

Perth and Kinross Council
Planning & Development Management Committee – 24 August 2021
Report of Handling by Head of Planning & Development (Report No. 21/127)

PROPOSAL: Erection of 284 dwelling houses, 21 detached garages, 56 flats, 3 retail units, a refuse/bike store and a sports changing pavilion, formation of boundary treatments, retaining walls, leisure facilities, SUDS ponds, parking areas, landscaping and associated works (approval of matters specified in conditions of planning permission 15/01157/IPM or as subsequently superseded by application 21/00383/IPM) (Phase 1 and 1A) (allocated site MU73)

LOCATION: Land Adjacent to Huntingtowerfield and Ruthvenfield

Ref. No: [19/01433/AMM](#)
Ward No: P5 - Strathtay

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application for the erection of a total of 340 dwellings (284 houses and 56 flats), 3 retail units, a sports changing pavilion and associated infrastructure and works, relating to Phases 1/1A and the 'Local Centre', in the northern part of the site, referred to as 'Almond Valley'. The proposed development is acknowledged to not fully comply with the relevant provisions of the Development Plan. However, there are significant material considerations which outweigh the position of the Development Plan and justify a recommendation of approval. It should be noted that should the application be approved, a decision notice will not be issued until the parent application (21/00383/IPM) has seen its related S75 concluded, and the associated decision notice issued.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to an area of 29.2 ha and forms part of the development site known as 'Almond Valley', which itself extends to 103 hectares (ha) and is located immediately beyond the north-western edge of Perth. The application site currently comprises arable and grazing farmland. However, historically it was used for industrial purposes and there remain older properties throughout the site, mainly associated with historic mill activities related to Perth Lade. In addition overland power lines pass across the site in a southwest / northeast alignment and there is also an underground gas main traversing on a north to south dog leg.
- 2 Almond Valley is allocated as 'Site MU73' within the Perth and Kinross Local Development Plan 2019 (LDP2). MU73 identified for a mixed-use development, including up to 1,100 dwellings. A tract of land south of the A85 (extending to circa 11ha), previously included in LDP 2014 as part of Almond Valley, has since instead been included as part of the 'Perth West' (MU70) allocation within LDP2. However, this 11ha remains included in this application. LDP2 states

MU73 extends to an area of 150ha, which is incorrect, and the area identified in LDP2 is, in fact, 98ha.

- 3 Almond Valley has an extensive planning site history, with the primary decision being set via the approval of a Planning Permission in Principle (PPP) in 2017, that following a successful appeal to the Division of Planning and Environmental Appeals (DPEA) (application reference: 15/01157/IPM). That extant PPP has an associated Section 75 legal agreement.
- 4 More recently, on 29 June 2021 the Planning and Development Management Committee resolved they were minded to approve a S42 application (21/00383/IPM), which sought to amend the terms of Condition 8 and 16 of the extant PPP (15/01157/IPM). That S42 PPP cannot however see a decision issued until the existing S75 is replaced or amended, to reflect the changes included in 21/00383/IPM .
- 5 In relation to the current vehicular access into the site, this consists primarily of 2 junctions accessed from the A85, to the south, with a tertiary road which snakes through the site and links up with the new roundabout serving Inveralmond Industrial Estate and Bertha Park. A new vehicular access to the site is also proposed, which will ultimately connect to a dedicated roundabout onto the A85. This new road will provide additional access options and a through route to the wider Almond Valley site (application 19/01430/AMM relates and is reported elsewhere on this Agenda). Both this AMSC application and 19/01430/AMM were originally submitted as being associated to the extant PPP (15/01157/IPM). However, this arrangement was not appropriate as any permission granted through this application could only be done as a result of the approval of the aforementioned S42 application (21/00383/IPM). In effect, once an alternative S75 is in place and a decision on 21/00383/IPM issued, it would be possible to also issue a decision on this application and, if positive, enable the applicant to progress the development through the implementing of the 2021 PPP.
- 6 The application subject to this report proposes development in the initial, northern Almond Valley Phases 1 and 1A, as well as within the Local Centre. This sees Approval of Matters Specified in Conditions (AMSC) is sought for:

- Residential development:

- 85 Affordable housing units (25%), comprising;

6	x	1 bed
69	x	2 bed
10	x	3 bed
- 255 Private housing units, comprising;

40	x	2 bed
120	x	3 bed
92	x	4 bed
3	x	5 bed

- Community facilities; including a retail/local centre comprising 3 units (196sqm total)
- Open space;
- Dedicated equipped outdoor play area;
- Sports pitches and pavilion provision adjacent to the River Almond; and
- New vehicular and pedestrian routes, including connection to the recently constructed A9/A85 link road.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 The Almond Valley development is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening related to the existing 'PPP' permission (15/01157/IPM). Having considered the proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the amended proposal continues to constitute EIA development, primarily through the potential significance associated with the required updates to the transport assessment and proposal to delay the delivery of key transport infrastructure and any impacts on surrounding environmental sensitivities. On this basis additional environmental information was scoped in and has been provided through EIA Addendum's.

PRE-APPLICATION CONSULTATION

- 8 As an AMSC application, the applicants were not required to undertake any formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

- 9 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

- 10 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.

The Scottish Planning Policy 2014 (SSP)

- 11 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.
- 12 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
 - Paragraphs 135 – 151 Valuing the Historic Environment
 - 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.

Planning Advice Notes

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 58 Environmental Impact Assessment
 - 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 77 Designing Safer Places
 - PAN 79 Water and Drainage.

Creating Places 2013

- 14 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

- 15 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

- 16 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

- 17 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

- 18 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.”

- 19 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 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks

Perth and Kinross Local Development Plan 2

- 20 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.

- 21 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space within New Developments

- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Archaeology
- Policy 27: Listed Buildings
- Policy 32: Embedding Low and Zero Carbon Generating Technology in new Developments
- Policy 38A: International Nature Conservation Sites
- Policy 38B: National Designations
- Policy 38C: Local Designations
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zone
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated Land and Unstable Land
- Policy 60: Transport and Accessibility Requirements

LDP2 Allocation

MU73 Almond Valley (mixed use)

Site-specific Development Requirements

22 The Site-Specific Requirements detailed in LDP2 are:

- Implement the phasing programme for the housing, affordable housing, community facilities, open spaces, transport infrastructure contributions, road improvements, structure planting, and local centre in line with the planning permission/obligations S75 legal agreement
- Provide a site for potential new primary school
- Provide a detailed delivery plan
- Provide detailed Food Risk Assessment with each phase of development, to include establishment of flow paths and mitigation for appropriate uses
- Provide facilities to enable connection to Perth's bus network
- Provide a network of paths and cycle routes providing good active travel links to Perth and Almondbank
- Provide green corridors, in particular networks to link the site with Perth and the wider countryside
- Provide biodiversity study updates and enhancement of biodiversity
- Integrate the existing landscape framework into the development
- Provide an Energy Statement investigating the potential for the provision of, and/or extension to, a heat network to serve the development. The Energy

Statement will be expected to consider possible linkages to sites M70 and H319

- Provide a Construction Method Statement where a development site will affect a watercourse. The methodology should provide measures to protect the watercourse from the impact of pollution and sediment to ensure no adverse effects on the River Tay Special Area of Conservation
- Provide an updated otter survey and a species protection plan if required, to ensure no adverse effects on the River Tay Special Area of Conservation
- Archaeological investigation and report and plan detailing the sensitive design of development to protect and maintain the setting of the scheduled ancient monument of Huntingtower Cairn.

Other Policies and Guidance

- Developer Contributions and Affordable Housing Supplementary Guidance April 2020
- Flood Risk and Flood Risk Assessments – Developer Guidance January 2021

SITE HISTORY

- 23 03/00212/OUT An application was withdrawn in March 2004, this had sought outline planning permission for a Mixed use development including: residential, commercial, educational, recreational and retail development with associated road works and landscaping.
- 24 [08/00678/IPM](#) A further application was refused in January 2012, that had sought planning permission in principle for a Residential-led development of 1,800 new homes, a primary school, leisure, retail, office facilities along with new vehicular and pedestrian access, open space and landscaping.
- 25 [10/00005/PAN](#) PKC accepted in May 2010 the arrangements for public consultation set out within a Proposal of Application Notice (PoAN), related to a potential Mixed use development comprising: residential, retail, business and industrial associated community facilities, landscaping, car parking and infrastructure including roads and accesses.
- 26 [14/00011/PAN](#) A second Proposal of Application Notice (PoAN) for Mixed use development comprising residential, a primary school and community facilities was also accepted by PKC in October 2014
- 27 [14/01961/SCOP](#) PKC issued a Scoping Opinion in December 2014, related to a Mixed use development comprising residential, a primary school and community facilities.
- 28 [15/00546/IPM](#) A second application was withdrawn in July 2015, this had sought Planning Permission in Principle for a Residential development with school and community facilities, open space, landscaping and associated infrastructure.

- 29 [15/01157/IPM](#) Planning Permission in Principle was approved on appeal to DPEA, following the refusal of permission by PKC in May 2016. This extant permission permits a Residential development with school and community facilities, open space, landscaping and associated infrastructure
- 30 [19/00056/SCRN](#) PKC issued an EIA Screening Opinion in March 2019, advising that no EIA was required in association to the construction of a road.
- 31 [19/01430/AMM](#) A MSC application proposing the: Formation of a primary vehicular access and associated works (approval of matters specified in conditions of 15/01157/IPM or 21/00383/IPM) is subject to a report elsewhere on this Committee agenda.
- 32 [21/00383/IPM](#) A S42 application to modify Condition 8 (sustainable development) and Condition 16 (residential occupation) of Permission 15/01157/IPM was resolved to be approved at the Planning and Development Management Committee meeting of 29 June 2021, subject to an updated or new S75 agreement.

CONSULTATIONS

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

External

- 34 **Scottish Environment Protection Agency (SEPA):** No objection.
- 35 **Scottish and Southern Energy:** No objection, following clarification on associated impact and buffer zones associated to SSE assets.
- 36 **Scottish Forestry:** No comments.
- 37 **Sport Scotland:** No comments.
- 38 **Health and Social Care Partnership:** No objection. Requested further dialogue with applicant/developer for future phases, to ensure land designated for Community Facilities can include necessary infrastructure requisite for growing population.
- 39 **Scottish Gas Network:** No objection.
- 40 **RSPB:** No comments.
- 41 **Perth and Kinross Heritage Trust:** No objection, set out conditional requirements to be applied to any permission.
- 42 **Transport Scotland:** No objection, subject to the understanding that the requirement for the new roundabout onto the A85, and associated pedestrian and public transport facilities along the A85 (either as set out in condition 16 of

permission 15/01157/IPM or as amended by S42 application 21/00383/IPM) continue to be delivered.

- 43 **Historic Environment Scotland:** No objection. Advise of no adverse impact on national cultural assets.
- 44 **NatureScot:** No objection. Support the approach proposed through the HRA and supporting statement.
- 45 **Luncarty, Redgorton and Moneydie Community Council:** No comments.
- 46 **Methven Community Council:** Object. Concerns raised regarding: flooding and drainage, primary school capacity, roads, environmental impacts, site amenities, construction works and compliance with outline permission conditions.
- 47 **Tulloch Community Council:** No comments.
- 48 **Scottish Water:** No objection. Advise water and wastewater capacity is available at the Turret Water Treatment Works and Perth City Wastewater Treatment Works.

Internal

- 49 **Transport Planning:** No objection. Advise that the arrangements set out in both the S42 application (21/00383/IPM), which covers the primary access route, and this MSC application which relates to other local roads, are acceptable, subject to planning conditions.
- 50 **Community Greenspace:** No objection, following minor amendments and clarifications.
- 51 **Commercial Waste Team:** No objection. Advise proposed waste storage arrangements sufficient.
- 52 **Planning and Housing Strategy:** No objection. Comment that the proposal ensures ongoing compliance with the terms of the recent S42 PPP application and associated Development Plan policy.
- 53 **Structures and Flooding:** No objection. Ask that detailed drainage plans to be submitted prior to commencement of development.
- 54 **Biodiversity/Tree Officer:** No objection, subject to conditional controls to ensure mitigation and enhancement measures all delivered on site.
- 55 **Development Contributions Officer:** No objection, subject to a suitable S75 legal agreement being in place (see detail below).

- 56 **Environmental Health (Contaminated Land):** No objection. Recommend further detailed contamination review, controlled and secured via a suitable planning condition.
- 57 **Environmental Health (Noise Odour):** No objection. This followed detailed analysis, during the processing of the application, of the relationship between the proposals and an existing kennels/cattery business. This work resulting in an addendum to the initially submitted Noise Assessment – in response to comments and concerns made by the operators of that business. That additional assessment saw EH satisfied that the NIA work undertaken and the additional predicted noise level calculations, reflective of the advised capacity at the kennels, demonstrate that noise impacts are not predicted to adversely affect the residential amenity of the proposed dwellinghouses.

- 58 **Enterprise Team:** No comments.

Representations

- 59 A total of 23 representations have been received, raising the following key issues:
- 60 Flood and Drainage
- Flooding concerns
- 61 Transport and Access
- Relationship of paths and lade crossing to operational kennels
 - Access conflicts with insufficient local access road provision
- 62 Residential Amenity
- Impact on neighbouring residential amenity
 - Air quality
 - Noise – including concern for impact from operational kennels
- 63 Open Space and Biodiversity
- Impact on biodiversity, loss of undeveloped land and hedging
 - Impact on a protected tree
- 64 Cultural Heritage
- Impact on setting of listed buildings
- 65 Other
- Housing surplus to requirements
 - Viability of the local centre units
 - Impact on climate change

- Managing construction
- Impact on local 'services', including: education, health service, police, fire service
- Visual impact

66 These issues are addressed in the Appraisal section of the report.

The following points raised are not material planning considerations for this planning application and are not discussed further:

- The impacts of future phases on the Vector Aerospace facility, the principle of development having been established through earlier PPP applications. However, it remains appropriate to consider impacts associated to the detail of future phases, where these could directly impact on the operations and boundaries of the facility. Otherwise, the impacts on light, noise and air pollution elements are not considered to compromise the current submission and have been proportionately considered at this stage.
- A request for a bridge/crossing to community woodland, as this is not anticipated to be submitted until proposals for Phase 3 are made.

ADDITIONAL STATEMENTS

67

Screening Opinion	EIA Addendum Required.
Environmental Impact Assessment (EIA): Environmental Report	EIA addendum (1 & 2) submitted, supplementing the original Environmental Statement associated to 15/01157/IPM.
Appropriate Assessment	Habitats Regulations Appraisal (HRA) submitted. The conclusions of the submitted HRA are adopted as the Planning Authority's Appropriate Assessment.
Design Statement or Design and Access Statement	Submitted.
Report on Impact or Potential Impact e.g., Flood Risk Assessment	<ul style="list-style-type: none"> • Updated Transport Statement; • Air Quality Assessment • Noise and Vibration Impact Assessment • Site Investigation Report • Tree Survey • Draft Construction Environment Management Plan (CEMP) • Flood Risk Assessment with update • Sustainability Checklist • Carbon reduction report • Updated Habitat Survey.

APPRAISAL

- 68 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. In addition, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies due to the potential impact the development may have on adjacent Listed Buildings, which requires special regard to be given to the desirability of preserving the building or its setting. 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 consideration of the Council's other approved policies and supplementary guidance.

Principle

- 69 The principle of the development proposed has been previously established through both the LDP 2014 allocation, which has been continued into LDP2 (with amendments), and the approval of the extant PPP (15/01157/IPM). It is noted that since the approval of that PPP, there have been two principal changes to the Development Plan, with the adoption of TAYplan 2016-2036 in 2017 and LDP2 in 2019. Relevant changes to LDP2 are reflected in updated site allocation MU73 (as referred). This Committee's resolution to approve the S42 PPP (21/00383/IPM) underlines the principle of development remaining acceptable, notwithstanding these changes to the Development Plan. The recent S42 PPP application (21/00383/IPM) would allow changes to the phasing of residential development and delivery of transport infrastructure required for the development, through amendments to Condition 16 of the extant PPP permission (and, by association, the related S75 clauses). This current AMSC application now reflects these changes and seeks approval for 340 residential units which, subject to that S42 decision notice being issued, the principle of development proposed is acceptable under these amended terms. The principle of the scale of development for the overall Almond Valley development being in excess of the LDP2 Site MU73 allocation was also accepted in the S42 PPP decision. Therefore, it is now appropriate to assess the detailed proposals, to ascertain alignment with the relevant PPP conditions, masterplan and LDP2 Policy criteria. For the avoidance of doubt, any subsequent reference to PPP in this assessment relates to the agreed terms of the S42 PPP application (21/00383/IPM).

Design, Layout and Housing Mix

- 70 In respect of design, layout and housing mix, LDP2 Policies 1, 2 and 25 directly apply. In association, various PPP conditions also apply. As noted above, the proposed land uses remain consistent with the LDP2 application, the masterplan and terms of the S42 PPP.
- 71 Within the wider masterplan, the exact scale and mix of development is not defined. Following submission, an initial design, layout and phasing review by

officers led to comprehensive changes being made to the proposed design and layout and amended plans were submitted. At this point the proposed 284 dwellinghouses (21 detached garages) and 56 flats are considered to have been designed to provide an appropriate mix of house types, suitable for the affordable housing requirements and for a variety of end users in the private market. The design and material palate for each house type is considered acceptable, subject to verification (Condition 34). The 3 retail units provide a local centre, as envisaged by the LDP2 allocation and are commensurate with the development contained in these early phases.

- 72 The layout provides a good internal road network, with footpaths, that links well with the proposed road hierarchy across the site. Links to future phases are also provided, as set out in the masterplan and primary road application 19/01430/AMM reported elsewhere to this Committee. The proposed dwellings all seek to provide an active and street-facing frontage, with garages (where proposed) set back or offset with appropriate front boundary treatment and detailing, mitigating the impact of visual dominance. This provides an acceptable design and visual quality throughout and ensures that cars will not dominate streetscapes. The private garden ground provision for individual plots is set out in Plan 375, which confirms that the areas proposed are appropriate. The associated infrastructure, such as open spaces and landscaping provision, complements this layout and are proportionate for these phases of development.
- 73 Overall, the proposals are considered to comply with the Council's placemaking policies, providing a logical and coherent structure and hierarchy of streets, buildings and open space that considers the surrounding landscape character and amenity of the area. The current proposals are considered to accord with both the S42 PPP (21/00383/IPM) and the relevant LDP2 Policy 1 – Placemaking.

Residential Amenity

- 74 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise pollution. In association, several conditions attached to the PPP applications also apply.
- 75 In terms of potential for impact on existing residential amenity, such as overlooking or loss of privacy, it is not considered that the proposed development will unacceptably compromise existing residential amenity, or between properties within the proposed development itself. Each dwelling will see acceptable rear garden areas in terms of depth and area provided, complying with the aforementioned LDP2 policies and the Placemaking Supplementary Guidance 2020.

Air Quality and Dust

- 76 The PPP applications required an assessment of air quality and the potential impact of each phase. In this regard, a submitted air quality assessment (AQA) addresses both the construction and operational phases of the development.

The AQA found that the development was unlikely to have a significant adverse impact on air quality. On the basis that mitigation measures identified are undertaken, secured through planning conditions, no unacceptable, adverse impacts on air quality and dust beyond the construction phases will occur. This conclusion remains consistent with LDP2 Policy 57 and the terms of the PPP.

Noise and Vibration

- 77 A Noise Impact Assessment (NIA) also supports the application. Through this review, and having regard to concerns raised in representation, a further assessment of the potential impacts of noise was undertaken. This considered operational noise from existing businesses, including that from Adie Kennels and Cattery, to understand what impacts these operations may have on the amenity experienced by occupants of the proposed dwellinghouses. The outcome of the additional assessment established that, subject to mitigation being secured, no unacceptable impact on future residential amenity was predicted, thus this element of the proposals are in accordance with LDP2 Policy 56 (Conditions 6 and 8). However, further informative work is required in relation to proposed properties in the vicinity of Huntingtower Hotel, this sees a NIA required to inform and deliver appropriate mitigation against noise impacts in that area (Condition 12). These measures, combined, ensure no adverse impact on the operation of these neighbouring businesses.
- 78 In terms of overall residential amenity, the proposals are considered to be acceptable and not conflict with the relevant LDP2 policies or the terms of the PPP.

Health Care Facilities

- 79 The HSCP have requested dialogue with the developer(s) in the future, to ensure appropriate provision is catered for. The applicant's agents welcome this dialogue and have identified units in the Local Centre that could be made available for rental/purchase of such a facility.

Waste and Recycling Provision

- 80 The PPP application seeks to ensure appropriate waste and recycling provision is identified and secured as part of the matters specified applications. There is considered to be adequate provision to accommodate the conditional requirements in this regard, satisfying the conditional terms of the PPP.

Landscape and Visual Amenity

- 81 LDP2 Policies 39: Landscape; 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy; 40B: Forestry, Woodland and Trees: Trees, Woodland and Development; and 42: Green Infrastructure are all relevant considerations in relation to consideration of landscape and visual amenity. In association, several conditions attached to the PPP application also apply.
- 82 PKC Community Greenspace consider the revised open space and landscaping proposals are acceptable, subject to minor revisions being required (Condition

23). Overall, the open space allocation, play area specification and landscaping design and species choice are all satisfactory and are in accordance with Council's Supplementary Guidance: Open Space Provision for New Developments.

- 83 As part of the original S75 agreement, a community sports pavilion was secured, and this element continues to be proposed in the current application, where it is to be located alongside the proposed riverside sports pitches. The applicant will develop the low-level pavilion and then hand over that facility at the appropriate time, in line with the terms (to be) set out in the S75. Further detail in relation to timing and the nature of agreement with a suitable community sports group or organisation to take on the operation of the community pavilion can be addressed (Condition 25).
- 84 In terms of landscape and visual amenity, the proposals do not conflict with the relevant policies of LDP2 or associated PPP suspensive conditions.

Core Paths, Pedestrian and Cycle Routes

- 85 LDP2 Policy 15 is concerned with public access; including core paths and rights of way and seeks that development proposals do not have an adverse impact on such routes. In this regard comprehensive linkages with existing core paths, together with new and enhanced pedestrian/cycle routes are to be provided, and will integrate into a wider network – reflective of the routes identified through the original masterplan. Concern was raised in one representation, seeking relocation of the proposed path and Lade crossing, further away from their property on cited safety and security concerns. This issue was reviewed but it is not considered necessary or proportionate, with the proposed route and crossing point considered optimal. Overall, the provision identified is considered to continue to comply with the site-specific requirements in relation to public access being maintained and enhanced, consistent with LDP2 Policy 15 in this regard.

Phasing, Roads and Access

- 86 LDP2 Policies 1, 15 and 60 apply to assessing these matters. In association, several conditions attached to the PPP application specify technical and phasing requirements.
- 87 Following the original PPP approval, the wider site context and circumstances have altered; with the A9/A85 junction improvements now being fully operational, as part of Perth Transport Futures project. The S42 PPP approved related changes to the development's phasing. The Western Link roundabout (also referred to as the Almond roundabout) is also now available, to directly access the north-eastern portion of the Almond Valley development, at the north-eastern corner of this application site.
- 88 The S42 changes approved the principle of the development being phased as is proposed in this AMSC application, being from east to west in the northern part of the site. In infrastructure and practical terms, this makes earlier phases more straightforward to develop, freeing up more capacity on the road network than

originally calculated. As noted earlier, the reconfiguration of the residential phasing through the S42 application sees the new A85 roundabout being required after the 340th residential unit. Thus the principle of access now being taken for the scale of development proposed solely from the Almond roundabout is established.

- 89 The key considerations in reaching this position were impacts on both local and trunk road networks, both in isolation and cumulatively. A suite of measures were identified in the Transport Statement to mitigate and provide comfort that the increased threshold could be accommodated and suitably offset with associated mitigation measures, including the change to the phasing across both the local and trunk road network. This application accords with the phasing and delivery changes as agreed by this Committee for the S42 PPP application (21/00383/IPM).
- 90 Further, both Transport Scotland and PKC Transport Planning agree that, subject to the proposed amended Condition 16 and related clauses of the S75, the amended phasing approach to infrastructure delivery was acceptable. To clarify, the proposed development phasing would contravene the approved terms of the extant PPP and therefore any approval for this AMSC cannot be supported for that application (Condition 1).
- 91 In respect of the internal road layout and parking provision, Transport Planning raise no concerns. The proposed internal movement layout, including road hierarchy and associated private and public parking provision is considered satisfactory and consistent with the approach and principles adopted in the original masterplan submission.
- 92 The proposals, supported by proposed Conditions 15-21 which, in part reinforce the terms of PPP Condition 16 (21/00383/IPM), ensure compliance with associated LDP2 Policy and with the terms of the PPP.

Drainage and Flooding

- 93 LDP2 Policy 52 states a 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. LDP2 Policy 53 further requires all new development to employ appropriate SUDS measures. In association several conditions attached to the PPP applications also apply.
- 94 In terms of both drainage and flooding, the current proposals have been fully reviewed by both SEPA and Flood Team colleagues and are considered to remain compliant with Policy 52 and 53 of LDP2 and the conditional terms and commitments of the PPP.

Conservation Considerations

- 95 LDP2 Policies 26, 27 and conditions attached to the PPP application apply.
- 96 Archaeological assessment is recommended to be undertaken (Condition 33), which accords with the approach in the PPP. Objections in respect of the impact of B-listed Waterside Cottages have been received. However, it is considered that appropriate planting and spacing has been afforded to this grouping, with no adverse impact on the character or setting of the listed buildings. There are no other adverse impacts on cultural heritage assets as a result of this phase of development.
- 97 In respect of conservation considerations, the proposals are therefore considered to not accord with LDP2 policies and terms of the PPP.

Natural Heritage and Biodiversity

- 98 In relation to natural heritage and biodiversity, LDP2 Policies 38, 40, and 41 are relevant. In association, several PPP conditions also apply.
- 99 Due to the relationship with the River Tay Special Area of Conservation (SAC), a Habitats Regulations Assessment (HRA) was required, consistent with LDP2 Policy 38A. The HRA Report concluded that, through the implementation of proposed mitigation measures, there will be no likely significant effects upon the River Tay SAC. Nature Scot and the PKC Biodiversity Officer agreed with the outcome of the HRA, emphasising the development must fully accord with the HRA requirements. Condition 37 of the PPP (21/00383/IPM) requires the appointment of an independent Ecological Clerk of Works (EcoW) across all phases, thus the approach is considered satisfactory.
- 100 The relevant habitat regulation tests are considered to have been met and other impacts are appropriately addressed through assessment and compliance with the mitigation measures identified in the Environmental Impact Assessment Report (EIAR). Accordingly, it is considered that the potential threat and impact to population, distribution or habitat of protected species can be either avoided or minimised through mitigation and shall therefore not impede the granting of permission.
- 101 In summary, it is considered that there will no significant, adverse impact on site biodiversity as a result of the development proposals with suitable mitigation and enhancement secured. Thus, there is no conflict with relevant LDP2 Policy or terms of the PPP.

Energy and Low Carbon Technology

- 102 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. The supporting energy statement submission sought by officers (Plan 369) has confirmed that the dwellings and associated buildings will achieve the necessary standards required by LDP2 Policy 32 and PPP suspensive Condition 8. An Energy Statement is required prior to the

commencement of development, to review heat network potential for district heating networks in association with Perth West (Condition 48 of PPP 21/00383/IPM).

Developer Contributions

103 As advised, in order to accord with LDP2 Policy 5 and the changes within the S42 PPP from the extant PPP (15/01157/IPM), a new or updated S75 legal agreement is now required to secure amended infrastructure proposals agreed. Detailed matters to be secured and covered within the S75 are identified below:

- Delivery of a site for a 2-stream primary school
- Primary school financial contributions
- Transport infrastructure contributions
- Public transport improvement
- Delivery of key transport infrastructure (including the new A85 roundabout)
- Affordable housing provision
- Open space provision and maintenance
- Sports pitches and pavilion provision and maintenance
- Play area provision and maintenance
- Structure planting delivery; and
- Delivery of associated community facilities including community woodland.

104 It should be noted that all these are not solely related to or required to be delivered as part of this AMSC application but are all interrelated as part of the overarching PPP.

Economic Impact

105 The impact on the local economy from 340 new dwellings, local centre and sports pavilion and facilities will add to the available local expenditure and have a positive impact on existing local facilities.

VARIATION OF APPLICATION UNDER SECTION 32A

106 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 wholesale changes to the layout and design of the proposed scheme. Additional information was also submitted in respect of updated Transport Statement, Noise Impact Assessment, ecology, drainage and flood risk clarification.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

107 The existing Section 75 tied to planning permission 15/01157/IPM requires to be updated and/or modified in respect of the previous 90-dwelling unit threshold originally consented in advance of the required delivery of the A85 roundabout and associated infrastructure. Should the Committee be minded to grant this application, consent shall not to be issued until a new or updated Section 75 Agreement has been modified, signed and registered to take account of S42

application 21/00383/IPM. This legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to adhere to this timeline may result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

DIRECTION BY SCOTTISH MINISTERS

- 108 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

- 109 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 broadly comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). The scale of development for the overall Almond Valley development, as accepted in the S42 PPP application (21/00383/IPM), justifies setting aside the indicative scale of residential development in the LDP2 Site MU73 allocation. Account has been taken account of the relevant material considerations and none have been found that would justify overriding the adopted Development Plan.
- 110 In terms of Phases 1, 1A and the delivery of the local centre, it is considered that the application accords with the S42 PPP, application 21/00383/IPM. The scale of development, the layout and design raise no significant issues. The proposal will not adversely affect the visual, landscape or residential amenity or business operations of the immediate and surrounding areas. The impact on the local road network can also be mitigated to an acceptable level via conditional control in advance of the A85 roundabout being delivered.
- 111 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the planning application subject to the following conditions:

Conditions and Reasons for Recommendation

General

- 1 The development hereby approved under this Approval of Matters Specified in Conditions is only for the benefit of and under Permission in Principle reference: 21/00383/IPM. For the avoidance of doubt, this Approval of Matters Specified in Conditions is not approved under Planning Permission in Principle reference: 15/01157/IPM. The development hereby approved must be carried out in accordance with the approved drawings and documents for this approval and the terms of Planning Permission in Principle

21/00383/IPM, 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.

Construction

- 2 The Construction Environment Management Plan (CEMP) submitted to satisfy Condition 36 of planning permission 21/00383/IPM shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amendments will be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

- 3 The Dust Management Plan (DMP) shall be strictly adhered to during the operations of the site. The DMP shall be a dynamic document which shall be updated to reflect any changes to the operations of the site and to address any substantiated complaints by residents. The details contained within the DMP, as approved by the Council as Planning Authority in writing shall be implemented in full as part of the operations of the site.

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

- 4 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07.00 to 19:00-hours, Saturday 08.00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

Residential Amenity

- 5 Prior to the commencement of the development full details shall be submitted for the layout and incorporation of EV charging duct points within the development and all other proposed Air Quality mitigation measures to be implemented and evidenced that the predicted insignificant impact from the development is maintained .

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

- 6 Prior to the commencement of the development hereby approved, the developer shall submit a scheme, for the written approval of the Planning Authority, which shall include the proposed means of ventilation for all habitable rooms that require acoustic trickle ventilation and the glazing specification for all

habitable rooms for those properties affected by road traffic noise, as identified in Section 9 of the submitted Noise Impact Assessment (drawing number 19/01433/331: '*Detailed Noise Impact Assessment - Almond Valley, Perth*' dated June 2020), to ensure that the habitable rooms can achieve the internal sound levels Daytime 35 dBLAeq,16hrs and Night time 30dB LAeq,8hrs. The agreed scheme shall thereafter be implemented in accordance with the agreed details.

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

- 7 For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

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

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

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

- 9 Commercial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.

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

- 10 For commercial and sport pavilion areas, all external lighting to be installed 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.

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

- 11 Prior to the occupation of any dwellinghouse in site H4, A 2-metre-high acoustic barrier shall be installed along the whole length of site boundary between 'J&E Smillie' and site H4. The acoustic barrier shall have a superficial mass of at least 20Kg/m² and shall be of a solid construction with no gaps.

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

- 12 Prior to the commencement of development at site H2, the applicant must submit a further noise impact assessment (NIA) to assess noise from the operations of the Huntingtower Hotel for the written approval of the Planning Authority, in consultation with Environmental Health Team. The NIA should be undertaken by a qualified noise consultant. All mitigation measures proposed in the NIA, which are agreed or required by the Planning Authority, shall be fully implemented prior to the occupation of any dwellinghouse in site H2.

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

Contamination

- 13 Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
- I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures.

Before any residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: To ensure any contamination present on site is satisfactorily remediated.

Flood risk and Drainage

- 14 Notwithstanding the submitted drainage details, prior to the installation of any drainage works on site, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the development.

Reason: To ensure the technical specification of the drainage system for the site accords with Policy EP3C - Water, Environment and Drainage (Surface Water Drainage) of the Perth and Kinross Local Development Plan 2014.

Roads and Access

- 15 No more than 200 residential units are permitted to be occupied until such time as a detailed design and specification for the following works has been submitted to and approved in writing by the planning authority in consultation with the Roads Authority and Perth & Kinross Council Structures team:

- a) new primary road route as shown in application 19/01430/AMM, connecting the site to the new A85 roundabout; and
- b) new vehicular lane crossing as shown in 19/01430/AMM, connecting to the site.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 16 For clarification, and in association with Condition 16 b) of Planning Permission in Principle 21/00383/IPM, no more than 90 residential units or any units in the 'Local Centre' hereby approved shall be occupied until a new active travel lane crossing, as approved in writing, to an agreed design and specification to the satisfaction of the Planning Authority, in consultation with the Perth & Kinross Council Structures team is delivered, connecting to all elements of the occupied site.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 17 No more than 61 residential units within Phase 1A are permitted to be occupied until new vehicular and active travel accesses connecting the site to both Bleachers Way and Phase 1 of the development is provided, to a design and specification approved in writing by the Planning Authority, after consultation with the Perth & Kinross Council Structures team.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment and to ensure that the scale of development is commensurate with the infrastructure required to support the development.

- 18 A scheme for the design specification and timing for delivery of public transport infrastructure internally within the development of Phase 1 & Phase 1A, including hard stand areas, bus shelters, poles & flags and any required bus stop road markings, shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Council's Public Transport Unit.

Reason: To ensure that committed sustainable transport measures are delivered on site to an agreed specification.

- 19 Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority, a Construction Traffic Management Plan (CTMP) 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 (to include Vector Aerospace International Ltd) 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 CTMP as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason: To mitigate the adverse impact of development traffic on the safe and efficient operation of the local road network.

- 20 Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP 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), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pursuing and ensuring sustainable travel options are fully considered holistically for this site and linkages to existing residential areas and future development phases.

- 21 For the avoidance of doubt and in association with condition 2, there shall be continued access maintained to all core paths and rights of way across the site, for the duration of the construction period.

Reason: To ensure adequate and appropriate public access is retained at all times, including the construction phases of the development.

Landscaping and Public Open Space

- 22 The detailed landscaping and planting scheme hereby approved shall, with the inclusion of the matters detailed in Condition 23 of this permission, be implemented as part of the site development programme and thereafter maintained.

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

- 23 In association with Condition 22 of this permission, and for the avoidance of doubt, an updated scheme to incorporate the following specifications shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Community Greenspace Team:

- The identified non-motorised bridges shall be finished in treated Larch, to a specification agreed with the Council and not recycled plastic as currently proposed.
- The informal path identified through existing woodland adjacent to the local centre shall be located nearer the lade, finished with a stone dust surface to ensure suitability for all non-motorised users.
- Review of the meadow mix proposal, with no current capacity to maintain through annual cut and lift requirements. Indicate topsoil should be stripped from areas of wildflower planting and steep ground with gradient of greater than 1:4 will not be mowed.
- Incorporate a simple low-level fence (with staggered gaps for access) between pitches and riverside to assist the prevention of balls going into the river.

Reason: In the interests of maintenance acceptability, visual amenity, consistency and sustainability.

- 24 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.

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

- 25 Prior to the completion of the development hereby approved, a scheme confirming the arrangements for handover of the approved Community Pavilion

to an end user, shall be agreed between the applicant and the Council. The agreed arrangement shall thereafter be undertaken as approved, subject to any agreed periodic review specified in the scheme.

Reason: In order to safeguard and appropriately deliver a community asset in the immediate and long term.

Biodiversity

- 26 No removal of vegetation, including trees and shrubs will be permitted between 1st March and 31 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 for approval 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).

- 27 The conclusions and recommended action points within the supporting biodiversity survey and Habitats Regulation Survey submitted 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 as identified under the Wildlife and Countryside Act (1981).

- 28 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. 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.

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

- 29 Prior to the commencement of development hereby approved, details of the location and specification of the bird nesting bricks or boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks, or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. 25% of two storey-dwellings should contain a bird nesting brick or box.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

- 30 Prior to the commencement of development hereby approved, details of the location and specification of the integrated bat bricks, boxes or tubes shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the integrated bat bricks, boxes or tubes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. 25% of two storey-dwellings should contain a bat brick, box or tube.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

- 31 Prior to commencement of development hereby approved, a detailed Construction Method Statement (CMS) shall be submitted for written approval to the Council as Planning Authority; ensuring all mitigation measures listed in Section 7 of the Almond Valley- Phase 1 Application Habitats Regulations Appraisal (Plan 384 - dated March 2021) are captured.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

- 32 The conclusions and recommended action points within the Landscape, Biodiversity and Community Woodland Management Plan submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

Cultural Heritage

- 33 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 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: To ensure a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

Material Finishes

- 34 Prior to the commencement of the development of any building hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to, and agreed in writing by,

the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

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

B JUSTIFICATION

The proposal is considered to remain in accordance with the Development Plan and there are no material considerations which justify refusal of the planning application.

C PROCEDURAL NOTES

The existing Section 75 relating to Planning Permission in Principle 15/01157/IPM requires to be replaced or modified, to reflect the changes sought in the S42 Planning Permission in Principle (21/00383/IPM). Permission shall not to be issued for this Approval of Matters Specified in Conditions application until a new or updated Section 75 Agreement has been signed and registered to take account of the above S42 application and that decision notice has been issued accordingly. This legal agreement should be concluded and completed within 4 months of the date of the Committee approval. Failure to conclude a legal agreement within 4 months will result in this planning application being re-assessed and could be ultimately recommended for refusal under delegated powers. It should be noted that as a result of the changes to the proposed development, as a result of Planning Permission in Principle (21/00383/IPM), to which this application must now relate, the description to be applied in any decision notice will reflect that the parent permission is 21/00383/IPM and not 15/01157/IPM.

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 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. According to Regulation 41 the notice must be:

- 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 The developer is advised to contact Sophie Nicol, Archaeologist (Tel 01738 477080) to discuss terms of reference for work required by Condition 33 .
 - 5 The applicant is advised that in terms of Sections 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 Environmental Protection Agency.
 - 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency (SEPA).
 - 7 The applicant should be advised that in terms of Section 96 of the Roads (Scotland) Act 1984 a road condition survey may be required to be agreed with the Council as Roads Authority prior to the commencement of works. To ensure the public road is reinstated to its present standard.
 - 8 All proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.
 - 9 The applicant is reminded that, should any protected species be present a licence may be required from NatureScot 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 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.
 - 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 is encouraged to provide access for hedgehogs sheltering, hibernating in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.
<https://www.taysidebiodiversity.co.uk/information/information-guides-manuals/>
- 13 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste, including construction phasing.
- 14 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 wholesale changes to the scheme. Additional information was also submitted in respect of updated Transport Statement, Noise Impact Assessment, ecology, drainage and flood risk clarification.
- 15 There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 21/00383/IPM, relating to:
 - Delivery of a site for a 2-stream primary school;
 - Primary school financial contributions;
 - Transport infrastructure contributions;
 - Public transport improvement;
 - Delivery of key transport infrastructure (including the new A85 roundabout);
 - Affordable housing provision;
 - Open space provision and maintenance;
 - Sports pitches and pavilion provision and maintenance;
 - Play area provision and maintenance;
 - Structure planting delivery; and
 - Delivery of associated community facilities including community woodland.

A copy is available to view on the Council's [Public Access portal](#).

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

- 1 The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
- 2 The application submitted an EIA Addendum '2' dated February 2021. The public had opportunity to participate in the decision-making process through

notification of the EIA supplementary information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.

- 3 The EIA addendum provides a brief summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal with scoping out of all other elements. The significant effects on the environment are identified to be directly linked to baseline planning permission 15/01157/IPM, application 21/00383/IPM, this AMSC planning submission and planning application 19/01430/AMM. In terms of significant parameters, the addendum's focus is primarily on climate change and traffic and transport impacts.
- 4 The Planning Authority is satisfied that the background EIA Statement, the 2019 EIA Addendum '1' and current EIA Addendum '2' submission (all now forming the EIA Report) is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
- 5 The Planning Authority has considered the original EIA Statement and both the Addendum 1 and 2 submissions, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.
- 6 In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

Background Papers: 23 letters of representation
Contact Officer: Callum Petrie
Date: 12 August 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.
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