

Perth and Kinross Council
Planning & Development Management Committee – 5 May 2021

Report of Handling by Head of Planning & Development (Report No. 21/58)

<p>PROPOSAL: Erection of a replacement primary school including nursery, formation of parking areas, landscaping and associated works</p> <p>LOCATION: North Muirton Primary School, Uist Place, Perth, PH1 3BY</p>

Ref. No: [21/00096/FLM](#)
Ward No: P12 - Perth City Centre

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application is for the replacement of North Muirton Primary School to provide a larger primary school incorporating the Balhousie Primary School catchment. Balhousie PS and North Muirton PS will remain operational until early 2023. The build of the replacement North Muirton/Balhousie PS is due to commence this year with a completion of early 2023. At that point the two schools will move into the new build. This will then be followed by the demolition of the existing North Muirton PS and the pitch/greenspace element is then completed. To make space for the build North Muirton PS Nursery is being decanted over to Balhousie PS at the start of Summer Holidays so the stand-alone nursery building can be demolished over the Summer Break.
- 2 The existing school is a single storey flat roofed structure built in 1977 constructed from a steel frame with blockwork infill panels. The building is currently experiencing deterioration to the internal and external fabric and is now no longer fit for the modern educational needs and its condition is such that is beyond repair and a replacement school is considered necessary.
- 3 The demolition is to be carried out in two phases due to the placement of the new building and the new school will be built while the existing school remains operational during the construction process. The nursery will be demolished first to allow the construction of the new building to commence. The larger, new build primary school will incorporate all stages of early years and primary, nurture and Additional Support Needs provision.
- 4 The site has an existing vehicular access at Uist Place which will be used to access the staff carpark and a new vehicular access with parking and service

road will be formed at Argyll Road. Existing pedestrian links will be retained and improved.

Pre-Application Consultation

- 5 The proposed development is classed as a 'Major' development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation with the local community and a Pre-Application Consultation (PAC) Report on this supports the application. A PAC event was held at North Muirton PS on 9 March 2020 from 16:00 – 20:00. The event was repeated at Balhousie PS on 10 March from 16:00 – 20:00 with feedback from 17 people received.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 An EIA screening exercise (20/00588/SCRN) was carried out in relation to the proposal, concluding that EIA was not required. On this basis, an EIA Report was not prepared. An overview of the relevant matters is contained in the submitted planning statement.

National Policy and Guidance

- 7 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 2014

- 8 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. This is a statutory document and material consideration in any planning application. It 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 (Revised December 2020)

- 9 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.

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
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

Planning Advice Notes

10 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 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

11 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

12 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

Development Plan

14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 15 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:

“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.”

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application. –
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 10: Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The principal relevant policies are, in summary;

- Policy 1B: Placemaking
- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 52: New Development and Flooding
- Policy 56: Noise Pollution
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53D: Water Environment and Drainage: Reinstatement of Natural Watercourses
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

- 19 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Placemaking Supplementary Guidance March 2020

- 20 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

Supplementary Guidance Flood Risk and Flood Risk Assessment

- 21 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

Site History

- 22 **20/00002/PAN** Erection of a primary school and associated works. Approved 16 March 2020.
- 23 **20/00588/SCRN** Demolition of existing school, erection of a primary school and associated works. Decision issued 1 May 2020 – EIA not required.

CONSULTATIONS

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

External

- 25 **Scottish Water:** No objection to the proposed development as there is currently sufficient capacity in both Perth Water Treatment Works and Perth City Waste Water Treatment Works to service the development.
- 26 **North Muirton Community Council:** No response received
- 27 **Scottish Environment Protection Agency:** No objection to proposed development, no conditions requested in addition to those recommended by the Flood Team.
- 28 **Sport Scotland:** No objection to proposal

Internal

- 29 **Transport Planning:** No objection to the proposed development, subject to conditional control regarding provision of cycle, scooter parking, electric charge bays, road construction detail, submission of a Construction Traffic Management Scheme and School Travel Plan.
- 30 **Structures & Flooding:** No objection to the proposed development, subject to conditional control regarding drainage, finished floor levels, flood resilience measure and submission of a Flood Action Plan.
- 31 **Biodiversity/Tree Officer:** No objection to the proposed development, subject to conditional control regarding, protected species, tree protection and nesting birds.
- 32 **Environmental Health:** No objection to the proposed development, subject to conditional control regarding operational noise
- 33 **Planning Strategy:** No objection to the proposed development as it complies with relevant policies outlined in the Local Development Plan.
- 34 **Development Contributions:** No contributions required.

Representations

- 35 No letters of representation have been received in respect of the current application.

ADDITIONAL STATEMENTS

Screening Opinion	EIA not required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment; Bat Survey; Ecological Assessment inc Tree Survey; Drainage Strategy; Transport Assessment; Noise Impact Assessment; Air Quality Assessment; Geo-Environmental & Geo-Technical Assessment Submitted

APPRAISAL

- 36 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 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

- 37 The existing school lies within a residential area zoned under Policy 17. The replacement of the school in principle complies with policy. Policy 17 identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 38 Policy 1 Placemaking and the supplementary guidance are also applicable. These policies seek to ensure that the design and siting of new development respects the character and amenity of the place, amongst other criteria.
- 39 There are a number of other relevant policies relating to flooding, noise, surface water, biodiversity etcetera which are covered in more detailed in subsequent sections of the report.

Design and Layout

- 40 The demolition of the existing school is to be carried out in two phases due to the placement of the new building. The nursery will be demolished first to allow the construction of the new building to commence but the main school will still be able to operate during the building of the new school.
- 41 The proposed building is primarily two-storey in design, with single storey elements and is located to the south of the site. The nursery and Assisted Support Needs section both with their own dedicated outdoor space, are located to the front of the school, extending from the south elevation.
- 42 The main school will extend north with the classrooms contained within a two-storey section; a hall is located to the rear (north). Externally there are classroom spill out areas, a large playground, outdoor classroom and performance space. There is also a playing field, hard surface pitch and activity trail.
- 43 As well as differences in height, the mass of the buildings will be broken up by the use of a varied palette of materials and window openings. The proposed finish materials are buff brickwork, standing seam metal roof and wall panels and aluminium windows/doors.

- 44 In terms of layout, the tandem build programme means that there is little room for manoeuvre in terms of where the building can be constructed but the general layout works well and provides the most optimum use of the existing school grounds. The proposal in terms of the design, finishes and siting complies with LDP2 Policy 1 – Placemaking.

Landscaping

- 45 The proposal includes the retention/repair of the site boundary enclosures and landscaping. A detailed landscaping scheme has been submitted. The plan for the main school includes the retention of most of the existing mature trees and the existing grassed playing field with the formation of a hard surface pitch, hard standing playground, outdoor performance space, outdoor classroom and activity trail.
- 46 The nursery garden includes varied hard and soft landscaping proposals contained within fencing alongside a native species boundary hedge. The proposal also includes an enclosed garden for the ASN wing of the school.
- 47 The main school entrance, located to the south, will have an open landscaped area with pedestrian pathways linking to Argyll Road.
- 48 The landscape proposals for the site are considered to comply with Policy 1 Placemaking.

Residential Amenity

- 49 The school will be repositioned from its current central location and north/south orientation to be located further south and orientated east/west. This will result in the building being closer to the east and west boundaries than it is currently. The agent has submitted a daylighting/overshadowing plan (Drawing ref 26) which shows a separating distance of 16.4m to the Colonsay Resource Centre which lies to the west and 18.5m separation distance to the nearest residential properties on Crammond Place, which lie to the east. The plan shows that the distances proposed are adequate to mitigate any impact in terms of overshadowing or loss of daylight. In terms of the distance to neighbouring residential to the east 18m has been maintained between the proposed building and existing windows to mitigate any overlooking. The design of the elevation which faces the existing residential has also been designed to further mitigate overlooking by limiting and offsetting any proposed upper floor windows.
- 50 The school is well established at this site therefore Environmental Health (EH) considers that the replacement of the school building will not adversely affect residential amenity in relation to noise from the daily operations of the school.
- 51 The new school building incorporates an air source heat pump (ASHP) which will be located in a timber enclosure as well as enclosures for the sprinkler system and sub-station. Whilst no details have been submitted for the ASHP, in general, there is the potential for noise from plant installation to adversely affect residential amenity. EH note however that given the distance between neighbouring properties and the proposed ASHP is approximately 60m, and the

distance between neighbouring properties and the sub-station is approximately 8m, levels in relation to noise should be acceptable but recommend that a condition, based on Noise Rating levels, be included on any given permission to protect residential amenity (Condition 2).

- 52 The proposal includes a lighting scheme to protect residential amenity from potential light spillage a condition is recommended (Condition 3)

Air Quality – Operational

- 53 An Air Quality (AQ) Screening has been submitted with the application in line with statutory Air Quality and Planning Supplementary Guidance 2020. The screening concluded that the proposal did not trigger the requirement for a detailed Air Quality Assessment.
- 54 Traffic data to inform the AQ screening assessment was obtained from the Transport Assessment (TA). The TA stated that the proportion of trips generated will already be on the network due to the existing school at North Muirton location and the level of additional traffic on the road network from the closure of Balhousie PS would be considered to have a minimal impact on air quality

Construction and Demolition

- 55 The AQ screening stated that a dust management plan will be incorporated as part of the Construction Management Plan that will be submitted by the contractor prior to the construction stage of the development.
- 56 In line with PKC's Local Air Quality Management statutory duty to monitor air quality within PKC area, a Real Time Particulate Matter Monitor is located within the grounds of the existing North Muirton School. Therefore, this should be taken into consideration at the construction and demolition stage of the development and EH should be advised of any activities that may affect the monitoring of the site such as electricity supply etcetera (Condition 4). There is the potential at the construction stage for noise to adversely affect residential amenity, therefore a condition is recommended for construction hours of operation (Condition 5).
- 57 It is therefore concluded that there is no unacceptable impact on residential amenity and, subject to the conditions proposed, the proposal complies with LDP2 Policies 17, 55, 56 and 57.

Roads and Access

- 58 The main entrance to the school is to the south of the site for drop off and pedestrian access, with staff parking only to the north. The existing pedestrian gates on the north and east perimeter of the school are to be retained and will remain open, allowing direct pedestrian access for the pupils who live to the north of the site. The majority of pupils coming from the south will walk along the western boundary of the site to the north of the building. This footpath has

been widened from 1.5m to 3m to accommodate the larger numbers of students using this route.

- 59 The existing vehicle access from the north will provide staff car parking with the existing area extended to accommodate increased staff parking from 32 spaces to 61. The vehicle access to the south will provide access to a further parking area and the service yard. The nursery has 8 designated drop-off spaces. A diagonal 1.5m wide footpath also provides a segregated pedestrian route connection from the public car park to the nursery entrance. A further 10 spaces to the front of the school (in addition to the staff car park to the north) will be reserved for staff use. There are also 5 visitor parking spaces, including 4 accessible spaces, to the south of the school.
- 60 A Transport Statement has been prepared to support the application. The statement advises that the vehicle access to the site will be via Uist Place to the north and Argyll Road to the south. The vehicle accesses will not be linked. The applicant has shown in the statement that a 10 metre waste refuge vehicle can turn within the site (accessed from the south). However, the maximum vehicle size operated by Perth & Kinross Council is 12 metres, therefore the applicant was requested to provide a swept path to demonstrate that this vehicle can turn within the service yard to avoid long reverse manoeuvres, this plan has been submitted and agreed with Transport Planning.
- 61 The plans have been updated to include a shelter for 96 bicycles and 30 scooters as recommended by Transport Planning. The provision is considered to be acceptable based on the current roll of both schools. It is noted however that the number is below the requirement stated in the Road Development Guide but it is more than what is noted in Cycling by Design. Furthermore it is considered that the School Travel Plan as required under Condition 18 could address this if cycle use increases. To ensure that the shelters are provided prior to the operation of the school, conditions are recommended (Conditions 19 and 20).
- 62 With the amalgamation of two schools, new routes to school will have to be identified, in particular for the pupils of the current Balhousie Primary School. It is therefore recommended that a School Travel Plan is prepared in advance of the school opening and updated at regular intervals. A condition has been recommended to secure its delivery and implementation. (Condition 18).
- 63 Road Construction Consent will be required for the widening of the existing paths along the boundary of the project, as these paths form part of the existing adopted path network. Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements.

Drainage and Flooding

Flood Risk Assessment

- 64 The existing school site is located within an area of flood risk. The Perth Flood Scheme was not constructed to a specific return period but rather constructed to the level of the worst flood on record (1814). Subsequent analysis of the

design level by an independent consultant considered the Scheme to have a standard of protection of around 1 in 250 return period.

- 65 Under Scottish Planning Policy a (new) primary school is considered to be a most vulnerable user and generally not suitable to be located within the 1000 year flood extents, unless it is designed to be capable of remaining operational and accessible during extreme flood events. However, the site is currently in use as a primary school and measures have been taken to increase the finished floor level (FFL) of the building which is approx. +7.1m to provide a significant improvement with regards to flood risk with a new FFL of +7.55m. A combination of the Perth Flood Scheme and raised floor levels will reduce flood risk at the existing site. The Flooding Team have no objection to the proposal, subject to conditions related to the submission of a Flood Action Plan (Condition 9), the finished floor level (Condition 10) and use of flood resistant materials (Condition 11).

Drainage Strategy Plan

- 66 The Sustainable Urban Drainage System (SuDS) consists of permeable paving and/or underground storage units designed to attenuate up to the 30-year return period and discharge to the Scottish Water surface water system at the greenfield runoff rate. The proposed SuDS will be owned and maintained by PKC Education.
- 67 The design criteria used in the calculations are acceptable but, as the SuDS will be connected to the Scottish Water network, Scottish Water will ultimately be responsible for checking and approving the design of the system. However, the Flood Team request an appropriate condition is attached requiring submission of the detailed design for review. As the SuDS are designed to a 30-year return period an appropriate overland flood plan will require to be submitted with the detailed drainage design to show the overland flood route during the 200-year plus 20% Climate change flood event. This is to ensure the topography of the proposed site directs surface water away from the school building and other local properties (Condition 6).
- 68 A review of the proposed SuDS locations has highlighted that some geocellular storage areas (units to store surface water) are located under hard standing. The preference is that geocellular storage units are located under greenspace areas in order to allow easier access and reduced maintenance and replacement costs. However, after discussions with PKC Education it is understood and accepted that due to the school being constructed in tandem with the existing school, there is limited space available to locate all SuDS in the preferred greenspace areas. The Flood Team accepts and understand that below ground SuDS was considered the most appropriate method of attenuation of the surface water drainage in this case due to limited space and the risks it would present to young primary school children.

SEPA Response

- 69 SEPA experienced a cyber-attack at the end of 2020 which has impacted their ability to respond to consultation requests. Pre-application discussion took

place with SEPA and the Agent has offered the SEPA response from October 2020. The Council's Flood Team have reviewed this response and based on SEPA's response in October 2020, all matters previously commented on by SEPA have been incorporated into the proposed scheme. SEPA have now been able to review a small number of applications this being one, and confirm they have no objection to the proposal based on the assessment made by the Flood Team.

- 70 Section 1.5 of the SEPA pre-application response states 'During the 2016 flood event, piping through the flood defences was witnessed'. The Council's Flooding Team appointed consultants to investigate this issue and remedial works were carried out on the embankment through the installation of a 500m sheet pile wall in 2018/2019. Therefore, this issue has now been resolved.
- 71 In addition, Section 1.5 states the estimate for a 200-year flood event (based on a recent FRA for another site) is 8.14m Above Ordnance Datum (AOD) and for the 200-year plus 35% for climate change a level of around 8.99m AOD. The design level of the Perth flood scheme embankment close to the site is approximately 8.5m AOD with 400mm freeboard (the actual height is 8.9mAOD). Therefore, the Perth Flood Scheme provides a significant level of flood protection to the area. In general, the Perth Flood Scheme is inspected on an annual basis to identify any defects and carry out remedial works where required.
- 72 In conclusion it is considered that the proposal complies with LDP2 Policy 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage.

Sustainable Development

- 73 Proposals for all new buildings are required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.' The submitted Sustainability Statement shows that the proposal (based on the 100% air source heat pump provision and 280sqm of Solar PV) would deliver over 20% reduction in CO² emissions. This, coupled with the Passivhaus standard proposed (thus reducing energy demand), provides a highly sustainable development that meets the terms of Policy 32. Imposing a condition to ensure this is implemented in line with the Sustainability Statement and confirming 10% reduction is met (post Building Warrant stage) will be added (Condition 24). The objectives of LDP2 Policy 32 are therefore met.

Waste Collection

- 74 The site plan details a large bin storage area within a timber fenced enclosure located to the rear of the school building adjacent to the service access road. The bin store is approx. 44sq metres which is adequate, the turning facilities have been provided adjacent to allow a refuse lorry to service. This meets the requirements of Waste Services.

Natural Heritage and Biodiversity

- 75 The application has been accompanied by an Ecological and Tree Survey. In relation to trees, the report outlines the health of the trees currently on site and recommends that three trees require removal due to poor health. A further nine trees and a group of small trees and dense vegetation are to be removed to allow this development to proceed. The submitted survey found three trees with potential to support roosting bats (449,438,407) but all three will be retained.
- 76 The proposal contains several positive elements and many recommendations outlined in the Tayside Biodiversity Partnerships 'Incorporating Biodiversity into Development' have been included in the proposal. Compensatory planting for the lost trees will be with mainly native species including silver birch and Scots pine. The proposed hedge contains beech and native species such as holly and hazel and a meadow grass mix is also proposed.
- 77 The Bat Survey Report (Drawing ref 30) is in accordance with best practice. Dusk and dawn surveys carried out in July 2020 confirmed the presence of one non-breeding roost on the east aspect of the building used by common and soprano pipistrelle bats. NatureScot has created a new licensing system, Bat Low Impact Licensing, for cases where small numbers of non-breeding pipistrelle bats will be impacted by works including roost destruction. The proposed works for this development is in accordance with the criteria for this new system.
- 78 The proposal includes three integral bat boxes into the proposed new building. This measure will contribute towards the School Bats Project in the Tayside Local Biodiversity Action Plan 2016-2026.
- 79 The submitted survey notes the presence of house sparrow on site. As a red listed species, the proposed development could positively contribute by providing nest boxes. This is therefore covered by condition (Condition 14).
- 80 There are records of swifts within the site and as noted above for the house sparrow the proposed development could positively contribute towards swift conservation by incorporating swift nesting bricks or boxes into the new school. (Condition 13).
- 81 As a result of the measures outlined above, the proposal is considered to comply with Policy 40 Forestry, Woodland and Trees and Policy 41 Biodiversity.

Developer Contributions

- 82 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is a replacement school, and directly supports Council objectives. Contributions for Transport Infrastructure is therefore not required.

Economic Impact

- 83 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

- 84 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the access road to allow refuse vehicles to turn and the inclusion of a cycle and scooter shelter.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 85 None required.

DIRECTION BY SCOTTISH MINISTERS

- 86 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

- 87 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 88 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

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

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

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

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

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

4. Development shall not commence until a full site-specific Construction Method Statement (CMS) is submitted for the written agreement of the Council as Planning Authority in consultation with Environmental Health. The CMS shall include a Dust Management Plan (DMP) for the control of dust and noise mitigation measures for the control of noise at the demolition/construction stages. The DMP shall also include procedures that may affect the AQ(PM) Real Time Monitor. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.

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

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

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

6. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the written agreement of the Council as Planning Authority. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

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

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

8. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved

development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

9. Prior to the occupation or use of the building, a Flood Action Plan shall be prepared for the site and submitted for the agreement in writing of the Planning Authority in consultation with the Council's Structures and Flooding Section. This should detail access and egress arrangements during a flooding event. The Plan as approved shall be implemented in full.

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

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

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

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

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

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

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

13. Prior to the commencement of development hereby approved, details of the location and specification of the six swift nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the six swift nest boxes or bricks shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

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

14. Prior to the commencement of development hereby approved, details of the location and specification of the four triple house sparrow nest boxes or bricks shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the four triple house sparrow nest boxes shall be installed in accordance with the agreed details prior to the occupation or use of the approved development.

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

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

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

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

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

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

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

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

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

19. Prior to the occupation or use of the approved development a secure waterproof cycle parking facility for a minimum of 94 cycles shall be provided within the site to the satisfaction of the Council as Planning Authority.

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

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

Reason: To encourage active travel and meet advice within Scottish Planning Policy on transport.

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

Reason: To encourage the shift to alternative fuelled vehicles.

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

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

23. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) 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;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) 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;
- (i) details of information signs to inform other road users of construction traffic;

- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of proper site management.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:
3. Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
4. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

5. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
7. No work shall be commenced until an application for building warrant has been submitted and approved.
8. SEPA operate an advance flood warning system that helps the Council facilitate the timely closure of the flood gates. The early warning system is supplemented by the Council's telemetry system that monitors various watercourses in the Perth area to provide additional flood warning alarms and river level data.
9. The findings and recommendations contained with the Bat Survey remain valid for a period of 18 months. If the approved planning permission is not implemented within 18 months of the date of the survey it is strongly recommended that an updated Bat Survey is undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
10. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
11. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
12. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority

consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

13. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
14. The Street lighting column that is present at the site discussion must be had with the Street Lighting Partnership to obtain the locations of plant and the possible relocation of the lighting column. Contact Mark Gorrie at Perth & Kinross Council Street Lighting Department for further details.

Background Papers: No letters of representation
Contact Officer: Joanne Ferguson
Date: 22 April 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--