutants.
- 138 A Construction Environmental Management Plan (CEMP) was submitted as part of the EIA and SNH commented that if this document is approved as part of the planning application, it is unlikely that the proposal will have a significant effect on any qualifying interests and Perth and Kinross Council will not be required to carry out an appropriate assessment. Condition 10 would ensure the content of the CEMP will need to be adhered to during the construction period and ensure compliance with LDP Policy EP15 – Development within the River Tay Catchment Area.

**Where the development of the site is within 30 metres of a watercourse an otter survey should be undertaken and a species protection plan provided, if required so as to ensure no adverse effects on the River Tay SAC**

- 139 An extended Phase 1 Habitat Survey dated January 2015 has been submitted with the application along with a Protected Species Survey including otters from July 2016 and the ecology and biodiversity of the site has been considered in the EIA.

- 140 No development is proposed within 30 metres of the River Tay and no issue regarding otters has been raised by either SNH or the Council Biodiversity Officer. The proposal is considered to comply with LDP Policy NE3 – Biodiversity.

**A desk based archaeological assessment of the site with a subsequent more detailed investigation if justified**

- 141 The proposed development site lies within an area that is considered to be archaeologically sensitive. The EIA identified a number of heritage assets within the site. These include two areas of cropmark archaeology indicative of prehistoric settlement; and potential evidence associated with the putative Battle of Luncarty and for burial cairns on the 'plain of Luncarty'.
- 142 Given the scale of the proposed development site and its archaeological potential, PKHT recommend that a condition for a programme of archaeological works is attached to any consent to ensure compliance with LDP Policy HE1B – Non-Designated Archaeology. (Condition 8).

**Visual Amenity**

- 143 The landscape and visual impact assessment, undertaken as part of the EIA assessed 6 key views into the site. The assessment predicts three key visual effects within the boundary of the proposed development.
- 144 Viewpoints 5 and 6 are located on Core Paths adjacent to the Proposed Development are not considered to be particularly sensitive but it is the change from a rural to an urban environment that creates a more significant effect. The scale of the proposed development means this finding is not unexpected and reflects the proposed changed nature of the environment at this location.
- 145 The third visual resource to experience a significant effect is Core Path LUNC/100, which crosses the centre of the site. This road will inevitably change to a more urban environment and is not unexpected.
- 146 The remaining viewpoints and receptors are predicted to not experience any significant landscape or visual effects.
- 147 The application site is located on the southern edge of Luncarty, can be broadly considered to visually contain the proposed development to the north. The woodland alongside the River Tay visually contains the proposed development to the southeast and south with further woodland belts generally containing views in a westerly direction.
- 148 The proposed landscape framework of the proposed development is considered likely to screen some of the proposed residential areas and the visible areas are likely to resemble that of the existing urban environment of Luncarty.



## **Roads and Access**

- 149 The issue of the single vehicular access has been addressed above under the Transport Assessment section.
- 150 In terms of accessibility to non-car modes especially walking and cycling the masterplan does show how the existing path and core path network will be utilised to ensure future residents will have comfortable and easy access to facilities within the village and beyond to both Stanley and Perth.

## **Employment land**

- 151 The submitted masterplan shows the provision of 5ha of employment land located at the south western edge of the site. It will be accessible directly off the main road through the site. The proposed location for employment use is considered to be acceptable and will provide potential opportunities for people to live and work within Luncarty. Please see Condition 5 on delivery timescale of the employment land.

## **Network Rail Infrastructure**

- 152 Whilst Network Rail has no objection to the proposal, nevertheless due to its close proximity to the operational Perth to Inverness railway line, they request that their infrastructure is not compromised and certain matters are taken into account, and included as Conditions (No's: 12 and 13) and Informatives (No's: 11 to 16).

## **Waste Collection**

- 153 No concerns were expressed by Waste Services at this stage of the planning process. An informative (No.7) has been added to remind the applicant to contact them when at the detailed design stage to ascertain what the waste and recycling requirements will be and to incorporate them within the finalised design at the Approval of Matters Specified in Conditions (AMSC) stage.

## **Air and Noise Quality**

- 154 The impact on air quality and noise has been considered as part of the EIA and has been reviewed by Environmental Health.

### Air Quality

- 155 The Air Quality Assessment (AQA) carried out predicts increases in levels of nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub> & PM<sub>2.5</sub>) at receptors close to this site and within the Perth Air Quality Management Area (AQMA) at Barrack St and Atholl St. The impact to air quality was assessed in line with the Environmental Protection Scotland/ Royal Town Planning Institute guidance document *Delivering Cleaner Air for Scotland* which is the current guidance for this type of assessment.

- 156 The increase in each of the above pollutants is less than 1% of their respective standards. Due to the relatively small increase in NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>, Environmental Health have no objections to the proposal on air quality grounds and is compliant with LDP Policy EP11 – Air Quality Management Areas.
- 157 Supporting this application was a report on the viability of a district heating system, which concluded that a district heating system was not financially viable at this time. Depending on the type of system and the fuel source these can have an impact on the air quality locally, therefore should district heating become financially viable, this impact will need to be reconsidered.

### Noise

- 158 Noise was also assessed as part of this application particularly for the properties to the west of the site in close proximity to both the current A9 trunk road and the Perth to Inverness rail line.
- 159 Noise was measured at 3 locations indicative of housing plots over 3 consecutive 1 hour periods and this was used to calculate a 16 hour L<sub>Aeq</sub> using the Calculation of Road Traffic Noise (CRTN) methodology. This gave daytime predictions of 58.8dBA, 61.6dBA and 60.9dBA, each of which is above the target level set down in PAN 1/2011 of 55dBA external to new housing.
- 160 The night time levels were said to be 10 dBA lower than the daytime, which is not an ideal method for predicting night time noise but has been considered acceptable previously. This gives internal night time levels of 34dBA, 37dBA and 36dBA in bedrooms facing the road with windows open slightly for ventilation. This is above the World Health Organisation (WHO) guideline levels designed to prevent sleep disturbance.
- 161 To mitigate any excessive noise both in gardens and internally, an acoustic barrier is proposed along the western boundary of the site. This will protect the garden areas of the houses; however it will depend on the height of the barrier relative to any first floor windows as to whether it will adequately protect the bedrooms. As this is an In Principle application, the exact locations of dwellings is not known at this stage and noise will need to be reassessed for any Approval of Matters Specified by Condition (AMSC) for the detailed phases of development. Condition 9 will ensure the development will comply with LDP Policy EP8 – Noise Pollution.
- 162 As this is a large site which will take many years to complete, construction effects may become important. To minimise the potential for loss of amenity through dust and noise, the applicant has prepared a Construction Environmental Management Plan (CEMP) and Environmental Health recommend the uptake of the measures proposed within it be conditioned (Condition 10).

## **Cultural Heritage**

- 163 There has been no objection from Historic Environment Scotland as there is no impact of national significance. No concerns were raised regarding any visual impact from Scone Palace and its Historic Garden and Designed Landscape (HGDL) which was assessed in the Landscape and Visual Impact section of the EIA.
- 164 The scope and methodology of the Cultural Heritage section of the EIA is acceptable in relation to the assessment of potential impacts on listed buildings, conservation areas and sites on the Historic Environment Scotland Inventory of Gardens and Designed Landscapes. The proposed development will have no significant direct or indirect impact on any listed buildings, conservation areas or gardens and designed landscapes within the area assessed. The proposal therefore accords with LDP Policies HE 2 – Listed Buildings; HE3 - Conservation Areas; and HE4 – Gardens and Designed Landscapes.

## **Developer Contributions**

- 165 Due to the impact of the proposed development on existing facilities and infrastructure, a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments covering the following:
- Affordable Housing provision
  - Primary Education provision
  - Transport Infrastructure provision including public transport
  - Open Space provision and maintenance
  - Play area provision and maintenance
  - Core path provision and maintenance
  - Sports pitch provision and maintenance

## **Socio-Economic Impact**

- 166 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. New residents should also fill job vacancies and support existing employers in the local area.
- 167 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

## **LEGAL AGREEMENTS**

- 168 A legal agreement is required to secure infrastructure for Luncarty South. A Draft Heads of Terms has been agreed.

## **DIRECTION BY SCOTTISH MINISTERS**

- 169 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**

- 170 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not significantly conflict with the Development Plan.
- 171 The expansion of Luncarty is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a sustainable community, serving as a well-connected satellite settlement to Perth. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Luncarty and the wider area.
- 172 The proposed development site subject to a restricted number of dwellings is considered to primarily accord with the Development Plan, will lead to the creation of new homes to meet the predicted population growth, jobs both during the construction period and afterwards with enhanced community facilities, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 173 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 with respect to the in Principle Permission (17/00088/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 20 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 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the

Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

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

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

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

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

- 3 Notwithstanding the terms of Condition 2, the maximum number of dwellings permitted to be occupied by 2024 is 300 dwellings. Furthermore, no more than 300 dwellings and 5 hectares of employment land, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new road infrastructure solutions to distribute traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority. These solutions may take the form of one or a combination of: a vehicular connection to the A9 Trunk Road, a vehicular connection to the Cross Tay Link Road (CTLR) or alternative measures. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units and include the timing for the delivery for the infrastructure improvements.

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

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

- (i) a detailed phasing plan;
- (ii) a detailed levels survey (existing and proposed) and cross sections

- showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (iii) the siting, design, height and external materials of all buildings or structures;
  - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
  - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
  - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
  - (vii) details of all landscaping, structure planting and screening associated with the development of each site;
  - (viii) the lighting of all streets and footpaths;
  - (ix) the layout of play areas and the equipment to be installed;
  - (x) full details of the proposed means of disposal of foul and surface water from the development;
  - (xi) details of car charging points to be provided within the development; and
  - (xii) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.

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

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

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

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

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

- 6 No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction).

The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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

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

Reason: In the interest of sustainable transportation.

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

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

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

Reason: In the interests of residential amenity

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

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

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

Reason: In the interests of residential amenity

- 12 The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval

before development is commenced and the development shall be carried out in full accordance with such approved details.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility

study has been incorporated into the finalised design and layout of the proposal.

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

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

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

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

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

Reason: In the interests of road safety.

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

Details of the schemes shall include:

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

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

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

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

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

- 26 As part of any application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding

Team. The agreed detail shall thereafter be implemented prior to the completion of development.

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

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

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

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

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

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

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

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

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

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

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

## **B JUSTIFICATION**

- 174 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**

- 175 Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00847/IPM

- 176 The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application having to be re-assessed through failing to comply with the associated developer contributions policy and may ultimately be recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 2 The applicant is advised that in terms of 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, 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](http://www.sepa.org.uk)
- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

- 8 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 10 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
- 11 The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
- 12 The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
- 13 Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
- 14 Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
- 15 Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
- 16 Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

- 17 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 18 For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
- 19 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 20 Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.

Background Papers: 110 letters of representation  
Contact Officer: Steve Callan 01738 475337  
Date: 31 January 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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