

Perth and Kinross Council  
Planning and Placemaking Committee – 22 March 2023  
Report of Handling by Head of Planning & Development  
(Report No. 23/90)

**PROPOSAL:** Erection of 71 dwellinghouses and 32 flats (approval of matters in conditions of 17/00939/IPM) (Phases 1B and 2A - MU5)

**LOCATION:** Land 200 Metres West of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie

Ref. No: [22/00060/AMM](#)

Ward No: P3- Blairgowrie and Glens

### **Summary**

This report recommends approval of the application for a development comprising the erection of 71 dwellinghouses and 32 flats on land 200 Metres West of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie.

The development is considered to continue to comply with the relevant provisions of the Development Plan and there are no material considerations that outweigh this conclusion.

## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site is located to the south-western edge of Blairgowrie immediately adjacent to the A93 Perth Road. It extends to approximately 5.5 hectares and is mainly rough grassland, with a small area of woodland in the southern end.
- 2 The area to the east, across the A93, is predominantly residential; to the south is an earlier phase of the development currently under construction; to the west is an area of Ancient Woodland, with a Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens 250 metres beyond; and north is rough grassland. The site is bisected by Essendy Road which runs in an east-west direction through this development phase.
- 3 The site is allocated within the Perth and Kinross Local Development Plan 2 (2019) (LDP2) as MU5 for mixed use development (residential, employment and education). Planning permission in principle (PPP) for a mixed-use development (employment, retail, residential, community and education) for the entire MU5 allocation was approved in December 2018.
- 4 The site is to be delivered in phases with Phase 1A for the erection of two retail units (Class 1), a neighbourhood centre comprising three retail units (Class 1), parking areas, landscaping, SUDS pond and associated works

having been approved in January 2020 (Ref: 19/00163/AMM). Phase 1A is currently under construction with two of the retail units now operational.

- 5 The application seeks approval for a residential development comprising 71 dwellinghouses and 32 flats. A masterplan for the wider site was approved as part of 17/00939/IPM and the proposal broadly aligns with its principles.
- 6 This phase of development will deliver 73 affordable housing units, which represents a large proportion of the requirement for the wider site. The affordable housing tenures will be 34 Social Rent and 39 Mid-Market Rent properties. All of the houses and flats will be two-stories.
- 7 One of the key LDP2 and masterplan principles for this phase of development is the delivery of the lower parkland that will connect to and expand the woodland to the west of the site. The Ardblair Trail core path will also be incorporated into the layout with a further multi-user path connecting the site from phase 1A to the south to future phases to the north.
- 8 Car parking is provided through a mixture of parking courts, on-street and driveways. Secure enclosed cycle shelters and bin stores will be provided for the flats.

### **Environmental Impact Assessment (EIA)**

- 9 The impact of the wider development site was screened for EIA (14/01768/SCRN) and it was determined that the proposal does constitute an EIA development. An EIA Report was submitted as part of the application for planning permission in principle.

### **Pre-Application Consultation**

- 10 Pre application Reference: 14/00008/PAN
- 11 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, as the proposal is an AMSC application, further pre-application consultation (PAC) is not necessary beyond that already undertaken for the planning permission in principle.

### **DEVELOPMENT PLAN**

- 12 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

### **National Planning Framework 4**

- 13 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

- 14 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
- 15 The Council's assessment of this application has considered the following policies of NPF4:
- 16 The principal relevant policies are, in summary;
- Policy 1: Sustainable Places
  - Policy 2: Climate Mitigation and Adaption
  - Policy 3: Biodiversity
  - Policy 6: Forestry, Woodland and Trees
  - Policy 7: Historic Assets and Places
  - Policy 13: Sustainable Transport
  - Policy 14: Design, Quality and Place
  - Policy 15: Local Living and 20 Minute Neighbourhoods
  - Policy 16: Quality Homes
  - Policy 18: Infrastructure First
  - Policy 19: Heating and Cooling
  - Policy 20: Blue and Green Infrastructure
  - Policy 22: Flood Risk and Water Management

### **Perth and Kinross Local Development Plan 2019**

- 17 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 18 The principal relevant policies are, in summary;
- Policy 1A: Placemaking
  - Policy 1B: Placemaking
  - Policy 2: Design Statements
  - Policy 5: Infrastructure Contributions
  - Policy 14B: Open Space Retention and Provision: Open Space within New Developments
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 25: Housing Mix
  - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
  - Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
  - Policy 38A: Environment and Conservation: International Nature Conservation Sites
  - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy

- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

### **Statutory Supplementary Guidance**

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- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Open Space Provision for New Developments](#) (adopted in 2021)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

### **OTHER POLICIES**

#### **Non Statutory Guidance**

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- [Planning Guidance - Delivery of Development Sites](#)
- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)

### **NATIONAL GUIDANCE**

- 21 The Scottish Government expresses its planning policies and guidance through The National Planning Frameworks, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

#### **Planning Advice Notes**

- 22 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

### **Creating Places 2013**

- 23 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**

- 24 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**

- 25 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.

### **Site History**

- 26 [14/00008/PAN](#) On 11 November 2014 for Mixed use development for employment use, residential use, retail use and education
- 27 [14/01768/SCRN](#) On 13 January 2015 for Proposed mixed use development
- 28 [17/00939/IPM](#) was Approved On 21 December 2018 for Mixed use development comprising residential development, employment land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works
- 29 [19/00163/AMM](#) was Approved On 16 January 2020 for Erection of 2 retail units (Class 1), a neighbourhood centre comprising 3 retail units (Class 1), formation of parking areas, landscaping, SUDS pond and associated works (approval of matters specified by conditions 17/00939/IPM) (Phase 1A - MU5)

### **CONSULTATIONS**

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

#### **External**

- 31 **Perth and Kinross Heritage Trust:** No objection subject to condition.

32 **Scottish Water:** No objection. Advised that there is currently insufficient capacity at Blairgowrie Wastewater Treatment Works to accommodate the development. However, Scottish Water have triggered a growth project to provide increased capacity at Blairgowrie WWTW to meet future growth needs.  
This project is forecast to deliver by the end of 2024 and Scottish Water will work with the developer to enable a phased approach ahead of growth delivery.

33 **Scottish Environment Protection Agency (SEPA):** No objections.

34 **Blairgowrie and Rattray Community Council:** No comments.

#### **Internal**

35 **Environmental Health (Contaminated Land):** No comments

36 **Community Greenspace:** No objections.

37 **Structures and Flooding:** No objections.

38 **Environmental Health (Noise Odour):** No objections. Noise condition required.

39 **Transport Planning:** No objection subject to condition.

40 **Development Contributions Officer:** A S.75 has been secured against the planning permission in principle. This development triggers requirements within the S.75, particularly in relation to affordable housing and primary education.

41 **Community Waste Advisor - Environment Service:** No comments.

42 **Biodiversity/Tree Officer:** No objections.

#### **Representations**

43 21 representations were received. The main issues raised within the representations are:

- Adverse effect on visual amenity
- Inappropriate land use
- Inappropriate housing density
- Light pollution
- Loss of open space
- Loss of daylight and sunlight
- Loss of privacy
- Noise pollution
- Road safety
- Potential flood risk

- Increased traffic
- Impact on existing wetlands
- Impact on wildlife
- Impact on existing infrastructure

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

## **ADDITIONAL STATEMENTS**

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Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Woodland Management Plan</li> <li>• Archaeological Assessment</li> <li>• Flood Risk Assessment</li> <li>• Drainage Strategy</li> <li>• Ecology Report</li> <li>• Site Investigation Report</li> <li>• Transport Assessment</li> <li>• Peat Extracts Report</li> <li>• Affordable Housing Strategy</li> </ul>

## **APPRAISAL**

46 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

### **Principle**

47 The principle of the proposal has been established through the site's allocation as MU5 in LDP2 for a mixed-use development, including residential. The LDP2 allocation advises that the residential capacity of the site is 179-280 units. Planning permission in principle (ref: 17/00939/IPM) has previously been approved for the phased development of the site and the current proposal for Phases 1B and 2A and will deliver 103 residential units.

48 The principle of the development is acceptable provided the proposals are compatible with relevant policies of the development plan.

## Design and Layout

- 49 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure. Also relevant is the masterplan for the site which sets out the key principles for the development. The matters specified in Condition 3 of the PPP sets the required detail in respect of the layout and design considering: topography, siting, design, height and external materials of the buildings and structures. The PPP also requires further detail in respect of landscaping and open space, SUDS, car parking and boundary treatments.
- 50 A masterplan setting out the broad development strategy for the site was approved as part of the planning permission in principle. The proposed layout complies with the principles indicated in the masterplan.
- 51 The layout seeks to provide a logical movement pattern, particularly for non-motorised users with emphasis on creating permeability through the site. A 3-metre-wide multi-user path will run through the development connecting Phase 1A to the south with future phases to the north. The Ardblair Trail core path is incorporated into the layout with other connections taking cognisance of desire lines within the site, particularly to local schools and services.
- 52 A total of 103 houses and flats are proposed. The majority of the units have been orientated to face a road or areas of open space, where they can provide passive surveillance. The proposal provides a suitable mix of 2-5 bedroom units, addressing the needs of a range of households. All the dwellinghouses and flats will be two storeys in height and will remain below the 90 metre contour line to the north of the site as required by LDP2. All of the houses will have a private garden area with the flats having communal spaces. Overall, the scale and density of the development is commensurate with the masterplan and the prevailing townscape in this part of Blairgowrie.
- 53 The use of parking courts within the development ensures that the proposal is not car dominated. The houses fronting the A93 and Essendy Road will address the street and create a positive urban edge to the most visible parts of the development.
- 54 The proposed palette of materials, including coloured render with grey or buff roof tiles is appropriate in this location and is considered acceptable. The final specification of materials will require to be determined via a condition (condition 15).
- 55 The site has been well laid out and designed, taking into account the key constraints and opportunities of the site including incorporating the development in relation to the existing ancient woodland. The site provides good connectivity, both within the development and with the surrounding area, including providing access to existing core path provision. The Design & Access Statement has provided a sound justification for the design and layout of the site, considering a range of key design parameters. The site also



incorporates a range of 2–5-bedroom units, with the affordable housing units well interspersed within the site. The site also mixes the size range of properties across the development. Overall, the general layout, house designs and materials proposed are acceptable and contribute positively to the quality of the surrounding built and natural environment in compliance with relevant NPF4 and LDP2 policies.

### **Landscape**

- 56 In terms of the impact on visual amenity of the area, a residential development will inevitably change the visual appearance of the area, however, the application site has been identified for residential use in the LDP, therefore this degree of change was envisaged in the site allocation and permission granted under the PPP. The landscape strategy and Woodland Management Plan submitted for the site sets out how the central area of landscaping will be managed and incorporated into the ancient woodland and core path. The design and layout of the site, along with the proposed landscaping and retention of the ancient woodland that bounds the site to the west is considered to be acceptable in landscape terms and will not cause any unacceptable visual impacts. The proposal accords with the provisions of PPP and meets the objectives of LDP2 Policy 1, Policy 39 and Policy 40B.

### **Residential Amenity**

- 57 Residential amenity requires to be considered under LDP Policy 1 – Placemaking and Policy 17 – Residential Areas.

### Privacy, Daylight and Overshadowing

- 58 The location of the proposed dwellinghouses relevant to existing residential properties is such that there will be no loss of privacy or loss of daylight or overshadowing. Similarly, the new properties are adequately spaced out to prevent any impact on amenity in terms of loss of privacy, daylight or overshadowing. The proposal is therefore considered to comply with Policy 17: Residential Areas as the proposed use and impact is considered acceptable.

### Noise

- 59 Condition 26 of the PPP requires a noise assessment to be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account any acoustic mitigation proposed. A noise assessment has not been submitted as part of the application. A further condition (Condition 14) is therefore necessary to ensure that internal noise levels for the development are assessed and that a suitable level of residential amenity can be achieved. The commercial premises on phase 1A are subject to their own conditions that prevent them from being a noise nuisance to nearby residential properties.

## Air Quality/Dust

- 60 A detailed Air Quality Impact Assessment (AQIA), which included a cumulative assessment with other large-scale development in Blairgowrie, was assessed as part of the PPP. Environmental Health had no objection to the assessment within the PPP and no further appraisal is required. Therefore, there are no conflicts with LDP2 Policy 57. The AQIA included dust control measures to be put in place throughout the construction of the development. The recommended measures are required to be implemented via Condition 9 of the PPP and will remain enforceable for the duration of the construction.

## **Roads and Access**

- 61 Condition 3(iv) of the PPP specifies details required for roads, footpaths, cycleways and path connections. NPF4 Policy 13: Sustainable Transport seeks to encourage developments that prioritise sustainable travel while LDP2 Policy 60 Transport Standards and Accessibility Requirements requires consideration of transport and accessibility. A supporting Transport Statement has been assessed by the Council's Transport Planning team, who do not object with the scale of development and parking requirements considered adequate.
- 62 In terms of vehicular and pedestrian access to and from the site, significant dialogue took place regarding design standards, shared use active travel routes and crossing points on Essendy Road. These matters are now resolved subject to the imposition of relevant conditions (Conditions 5-9) to ensure the provision of a new signalised controlled pedestrian crossing on Essendy Road, a new shared use active travel route linking to Westpark Road as well as junction and verge improvements.
- 63 Two new accesses will be formed from the A93 and Essendy Road for vehicular traffic and pedestrians. Trip generation information undertaken as part of the Transport Assessment indicates that the proposals are likely to generate an additional 53 vehicle movements in the AM peak and 56 vehicles movements in the PM peak. Assuming a worst-case scenario that all additional traffic travels via the Essendy Road/A93 junction, this would represent an 8.4% increase in the AM and a 7.8% in the PM peaks. Transport Planning has confirmed that this increase is acceptable and will not cause detriment to the road network when combined with conditions related to active travel and improvements to visibility splays.
- 64 Parking spaces for 94 cars will be provided on street and within parking courts for the 73 houses and flats that do not have private driveways. Each block of flats will be provided with a secure, covered cycle enclosure to encourage the use of sustainable transport methods. The level of car and cycle provision is acceptable.
- 65 Therefore, subject to the conditions specified above and a further condition to manage construction traffic activity through a Construction Traffic Management Scheme (Condition 10), the proposal meets the terms of the

PPP, NPF4 Policy 13: Sustainable Transport and LDP2 Policy 60: Transport Standards and Accessibility Requirements.

### **Core Path**

- 66 LDP2 Policy 15 is concerned with public access; including core paths and rights of way, and development proposals must not have an adverse impact on such routes. The LDP2 MU5 allocation requires protection of local footpaths and the Arblair Trail. Core Path BLAI/29, which forms part of the Ardblair Trail is to be re-routed as part of the development. The proposed diversion will preserve the integrity of the core path and provides landscaped link through the development. A scheme for the timing and delivery of the diversion and for the future maintenance of the core path is required, to ensure public access is not compromised (Condition 16).
- 67 Separate to any approval, there is a formal process under the provisions of Section 208 of the Town and Country Planning (Scotland) Act 1997 relating to the stopping up and diversion of footpaths. This process is typically progressed when planning permission is received. An informative is proposed to highlight the requirements of this process to the applicant (Informative 17).

### **Drainage and Flooding**

- 68 PPP Condition 3(ix) requires details of the proposed foul and surface water Drainage to be provided. Conditions 10 and 11 support Condition 3(ix) and specify the approach to flood risk assessment and surface water drainage arrangements. The supporting Flood Risk Assessment (FRA) and Drainage Impact Assessment (DIA) have been assessed by the Council's Structures and Flooding team. Structures and Flooding initially sought clarifications in relation to the flood risk and surface water drainage arrangements. However, following receipt of further technical drawings and information, these concerns have been addressed.
- 69 Scottish Water have advised that there is currently insufficient capacity at the Blairgowrie Waste Water Treatment Works to service the development. They further advise, however, that they are committed to supporting development through their investment programme. The developer will be required to undertake a separate consenting process with Scottish Water before development can commence on the site.
- 70 Overall, the proposal complies with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

### **Waste Collection**

- 71 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. A swept path diagram has been submitted that confirms the site can be adequately serviced by refuse vehicles.

## **Archaeology**

- 72 As required by Condition 8 of the PPP, an updated Archaeology Assessment has been submitted and assessed by Perth and Kinross Heritage Trust (PKHT). They re-confirm the archaeological potential, given the number of pre-historic records in proximity. This updated Assessment is considered robust, and concludes that there is considered to be a high potential for remains of prehistoric to Roman era to be present within the development phase.
- 73 It is recommended that a condition is imposed (Condition 4) requiring a programme of archaeological works to be undertaken prior to any development taking place. The requested condition will ensure that the proposal complies with NPF4 Policy 7: Historic Assets and Places and LDP2 Policy 26: Scheduled Monuments and Archaeology.

## **Natural Heritage and Biodiversity**

- 74 The consideration of natural heritage and biodiversity is integral to the layout, design and landscaping detail required by the PPP. NPF4 Policy 1: Sustainable Places, Policy 3: Biodiversity, Policy 4: Natural Places and Policy 6: Forestry Woodland and Trees are relevant considerations as are LDP2 Policies 38: Environment and Conservation, 40: Forestry, Woodland and Trees and 41: Biodiversity. The PPP requires a Woodland Management Plan, an updated Ecological Assessment and a Protected Species Survey, all of which have been submitted.
- 75 The Ecological Assessment demonstrates the proposed development will not adversely affect: Dunkeld and Blairgowrie Lochs SAC; the River Tay SAC; the Ardblair and Myreside Fens SSSI; Craighall Gorge SSSI; and Hare Myre, Monk Myre and Stormont Loch SSSI, which are all located within 2.5km. NatureScot offer no comment on the proposal. There are no adverse impacts forecast for these designations. In terms of protected species, the updated Ecological Assessment reiterates the sites low potential for use by European Protected Species, and low habitat diversity and biodiversity value.
- 76 The Ecological Assessment been assessed by the Council's Biodiversity/Tree Officer. Following an update to the plans to provide more information the details are considered acceptable in terms of landscape and biodiversity value.
- 77 The Woodland Management Plan, Parkland Delivery Plan and detailed landscape proposals have been assessed by the Council's Biodiversity/Tree Officer and Community Greenspace and found to be satisfactory.
- 78 SEPA was consulted on the proposal and requested the submission of a Peat Management Plan to ensure that deep peat deposits are managed on site. The applicant subsequently provided additional extracted peat probing data demonstrating that areas of deep peat will be avoided in the site layout. SEPA has confirmed that this information is acceptable, and they have no objections to the proposals.

- 79 Planning conditions are proposed to ensure appropriate protection or mitigation of habitats and species during and post-construction (Conditions 12-13). During the construction phase, a Construction Environmental Management Plan (CEMP) is required to ensure adequate controls are in place to preserve environmental quality and biodiversity (Condition 11).
- 80 It is concluded that, within the site, the proposal adequately provides for and enhances natural heritage and biodiversity and thereby complies with the relevant policies of NPF4 and LDP2.

### **Sustainability**

- 81 LDP2 Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development requires proposals for new buildings to demonstrate that at least 10% of the current carbon reduction emissions will be met through the installation and operation of zero and low-carbon generating technology (LZCGT). The specific requirements of Policy 32 have not been formally addressed in terms of the 10% requirement for the deployment of LZCGT. Therefore, the applicant will need to demonstrate compliance in terms of what LZCGTs will be deployed. As such a condition shall be imposed to ensure this requirement is met (Condition 10).
- 82 NPF4 Policy 19: Heating and Cooling, LDP2 Policy 34: Sustainable Heating and Cooling and in line with condition 17 of the PPP, the applicant was required to submit a District Heating Feasibility Study to assess the technical feasibility and financial viability of district heating for the site as part of the first AMSC application (ref: 19/00163/AMM). The study concluded that it is not currently viable to incorporate district heating within the development due to the size of the site and high capital cost. This position was accepted as part of 19/00163/AMM and there is no further requirement for its consideration as part of this phase.

### **Developer Contributions**

#### Affordable Housing

- 83 Condition 24 of the PPP refers to LDP2 Policy 20 which requires an affordable housing contribution equivalent to 25% of the units proposed. An existing Section 75 agreement for the wider site provides the terms under which the affordable housing should be delivered for each development phase. The application for the current phase will provide 73 affordable housing units (out of 103 units) which is significantly more than the 25%. As applications are made for future development phases this figure will be rebalanced back toward the 25% requirement.

#### Primary Education

- 84 The existing Section 75 includes a requirement for a Primary School Contribution to be paid for the purpose of providing improved or additional primary education facilities to serve the development. This phase of the development will trigger a requirement for a contribution to be paid. The

relevant timescale for the payment is set out within the terms of the agreement.

- 85 The agreement in place continues to meet the requirements of the PPP as well as NPF4 Policy 18: Infrastructure First and LDP2 Policy 5: Infrastructure Contributions.

### **Economic Impact**

- 86 During the construction period, jobs will be created and sustained, supporting in-direct employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will also support existing local employment and services in the area.

### **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 87 A Section 75 agreement has been secured for the 17/00939/IPM planning permission to secure necessary infrastructure improvements and contributions. The agreement in place continues to meet the objectives of the PPP and LDP2 Policy 5.

### **DIRECTION BY SCOTTISH MINISTERS**

- 88 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**

- 89 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.
- 90 Accordingly, the proposal is recommended for approval subject to the following conditions.

### **RECOMMENDATION**

#### **Approve the application**

#### **Conditions and Reasons for Recommendation**

1. The development hereby 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.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

### **Surface Water**

3. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which accords with Sustainable Urban Drainage System principles shall be implemented for the site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented.

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

### **Archaeology**

4. 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.

### **Roads and Access**

5. 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, details and specifications for a new signalised controlled pedestrian crossing to be

provided on Essendy Road. Said signalised controlled pedestrian crossing shall be installed and operational prior to occupation of the first dwellinghouse within Phase 2A.

Reason: In the interests of road safety

6. 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, details and specifications for a new shared use active travel route to provide a link to Westpark Road. Said active travel route shall be constructed prior to occupation of the first dwellinghouse within Phase 2A.

Reason: in the interests of sustainable transport.

7. 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, details and specifications for junction improvements between the A93 and Essendy Road. Said junction improvements works shall be constructed prior to occupation of the first dwellinghouse within Phase 1B.

Reason: In the interests of road safety

8. 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, details and specifications for provision of a 0.5 metre hard verge and kerbing along Essendy Road. Said hard verge and kerbing shall be provide between the development and the A93 and constructed prior to occupation of the first dwellinghouse within Phase 1.

Reason: In the interests of road safety

9. 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 (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
  - (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
  - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;



- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason: In the interests of road safety

### **Environmental Impact and Biodiversity**

10. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail for each building:
  - a) the technology types;

- b) illustrate, through technical calculations, that these will meet at least the 10% reduction;
- c) their siting and location; and
- d) ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

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

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

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 agreement of the Council as 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. 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.

### **Residential Amenity**

14. Prior to the commencement of development a noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account any acoustic mitigation proposed.

Reason: In the interests of residential amenity.

15. Prior to the commencement of the development 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. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

### **Core Path**

16. Prior to the commencement of development, a scheme for the technical details, delivery phasing and signage needed for the diversion of Core Path BLAI/29 and for the future maintenance of the path within the site shall be submitted to, and approved in writing by, the Council as Planning Authority. This scheme shall also ensure that all existing rights of way, core paths within or adjacent to the completed development shall at all times be protected and remain operational during the construction phases. The scheme shall thereafter be implemented in full accordance with the approved details.

Reason: In the interest of sustainable transportation being maintained.

### **B JUSTIFICATION**

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

### **C PROCEDURAL NOTES**

None applicable.

### **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. In accordance with 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 applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
  5. 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.
  6. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at [www.pkc.gov.uk/vehicleaccess](http://www.pkc.gov.uk/vehicleaccess). Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
  7. 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 Environment Protection Agency.
  8. No work shall be commenced until an application for building warrant has been submitted and approved.
  9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
  10. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the dwellinghouses and junction layouts.
  11. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
  12. The applicant is advised to refer to Perth & Kinross Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development. <https://www.pkc.gov.uk/ldp2floodrisk>

13. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).
14. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
15. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
16. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> 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.
17. The applicant is advised that technical approval will be required for all street lighting apparatus within adoptable areas and should contact the Street Lighting Partnership to obtain technical approval prior to the submission of a Road Construction Consent application.
18. The stopping up or diversion of the Core Path BLAI/29 is subject to agreement under Section 208 of the Town and Country Planning (Scotland) Act 1997 (as amended). All relevant approvals in this regard should be in place prior to any stopping up or diversions taking place.

Background Papers: 21 letters of representation  
Contact Officer: Alex Gudgeon  
Date: 10 March 2023

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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

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