

Perth and Kinross Council
Planning & Development Management Committee – 4 July 2018
Report of Handling by Interim Development Quality Manager (Report No. 18/229)

PROPOSAL: Erection of 43 dwellinghouses, formation of SUDS pond, landscaping and associated works (Matters Specified in Conditions 16/01348/IPM) (Phase 1)

LOCATION: Land 100 Metres West of Glover Arms, East Huntingtower, Perth

Ref No: 18/00412/AMM

Ward No: 9 - Almond and Earn

Summary

This report recommends approval of the application for the erection of 43 dwellings and associated infrastructure. This development would represent the first phase (and Approval of Matters Specified in Conditions) for residential development at the former auction mart site East Huntingtower, Perth following In Principle permission being issued in January 2017. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The site, which extends to approximately 1.93 hectares in area, is located to the south of the A85 trunk road and to the west of the A9 trunk road as it bypasses Perth's western periphery. It is currently accessed from the A85 along with other existing businesses.
- 2 To the northeast of the site is the Glover Arms public house at East Huntingtower and between the site and the A9 to the east is a garden centre, Dobbies. Beyond the A9 lies an established residential area with the closest housing being approximately 120 metres from the site. There are a number of houses directly opposite to the north the access into the site extending some 160 metres along the A85. The site is bounded to the west by the former agricultural mart landholding, which is defined by a hedge and core path running north-south. The core path, which is located outwith the application site boundary, meets a path running west-east some distance to the south of the application site, along what was the southern boundary of the former mart site.
- 3 Generally, the former auction mart site gradually contours down in the form of plateaus from south to north which levels out beyond the site to the south of Huntingtower Castle. The application site is the lowest and most northern part of the wider development site. Landscaping around the site is already well

established due to the use of planting to screen the previous development, the majority of which was undertaken to minimise the impact of development on the edges of the site that border onto open countryside, notably along its western edge.

- 4 The site is located within the settlement boundary of Perth as defined by the Perth and Kinross Local Development Plan (LDP) 2014. It is not allocated for a particular use but is classed as a brownfield site due to its previous use and current condition.
- 5 As advised, this Approval of Matters Specified in Conditions (AMSC) application represent the first phase of development of the site comprising of 43 dwellings, SUDS pond, access roads, footpaths and landscaping. A range of terraced, detached and semi-detached house types are proposed by the applicant:
 - 7 x 3 bedroom terrace dwellings
 - 8 X 3 bedroom semi-detached
 - 28 X 4 bedroom detached dwellings
- 6 All the house types for this phase will be two-storey in form and are proposed to be finished externally with white rendered walls and dark grey tiles.
- 7 The application has been accompanied by a significant level of supporting information in particular information relative to the majority of 'pre-commencement' conditions included in the In Principle permission (application reference: 16/01348/IPM).

Environmental Impact Assessment (EIA)

- 10 Directive 2011/92/EU requires the competent authority (in this case Perth and Kinross Council) when giving a planning consent for particular large scale project to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 12 An Environmental Statement (ES) was submitted and assessed as part of the 09/02126/FLM application for retail development. The In Principle application (16/01348/IPM) was re-screened for an EIA and it was found that an EIA was not required as the previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up to date supporting assessments, looking at flood risk, drainage,

transport, ecology, noise, air quality and contaminated land. This position has not changed at the AMSC stage.

NATIONAL POLICY AND GUIDANCE

- 13 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.

Scottish Planning Policy 2014

- 14 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability: paragraphs 24 - 35
- Placemaking: paragraphs 36 – 57
- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment: paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

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

Creating Places 2013

- 17 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.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

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

TAYPlan Strategic Development Plan 2016-2036

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

Policy 2: Shaping Better Quality Places

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

Policy 6: Developer Contributions

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

Policy 8: Green Networks

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

Perth and Kinross Local Development Plan 2014

- 26 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 27 The LDP sets out a vision statement for the area and states that:
“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”
- 28 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM1C - Placemaking

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

Policy PM2 - Design Statements

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

Policy PM3 - Infrastructure Contributions

- 33 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 34 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

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

Policy TA1A - Transport Standards and Accessibility Requirements

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

Policy TA1B - Transport Standards and Accessibility Requirements

- 37 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 38 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 39 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy CF3 - Social and Community Facilities

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

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 41 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 42 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 43 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE4 - Gardens and Designed Landscapes

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

Policy NE1A - International Nature Conservation Sites

- 45 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE1B - National Designations

- 46 Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve will only be permitted where the integrity of the area or the qualities for which it has been designated are not adversely affected or any adverse impacts are clearly outweighed by benefits of national importance.

Policy NE2A - Forestry, Woodland and Trees

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

Policy NE2B - Forestry, Woodland and Trees

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

Policy NE3 - Biodiversity

- 49 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

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

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

- 51 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

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

Policy EP2 - New Development and Flooding

- 53 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

- 55 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

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

Policy EP11 - Air Quality Management Areas

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

Policy EP12 - Contaminated Land

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 61 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 was approved at the Special Council meeting on 22 November 2017. The Proposed LDP2 sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014.
- 62 The Proposed LDP2, as approved by Perth & Kinross Council, was subject of a 9 week period of representation, which ended on 2 February 2018. Any unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 63 The Proposed Plan represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. The Proposed Plan is, however, at a stage in the statutory preparation process where it may be subject to modification. As such limited weight can therefore currently be given to its content and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision. The weight of the Proposed Plan may change following consideration of representation received during consultation, at which time the level of significance of any objection to strategy, policies or proposals within the plan will be known.

OTHER POLICIES

- 64 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

Perth and Kinross Local Transport Strategy

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

SITE HISTORY

66 The relevant planning history is:

00/01747/OUT: Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application withdrawn December 2004.

08/01513/IPM: In Principle Permission sought for a Mixed Use Development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).

09/02126/FLM: Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013

12/00392/FLL: Detailed planning permission for the erection of a petrol filling station (PFS). Approved under delegated powers April 2013.

13/01795/MPO: Modification of Planning Obligation associated with 09/02126/FLM. Application approved by Development Management Committee November 2013.

16/00002/PAN Proposal of Application Notice for renewal of 09/02126/FLM for erection of Class 1 of retail superstore and petrol filling station. Content of PAN approved February 2016.

16/00004/PAN Proposal of Application Notice for residential development. Content of PAN approved June 2016.

16/00695/FLL Renewal of 12/00392/FLL for erection of petrol filling station. Application withdrawn April 2018.

16/00696/FLM Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. Application withdrawn April 2018.

16/01348/IPM In Principle application for residential development. Application approved by Development Management Committee January 2018 following the conclusion of a Section 75 legal agreement.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 67 No objection to the proposal provided a condition on future proofing district heating is imposed with any permission.

Scottish Water

- 68 No objection as there is currently both water and foul water capacity in the network.

Transport Scotland

- 69 No objection. The required financial contribution to mitigate impact on the Broxden roundabout has been agreed with the applicant.

Methven and District Community Council

- 70 No response received.

Perth & Kinross Heritage Trust

- 71 No objection provided a condition ensuring a programme of archaeological works is applied to any permission.

Health and Safety Executive (HSE)

- 72 The HSE's online assessment tool (PADHI+) confirmed that no pipeline infrastructure will be impacted.

Scottish Gas Network

- 73 No response received.

INTERNAL

Strategy and Policy

- 74 No objection to the proposal. This site is located within the settlement boundary of the LDP where the principle of development is favourably considered.

Community Greenspace

- 75 No response received.

Transport Planning

- 76 No objection.

Environmental Health

- 77 No objection but recommends a condition regarding noise is included with any permission.

Developer Contributions

- 78 No objection.

Structures and Flooding

- 79 No objection.

Waste Services

- 80 No objection.

REPRESENTATIONS

- 81 One letter of representation has been received objecting to the proposal and raises the following relevant issues:

- Loss of trees
- Pollution
- Traffic congestion
- Placemaking
- Adverse impact on residential amenity (noise/dust/privacy)
- Should be no development due to existing power lines.

- 82 The material planning concerns raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

83	Environment Statement	IPM Screened - Not required
	Screening Opinion	Yes at IPM stage
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Updated Transport Statement, Updated Ecological Assessment, Updated Noise Assessment, Drainage Assessment, District Heating Assessment, Tree Survey, Archaeological Assessment, Geotechnical Report

APPRAISAL

Policy Appraisal

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

Principle

- 85 The principle of residential development has been established through the approval of planning permission for residential use (application reference: 16/01348/IPM) with an indicative density of 270 dwellings being identified for the former mart site.

Phasing and Delivery

- 86 Conditions 3 and 4a) of the In Principle permission require a detailed phasing plan to be submitted with the first AMSC application. The submitted phasing plan (4 phases) clearly identifies how the applicant anticipates the build out of the overall site to take place. This application, as Phase 1 of the proposal, seeks to provide 43 open market dwellings. Phase 2 shows the provision of 68 affordable dwellings. Phase 2 would meet the affordable housing requirement of 25% for the overall site early in the development. This is considered to be acceptable and the applicant has confirmed they are in discussion with the Councils Housing team regarding grant funding and two Registered Social Landlords (RSL) have been identified for the delivery of the affordable dwellings.
- 87 Phases 2 and 3 would also see the provision of the open space and play area requirements for the overall site. A planning application (18/01038/AMM) has been submitted for the remaining phases and will be presented to the Planning and Development Management Committee in due course. The phasing of the development of the site is considered to be acceptable and satisfies Conditions 3 and 4a) of the In Principle permission.

Design and Layout

- 88 A masterplan including an indicative layout plan for the site was submitted as part of the 'In Principle' application. This sets out the principal components of the proposed development. Phase 1 is in line with the masterplan for the site.
- 89 In this phase the proposal includes some cut and fill to ensure the levels are appropriate. In compliance with Condition 4b) the amount of cut and fill required is reasonably minor and any fill will come from the initial scrape back.

- 90 When considering the layout of any new development, an important issue to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible; i.e. doors leading onto the street and windows overlooking all public areas. The proposed layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space including the SUDS pond and the main pedestrian routes.
- 91 The street layout is clear and defined through the site and is considered to be easily usable by all users including waste services and helps ensure the proposal complies with Designing Streets (2010). The proposed layout and linkages ensure the site is extremely permeable for all modes of transport including pedestrian and cyclist as it connects up with the adjacent footpath and core paths. Public transport connections are available within a close walking distance on the A85 and the roads have been designed to accommodate buses if required.
- 92 The massing and scale of the dwellings shown on the proposed layout plan can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties or on each other. Three of the four dwellings closest to the A85 will be facing onto the trunk road and this is considered will provide a positive visual impact in providing an active street frontage.
- 93 In terms of house design, the proposed two-storey dwellings with white rendered walls and dark grey roof tiles will provide a simple yet attractive material palette. The proposed boundary fencing and planting will to help enhance the residential amenity of properties and protect them from road noise from the A85.
- 94 The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.

Traffic and Transport

- 95 The biggest single constraint facing the Perth Area is the capacity of the roads infrastructure in and around Perth. To help alleviate these issues planning permission has now been granted for a new A9/A85 junction as part of the proposed Cross Tay Link Road (CTLR) project. The A9/A85 works are underway and are due for completion by autumn 2018. This is designed to help alleviate congestion issues at this location.
- 96 An updated Transport Statement has been submitted with the application and has been reviewed by both Transport Planning and Transport Scotland.
- 97 Transport Planning are satisfied that it accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes. No objection or concerns have been raised by Transport Scotland.

Sustainable Transport

- 98 The application site is immediately adjacent to the A85 and the proposed site layout plan shows connections to the existing adjacent footpath and core path to ensure future residents have a choice of sustainable modes of transport to travel into Perth city centre and the surrounding area. A Green Travel Plan will still need to be submitted prior to the commencement of development with a view to minimising private single occupancy car usage whilst encouraging the use of public transport, car sharing, cycling and walking. Condition 3 will help satisfy pre-commencement Conditions 4m), 8, 10 and 11.

Trunk Road Network

- 99 Transport Scotland requires a developer contribution to help mitigate the proposal's direct impact on Broxden roundabout and a Condition 14 was imposed in the In Principle permission. The applicant has been in dialogue with Transport Scotland and the level of financial contribution has been agreed and timing of the payment is controlled by Condition 5.

Lighting

- 100 Conditions 4k) 4l), 20 and 24 from the In Principle permission all cover street lighting and in particular the impact on the trunk road networks. Phase 1 will not have any impact on the A9 but is directly adjacent to the A85. A Lighting Plan has been submitted as part of this application and neither Transport Scotland nor Environmental Health have expressed concern with regard to light spillage within or outwith the site. Condition 9 will ensure there will be no light spillage onto the A85 in particular following their installation.

Noise

- 101 Environmental Health commented on the In Principle application and recommended that noise be reassessed at the approval of matters specified by condition stage and appropriate mitigation was suggested to protect future residents from road traffic noise. An updated Noise Assessment has been submitted with this application.
- 102 Noise has been modelled at the future dwellings along the worst affected section of the site for noise, by the A85 and the A9 at 2 heights (1.5m for garden levels and 4m for internal levels). The result is the gardens and ground floor rooms would benefit from barriers but upper rooms will not as they will overlook the barriers.
- 103 The assessment has considered the whole of the site; however this application involves the north portion of the site, which is affected more by A85 noise than the A9. In this part of the site, all gardens are within the 55dBA daytime target set out in PAN 1/2011 Technical Advice Note (TAN).

- 104 Whilst the garden areas can meet the TAN target due to the inclusion of a barrier, upper floor rooms cannot meet desired internal levels with windows open. PAN 1/2011 states:

"It is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Local circumstances, particularly relating to the existing noise character of the area, should influence the approach taken to noise levels with open or closed windows. It may be appropriate to take a different approach to noise levels in different areas."

- 105 Environmental Health believe that a 'windows closed' assessment is appropriate at this location particularly as reasonable external levels can be achieved. With windows closed internal levels can be achieved day and night as long as suitable glazing and trickle vents are provided. The updated Noise Assessment addresses the In Principle Condition 29 and has summarised the required mitigation to allow reasonable levels internally and externally and should be included as a condition on any consent (Condition 15).

Air Quality

- 106 During the In Principle application a detailed Air Quality Assessment was submitted and examined by Environmental Health. Even with a predicted increase, the levels are still predicted to be well below the standards and Environmental Health has not raised any issue with regard to this proposed phase and air quality. Condition 27 of the In Principle permission however remains relevant and will ensure there is no adverse impact from dust during the construction period.

Contaminated Land

- 107 Condition 36 of the In Principle requires a detailed Ground Investigation and Reclamation Statement to be submitted and approved before any development can commence on site. This statement has been submitted alongside this application examined by Environmental Health (Land Quality) and no concerns have been expressed. Therefore the pre-commencement element of Condition 36 is acceptable.

Natural Heritage

- 108 LDP Policy NE3 requires development proposals to avoid detrimental impact on biodiversity and protected species. An updated Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the overall site. While no protected species were identified during the survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm to the south west of the overall site. Condition 7 will ensure appropriate mitigation is delivered.
- 109 Invasive non-native species such as Hogweed were found at a number of locations on the overall site and will need to be dealt with in an appropriate

manner prior to development of the site. There are no invasive species identified in the vicinity of this phase.

Trees

- 110 There are areas of trees along the boundary with the core path which need to be protected during the development. The submitted landscape plan shows they will be protected to the required BS5837 2012 standard (Condition 10).

Structures and Flooding

Flood Risk

- 111 SEPA have reviewed the information submitted to address Condition 22 of the In Principle permission. From the information submitted the CCTV survey has identified a surface water drain which serviced the previous mart to the south. It has identified the “head of line” and they accept and support that this is not a live culvert and therefore the flood risk is low. The pre-commencement element of Condition 22 has therefore been satisfied.
- 112 The submitted information has also confirmed the Newton Burn is outwith the application boundary.

Drainage

- 113 LDP Policy EP3 requires all development to have sufficient drainage infrastructure to serve the development. Within a settlement, the main aim is to ensure that the public services can accommodate the development.
- 114 Following the submission of additional details on the proposed SUDS pond and cover levels of certain manholes, Flood Risk and Structures have confirmed they the proposed drainage arrangements for Phase 1 are acceptable and satisfy the pre-commencement elements of Conditions 4 C&D, 5, 6 and 18 (SUDS and foul drainage). (See Condition 6)

Developer Contributions

- 115 A Section 75 legal agreement has been secured for the 16/01348/IPM to ensure necessary infrastructure is delivered for the site and surrounding area. It covers:
- Primary School Delivery
 - Transport Infrastructure Contributions
 - Public Transport Improvement
 - Affordable Housing Provision
 - Open Space, Play Area Provision and Maintenance
 - Contribution towards pedestrian footbridge across A9.
- 116 Condition 14 of the 16/01348/IPM permission requires the applicant to agree with Transport Scotland a level of financial contribution towards mitigating the

overall sites impact on the Broxden roundabout. I can confirm that a figure has now been agreed between the applicant and Transport Scotland and timing of the payment can be controlled by Condition 5.

- 117 The Section 75 will also ensure Conditions 33, 34, 35 from the In Principle permission will be met.

District Heating

- 118 The applicant has submitted a District Heating Assessment and whilst they state it would currently not be viable for the site, they are prepared to futureproof their site by leaving room in the service strips for new pipelines. Conditional control will ensure this futureproofing is delivered on site (Condition16). The pre-commencement element of Condition 32 has been satisfied.

Sustainability

- 119 The housing layout has been developed to maximise solar gain into properties where possible to allow the benefit of passive light and heating from the sun. In-roof Photovoltaic panels will be installed to ensure they are in compliance with current Scottish Building Standards. All house types are however designed for future adaptability as required under the Building Warrant process and will be future proofed, should district heating become a viable option.
- 120 As already mentioned the proposal is immediately adjacent to the A85 and in close proximity to bus stops. It also connects with public footpaths and a core path which links to the National Cycle Route. These will provide residents with choice of sustainable modes of transport and an alternative to the car.

Archaeology

- 121 PKHT confirm that the proposed development site lies within an area that is considered to be highly archaeologically sensitive. A large proportion of the proposed development site contains cropmarks (MPK2204 & MPK 2185) likely to represent archaeological remains that have been identified through aerial survey. The site lies to the south east of Huntingtower; an area of extensive archaeological remains and historic significance, including Scheduled Monuments (SM 3630) and Huntingtower Castle.
- 122 A Desk Based Assessment carried out in advance of the first phase, identifies three zones as having potential undisturbed archaeological remains out with areas of existing structures. This application includes the most northerly identified zone, located adjacent to the A85, and is of high archaeological potential. This assessment and the recommendation for an initial archaeological evaluation of up to 10% in each area was agreed by PKHT.
- 123 With regards to the remainder evaluation zones to be included in future applications it is worth noting the close proximity of the Battle of Tippermuir

(BTL39) south of the proposed site. This battle, fought in 1644, was the first victory for Montrose in the Charles I campaign and is of national importance.

- 124 It is therefore recommended that a negative suspensive condition (No.8) for a programme of archaeological works is attached to any permission to ensure the development does not destroy significant archaeological remains. There is a need to assess the character, condition and significance of the archaeological deposits presumed to be present, and the extent to which the development will impact upon them. This evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation, post-excavation analysis and publication of these deposits.

Economic Impact

- 125 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. The overall economic impact will be positive for the local area.

LEGAL AGREEMENTS

- 126 A legal agreement has been secured for the 16/01348/IPM planning permission to secure infrastructure that will be impacted by the current proposal and future phases.

DIRECTION BY SCOTTISH MINISTERS

- 127 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

- 128 The proposal fully accords with National Guidance and Development Plan policy in relation to residential development on an urban brownfield site. The proposal is acceptable in terms of its design, density, siting and landscape impact. The development can be satisfactorily accessed, together with the implementation of the current junction improvements to the A85/A9 junction.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved.

- 2 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency.

The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

The CEMP shall be submitted not less than two months prior to the commencement of development and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason - In the interest of protecting environmental quality; to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 3 Development shall not commence until a Green Travel Plan (GTP), aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the various elements of the development and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason - To ensure that the development is accessible by sustainable transport modes and to encourage their use.

- 4 No development shall commence until the agreed level of financial contribution with Transport Scotland to address the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.

Reason - To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 5 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 by the applicant, 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 - The site lies adjacent to areas of archaeological significance.

- 6 Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow district heating to be incorporated within the site at a future date.

- 7 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on 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 unless otherwise agreed in writing by the Council as Planning Authority.

Reason - To prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

- 8 No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85 / Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason - To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 9 Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason - In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 10 The conclusions and recommended action points within the supporting updated Ecological Appraisal 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).

- 11 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 including the A85 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.

Reason - In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished

- 12 All existing trees and hedgerows shown to be retained shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority.

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

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

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

- 14 Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

- 15 Mitigation measures as detailed in Section 5.1.1 of the Updated Noise Assessment (dated 23 March 2018) associated with this application shall be put in place prior to the occupation of any dwelling.

Reason - In the interests of residential amenity.

B JUSTIFICATION

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 2 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.
- 3 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.
- 4 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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.
- 5 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 6 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.

- 7 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.
- 8 The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
- 9 There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

Background Papers: 1 letter of representation; Decision Notice 16/01348/IPM
Contact Officer: Steve Callan
Date: 21 June 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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