

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

PROPOSAL:	Mixed use development comprising residential development, business land, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works
LOCATION:	Land west of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie

Ref. No: 17/00939/IPM
Ward No: P3- Blairgowrie and Glens

Summary

This report recommends approval of the 'In Principle' application for a mixed use (business, retail, residential, community and education) development at the western edge of Blairgowrie. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is located to the western edge of Blairgowrie and is west of existing residential properties and the A93, Perth Road. The proposed site covers an area of approximately 25 hectares and is mainly agricultural fields with a small area of woodland at the southern end of the site. Immediately east of the site is an established residential area of Blairgowrie. To the west is agricultural land and the Scheduled Monument of Fir Hillock burial mound, which sits adjacent to the western boundary. An area of Ancient Woodland bounds the site to the south west. 250 metres west of the site is a Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens.
- 2 In terms of topography the site is generally level with a gentle rising northwards. The site is currently in agricultural use and is categorised as class 3.2, and not classified as prime agricultural land.
- 3 Current vehicular access into the site is off the A923 road to Dunkeld, the B947 Essendy Road and off the A93 through existing residential streets off the A93. Within the north and south of the site there is a network of Core Paths.
- 4 The site is allocated within the Perth and Kinross Local Development Plan (LDP) (MU5) for mixed use development (residential, employment and education). The LDP acknowledges the potential for approximately 200 residential units, 4 hectares for employment use and 4 hectares for education use.

- 5 The applicant is seeking In Principle permission for a mixed use development (employment, retail, residential, community and education) for the entire MU5 allocation. The proposal also makes provision for landscaping, parks, green space, community facilities, roads and drainage infrastructure and associated development. An accompanying masterplan and Environmental Impact Assessment (EIA) has been submitted alongside the application. The key elements of the proposal comprise:
- Business Land (4ha) including Retail, Hotel, Restaurant, Local Centre
 - Residential – 400 dwellings approximately with 25% Affordable Housing;
 - Education – Primary School/Playing Fields;
 - Open Space / Recreational Areas; and
 - Associated supporting utility and access infrastructure.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU (the EIA Directive) requires the ‘competent authority’ (in this case Perth and Kinross Council) when giving a planning permission for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before ‘development consent’ can be given. The EIA Directive was amended and updated in 2014 by Directive 2014/52/EU introducing new requirements on the developer and competent authorities. These changes are transposed in to the Scottish planning system through the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 2017 Regulations) which largely replaces the 2011 EIA Regulations.
- 7 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.
- 8 An EIA Report/Environmental Statement was required to be submitted with the proposal as there were likely to be significant effects on the environment.

PRE-APPLICATION CONSULTATION

- 9 The proposed development is classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it involves more than 2 hectares of developable area or above 50 dwellings. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 14/00008/PAN) outlined that a public exhibition was held locally 24 and 25 November 2014 and the previous Ward Councillors for the

area were consulted as well as Blairgowrie and Rattray Community Council. A follow up public exhibition was also held on 2 March 2017.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

- 11 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy 2014

- 12 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

- 13 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
- Promoting Town Centres; paragraphs 58 - 73
- 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

Planning Advice Notes

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

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

Creating Places 2013

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

National Roads Development Guide 2014

17 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

- 18 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

- 19 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:
- 20 *“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.”*
- 21 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 1: Locational Priorities

- 22 Seeks to focus the majority of development in the region’s principal settlements. Blairgowrie/Ratray is identified as a Tier 2 Settlement with the potential to make a major contribution to the region’s economy, but will accommodate a smaller share of the additional development.

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 4: Homes

- 24 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 25,020 units up to year 2028 and a further 16,680 by 2036.

Policy 6: Developer Contributions

- 25 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

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

Policy 9: Managing TAYplans Assets

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

Perth and Kinross Local Development Plan 2014

- 28 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The principal relevant policies are, in summary;

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 PM4 - Settlement Boundaries

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

Policy ED1A - Employment and Mixed Use Areas

- 35 Areas identified for employment uses should be retained for such uses and any proposed development must be compatible with surrounding land uses and all six of the policy criteria, in particular retailing is not generally acceptable unless ancillary to the main use.

Policy ED1B - Employment and Mixed Use Areas

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

Policy RC1 - Town and Neighbourhood Centres

- 37 Class 1 (retail) uses will be supported in identified town and neighbourhood centres commensurate with the role of the centre within the established retail hierarchy. Use Classes 2 & 3, leisure, entertainment, recreation, cultural and community facilities will also be encouraged in ground floor units provided they contribute to the character, vitality and viability of the retail core and satisfy the

criteria set out. Use of pavement areas for restaurant/cafes/bars is acceptable in the prime retail area. Housing and other complementary uses are encouraged on the upper floors.

Policy RC4 - Retail and Commercial Leisure Proposals

- 38 The location of new retail and commercial leisure facilities should follow a sequential approach. Proposals of more than 1,500 sqm (or smaller at the discretion of the Council) outwith a defined town centre and not in accordance with the development plan will require a transport, retail or leisure impact assessment. Proposals that are on the edge of a centre, out of centre or in other commercial centres will only be acceptable where they satisfy the criteria set out.

Policy RD1 - Residential Areas

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

Policy RD2 - Pubs and Clubs - Residential Areas

- 40 Pubs, clubs and other leisure uses should be located in town centres except where they serve a local market. There is a presumption against these uses below existing residential property or where problems of noise or disturbance cannot be satisfactorily addressed.

Policy RD4 - Affordable Housing

- 41 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1A - Open Space Retention and Provision

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

Policy CF1B - Open Space Retention and Provision

- 45 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

- 46 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.

HE1A - Scheduled Monuments and Non Designated Archaeology

- 47 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

- 48 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

- 49 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 NE1 - Environment and Conservation Policies

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

Policy NE2A - Forestry, Woodland and Trees

- 51 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

- 52 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

- 53 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

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

Policy ER5 - Prime Agricultural Land

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

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

- 56 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

- 57 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

- 58 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 EP3B - Water, Environment and Drainage

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

Policy EP3C - Water, Environment and Drainage

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

Policy EP5 - Nuisance from Artificial Light and Light

- 61 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP6 - Lunan Valley Catchment Area

- 62 The nature conservation and landscape interest of the Lunan Valley Catchment Area will be protected and enhanced in accordance with the criteria set out. Policy RD3: Housing in the Countryside is restricted to economic need, conversions, or replacement buildings within the Lunan Valley Catchment Area.

Policy EP8 - Noise Pollution

- 63 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

- 64 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

- 65 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)

- 66 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.
- 67 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.
- 68 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

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

- Green Infrastructure Supplementary Guidance (Draft) July 2014
- Perth and Kinross Retail Update 2014
- Draft Perth and Kinross Retail Update 2016
- Open Space Standards (2001)

SITE HISTORY

70 The following history is of relevance;

14/00008/PAN Mixed use development for employment use, residential use, retail use and education. Content of PAN approved 11 November 2014.

14/01768/SCRN EIA Screening Request for mixed use development. Screening Opinion issued 13 January 2015 – EIA required.

CONSULTATIONS

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

EXTERNAL

Scottish Environment Protection Agency (SEPA)

72 No objection.

Scottish Natural Heritage (SNH)

73 No response received.

Transport Scotland

74 No objection.

Scottish Water

75 No objection.

Historic Environment Scotland (HES)

76 No objection.

Forestry Commission Scotland (FCS)

77 No objection. Pleased to see the level of tree removal is outweighed by the amount of proposed planting.

Sport Scotland

78 No objection provided that acceptable sports pitch provision is provided should a new school be delivered on the site.

Royal Society of Protection of Birds (RSPB)

79 No response received.

Perth and Kinross Heritage Trust (PKHT)

80 No objection provided a recommended condition is included with any permission as site has archaeological potential.

Blairgowrie and Rattray Community Council

81 Neutral position. Equal level of support and objection to the proposal.

INTERNAL

Transport Planning

82 No objection.

Strategy and Policy

83 No objection.

Community Greenspace

84 No objection.

Commercial Waste

85 No objection.

Enterprise Team

86 No response received.

Flood Risk and Structures

87 No objection.

Environmental Health

88 No objection following submission of detailed Air Quality Impact Assessment.

Contributions Officer

89 Due to the scale of the proposal a Section 75 Legal Agreement will be required to secure the necessary infrastructure and associated contribution payments for the following:

- Affordable Housing provision

- Primary Education provision
- Open Space provision and maintenance
- Play area provision and maintenance
- Core path provision and maintenance
- Sports pitch provision and maintenance

Biodiversity Officer

90 No objections providing certain conditions are applied.

REPRESENTATIONS

91 The application has attracted 78 representations objecting to the proposal. The following issues raised in the objections are addressed in the Appraisal section of this report;

- Contrary to Development Plan
- No need for additional housing
- No need for retail stores
- No need for hotel
- Adverse environmental impact
- Adverse impact on residential amenity including privacy
- Adverse impact on visual amenity
- Adverse impact on biodiversity
- Adverse impact on woodland, trees and hedges
- Adverse impact on tourism
- Adverse impact on town centre
- Adverse impact on Core Paths/Ardblair Trail
- Traffic congestion
- Traffic safety
- Impact on primary school/need for new primary school
- Excessive density
- Inappropriate land use/across road from cemetery
- Loss of open space/countryside/agricultural land
- Noise pollution
- Light pollution
- Flood risk
- Drainage concerns
- Inadequate infrastructure including medical centre
- Construction traffic impact
- Excessive height
- Loss of daylight and potential overlooking
- Car parking

92 These issues are addressed in the Appraisal section.

93 **ADDITIONAL STATEMENTS**

Environment Statement	Submitted
Screening Opinion	Submitted
Environmental Impact Assessment	Submitted
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Transport Assessment; Retail Impact Assessment; Updated Air Quality Assessment

APPRAISAL

- 94 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.
- 95 In terms of other material considerations, this involves considerations of the Council’s other approved policies and supplementary guidance, such as the Developer Contributions Supplementary Guidance including Affordable Housing April 2016 and Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.

Principle

- 96 TAYplan Policy 1 (Location Priorities) seeks to focus the majority of development in the region’s principal settlements. Blairgowrie/Ratray is identified as a Tier 2 Settlement with the potential to make a major contribution to the region’s economy, but will accommodate a smaller share of the additional development. The proposed development therefore complies with the objective of this policy.
- 97 The principle of large scale mixed use (residential and business) development has been established through its allocation (MU5) in the LDP. Based on site area of 25 hectares and 8 hectares required for business/education/sports pitch provision, this leaves 17 hectares for residential use. Based on an indicative number of 400 dwellings, the proposed development is a medium density proposal (23 dwellings per hectare) and this is considered suitable for edge of settlement locations in the context of national policy stating the desirability of using land efficiently.

LDP Site Specific Requirements

- Development of a masterplan through consultation with the community and the Council.
- Reservation of area for educational/play provision in centre of site (4ha)
- Provision of 4ha of business land to be developed in phased manner with housing development.
- Transport Assessment.
- Wastewater network investigations may be required resulting in network improvements.
- Development to be kept below the 90m contour line to the north of the site, area above that level to be considered for community woodland or similar use.
- Protection of ancient woodland in southern part of site.
- Evaluation of archaeological potential and mitigation will be required including protection of Fir Hillock Scheduled Monument.
- Enhancement of biodiversity.
- Financial contribution to education provision in line with the Supplementary Guidance
- Flood Risk Assessment.
- Protect local footpaths and the Ardblair Trail.
- Expand woodland on west side of site.
- Layout of the development to minimise impact on residential properties.

98 The above requirements will be addressed in the following appraisal.

Design and Layout

- 99 The applicant has undertaken and produced a detailed Masterplan document following a number of consultation events with the local community. The masterplan establishes the broad land use, phasing and placemaking principles for the majority of the site.
- 100 At the southern end of the site the masterplan shows a new commercial/business area consisting of retail, hotel a restaurant and a new local centre. Whilst requiring certain visibility from a commercial perspective the commercial/business units are shown to be set back off the A94 (Perth Road) and providing the potential for reasonably significant boundary planting that will assist in softening any visual impact at this location.
- 101 As you move north through the site the predominant use is residential with strategically positioned areas of open space. Located centrally with the site is 4 hectares of open space which is required to be safeguarded for either education use for a new primary school (if required) or sports pitches for use by the community.

- 102 Access to the commercial uses will be via the A94, whilst the residential areas will be accessed off Essendy and Dunkeld Road. There will be a number of pedestrian and cyclist access points via the existing residential streets off the A94 immediately east of the proposed site.
- 103 The proposed density of uses represents efficient use of the land at an edge of settlement location that helps meet the both the Scottish Government and the Councils targets in terms of delivering mixed use sites and reducing the potential need for travel by car by both existing and new residents.
- 104 The proposed masterplan document meets the first three site specific criteria contained in its allocation in the LDP. The masterplan also complies with LDP Policy PM1 – Placemaking as it strives to provide a good mix of uses without a significant adverse impact on the area and existing residents. The applicant has provided a comprehensive masterplan which details the overall concept and vision of the site and how it will integrate with Blairgowrie. Analysis of movement, landscaping and local context has been clearly addressed as well as the site specific developer requirements of the LDP. The 3D visualisation of the southern end of the site identifies the site as a gateway development with enhanced pedestrian connections to the town centre and surrounding area. The Councils Strategy and Policy team are supportive of the masterplan as it meets the LDP requirements.

Landscape

- 105 Community Greenspace specified the need for good public open space (POS) including equipped play areas, sports provision, and appropriate woodland and excellent path connections for both recreation and active travel.
- 106 The masterplan refers to several community facilities including several areas of POS for a development of this scale. Community Greenspace are satisfied that the main POS constraints and opportunities have been addressed and included in the masterplan and indicative site layout plan. The structure of the POS especially woodland and path connections should be an early priority of the development. The masterplan shows significant retention of mature trees and woodland and new planting with native species and this should provide a good structure.

Woodland

- 107 One of the site specific criteria requires the protection of ancient woodland in the southern part of the site. The LDP shows the woodland to be retained as greenspace. The applicant has however shown this area as residential in the masterplan and therefore conflicts with this element of the site specific criteria. The applicant has provided supporting information justifying the proposed removal of this section of woodland as it is not ancient woodland like that immediately west of the site but is actually a small area of regenerating and self-seeded vegetation.

- 108 To accommodate the proposed built forms and associated infrastructure some limited areas of vegetation will need to be removed. This includes most of the area of regenerating trees and vegetation within the north-west fringes of the southern sector, as well as small lengths of hedgerows and a few hedgerow trees along the Essendy Road and Dunkeld Road to accommodate new junctions and sightlines.
- 109 The applicant acknowledges that this results in the loss of some woodland. However, it is proposed to significantly compensate for these losses by the implementation of a comprehensive site-wide planting strategy. This will form part of a mitigation strategy to be adopted across the site and will include new woodland and structure planting, riparian planting, avenue trees, specimen trees and domestic/specimen tree/shrub planting. Some planting is proposed to be undertaken at an early stage to ensure that key landscape resources are enhanced in line with the scale and mix of development proposed.
- 110 Within the vicinity of Ardblair Wood it is proposed to include a mix of woodlands including wet woodland and woodland edge planting as well as infill planting, all of which will be native and locally indigenous species. With a minimal amount of trees and vegetation proposed to be removed, Forestry Commission Scotland are supportive of the level of new native tree planting proposed and have not raised any concern over any adverse impact on any woodland.
- 111 The proposed planting strategy will protect and enhance the ancient Ardblair Wood by expanding new woodland creation, planting native species and adding to the age diversification of tree stock. Based on the robust justification by the applicant the loss of the woodland at the southern end of the site considered to be acceptable.
- 112 One of the other site specific requirements is that development must be kept below the 90m contour line to the north of the site and the above that level should be considered for community woodland or similar use. This northern sector forms the highest part of the landholding rising to a height of approximately 93m AOD on the northern boundary. The local landform continues to uniformly rise beyond this boundary to a local ridgeline located across the summit of Knockie Hill at approximately 210m AOD. These upper slopes comprise arable fields frequently punctuated by tree belts and form an attractive backdrop to the proposed site and to Blairgowrie. The applicant respects the site specific criteria and has not proposed any development beyond the 90m AOD.

Paths

- 113 Paths within the site should be multi use and should be surfaced and at least 3m wide (2m width stated) ideally sitting within naturalised green corridors. The masterplan shows links to the existing core paths at the northern and southern end within the site and some contribution to upgrading off site paths will be required. This contribution can be controlled via the Section75 legal agreement as well as conditional control. (Condition 12). The provision of paths are essential to connect to key community facilities especially existing and

planned play areas and sports facilities. This provision will ensure the site specific requirement to protect the local footpaths and the Ardblair Trail is met.

Play Areas

- 114 A neighbourhood equipped area for play (NEAP) as detailed within the Councils Play Strategy will be required. Such a play area should be located to be overlooked and accessible to the maximum number of residents possible. The masterplan provides several areas of open space that should be suitable for the provision of a NEAP to meet the Councils Play Strategy and LDP Policy CF1B – Open Space Retention and Provision.

Sports Pitch Provision

- 115 The need for sports pitch and related facilities provision has been highlighted in the site specific criteria in the LDP's allocation of the site. The safeguarding of 4 hectares of land for either educational use and/or sports pitch provision should ensure this requirement can be met and to comply with LDP Policy CF1B - Open Space Retention and Provision.

Residential Amenity

- 116 The residential amenity of existing residents in Blairgowrie will change as this is a large expansion of the town and this is a concern expressed in many of the representations submitted. The change can also be a positive one as the increased population will in turn require additional and improved community facilities to be provided.
- 117 It is considered the masterplan offers the opportunity to create a new neighbourhood that provides an attractive sense of place and a welcoming environment as you enter Blairgowrie. The masterplan seeks to achieve this by guiding the layout and urban form through compatible land uses.
- 118 Overall, in terms of residential amenity the proposal complies with LDP Policy PM1 as the indicative design and siting respects the character and amenity of the surrounding properties.

Visual Amenity

- 119 The application site is located on the south western edge of Blairgowrie and a development of this scale will undoubtedly have an impact on the visual amenity of the area. A detailed Landscape and Visual Impact Assessment was submitted as part of the EIA. It is considered that much of the existing landscape framework will help absorb the impact. The existing ancient woodland immediately west of the site and the long established residential areas to the north, east and the south will help visually contain the proposed development.

- 120 The indicative proposed landscape framework will further screen/soften some of the proposed development in particular the commercial/business area at the southern edge, so that in time it will blend in with the existing urban environment of Blairgowrie and be visually acceptable to residents and visitors.

Roads and Access

- 121 A detailed Transport Assessment (TA) for the whole site was submitted in support of the application. It was also considered necessary to test the proposals using the Council's Blairgowrie Traffic Model to test the impact of the proposals on the traffic network in Blairgowrie.
- 122 The applicants TA focused largely on the site access and the immediate traffic network, whilst the modelling work was carried out. The modelling work has now been completed and Transport Planning are satisfied that this provides a robust assessment of the impact of the proposals on the wider Blairgowrie traffic network.
- 123 The modelling results show that whilst there would be modest increases in traffic, this would not have a significant detrimental effect on traffic queues or journey times with the largest increase in queue lengths in the peak times predicted to be an extra 5 cars and journey times in the PM peak predicted to increase by 12 seconds.
- 124 Transport Planning are therefore satisfied that the proposal will not have a significant detrimental effect on the wider traffic network in Blairgowrie. Transport Scotland have not raised any issues regarding the proposal as it will not have an impact on their trunk road network. The proposal complies with LDP Policy TA1B - Transport Standards and Accessibility Requirements as the site is well served by all modes of transport (in particular walking, cycling and public transport) and provides safe access and appropriate car parking provision for the proposed mix of uses.

Drainage and Flooding

- 125 Following submission of additional information SEPA offer no objection to the proposal under flood risk grounds. SEPA previously had concerns that a proposed cut-off drain to the north of the site may increase flood risk elsewhere through the direct discharge of flood water into an existing culvert, which ordinarily might have been attenuated naturally within the site. The updated drainage drawings now show that the cut-off drain is to be designed to run east to west and into an attenuation pond. The discharge from this will be to the small watercourse in the south of the site. The outfall from the site SUDS has been redesigned to restrict flows to compensate for the additional flows from the north catchment. SEPA are now satisfied that the proposals have been designed to prevent any increased flood risk elsewhere.
- 126 Flood Risk and Structures commented that the drainage strategy for the site is acceptable for this stage of the planning process and the detailed design is still required to be assessed when applications for the detailed phases are submitted. The detailed design must ensure possible surface water ponding at

the north east of the site will be addressed and any discharging into nearby watercourses is fully controlled. Conditions 10 and 11 will ensure this is addressed.

- 127 In terms of waste water Scottish Water has confirmed that the existing infrastructure currently has capacity for the scale of the proposed development.

Business Land

- 128 The submitted masterplan shows the provision of 4 hectares of business/commercial land located at the southern end of the site. It will be accessible directly off the A94 – Perth Road. The applicant has supplied an indicative site layout and uses for the business land and includes retail, hotel, a local centre and a restaurant.
- 129 Based on the indicative layout of the business area it is likely that it will become a commercial centre with retail being the predominant use. As retail is not specified as a use for the business area in the LDP, the applicant was required to submit a detailed Retail Impact Assessment (RIA) to assess the impact it could have on the vitality and viability of Blairgowrie town centre and to ensure a sequential assessment of sites within and on the edge of the town centre is fully assessed. For the avoidance of doubt the proposed location is classed as 'out of centre'.
- 130 The proposed development is for the following indicative retail floorspace:
- Discount foodstore – 2,125 sqm gross Gross Floor Area (GFA)
 - Non-Food discount store – 1,858 sqm GFA
 - Additional non-food retail unit – 929 sqm GFA
 - Small retail unit located within the “neighbourhood centre”.
- 131 In total convenience floorspace is anticipated to be 1,388 sqm Net Floor Area (NFA) and comparison floorspace 1,879 sqm NFA. On the same part of the site additional commercial units proposed include a hotel, a drive-thru café (Class 3) and family restaurant (Class 3).
- 132 In terms of car parking, the indicative layout includes 246 parking spaces to serve the retail units plus additional parking for the Class 3 units and the proposed hotel. Provision for pedestrian, cycling and public transport access is also proposed.
- 133 The applicant has confirmed they are in advanced discussions with Lidl UK as operator for the discount foodstore unit and are expected to be the first detailed application to be submitted should this 'In Principle' application be approved.
- 134 At this stage the operator has not yet confirmed for the discount non-food retail units although the unit is expected to be suitable for a major non-food discounter such as Home Bargains, or B&M etc. The additional non-food retail

unit would suit bulky or non-bulky specialist operators such as furniture or floor coverings, pets, car accessories etc.).

- 135 In addition the proposal indicative site layout plan for the business area includes a 275 sqm “neighbourhood/local centre unit”. This is likely to be used for community/healthcare (doctors or dentist surgery) and could also include a pharmacy.

Retail Capacity, Turnover and Impact

- 136 The RIA is based on Perth and Kinross Councils Retail Update 2014 and Draft Update of 2016. It estimates that that expenditure capacity within the identified catchment area (15-20 minute drive time) to be in the region of £56.25 million on convenience goods and £77.24 million on comparison goods. Existing stores within the catchment area are estimated to have a turnover of £38.8 million for convenience goods and £21.58 million for comparison goods. This means that £17.45 million is being spent outwith the catchment area on convenience goods and £55.66 million on comparison goods. In 2017, there is therefore estimated to be considerable capacity for convenience and comparison retail in the area and this is estimated to be slightly higher in 2020
- 137 Based on the indicative floorspace and industry agreed average turnover rates of stores such as Lidl, Home Bargain, B&M etc. it is estimated that the turnover of the proposed units will account for £9.7 million on convenience goods and £7.04 million on comparison goods. This is therefore well within the limits of the estimated capacity identified in the RIA.
- 138 Trade diversion from existing Blairgowrie stores is predicted to be 11% for convenience goods and 6% for comparison goods and these are considered to be acceptable levels of trade diversion. The majority of any diversion is predicted to be from the existing Tesco store, which is not a town centre site.
- 139 Overall the retail impact arising from the proposed development and indicative floorspace will be reasonably modest and will not significantly affect the vitality or viability of Blairgowrie town centre.

Sequential Assessment

- 140 LDP Policy RC4 requires that the location of new retail development follow the Scottish Governments identified sequential approach to ensure protection of town centres. This requires that locations are considered by applicants/developers in the following order of preference:
- a. town centres (including city centres and local centres);
 - b. edge of town centre;
 - c. other commercial centres identified in the development plan; and
 - d. out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

- 141 Planning Authorities and developers are required to be flexible and realistic in applying the sequential approach, to ensure that different uses are developed in the most appropriate locations. A key requirement of the sequential approach is the assessment of whether alternative sites are suitable or unsuitable.
- 142 The minimum requirements for the proposed development are based on the provision of a discount foodstore and non-food development separately. The food discounter requires a minimum of 1,500 sqm gross internal floor area, at ground floor on a flat and unobstructed floor area. A site/building would also require to have direct surface level access to car parking suitable for trolleys resulting in a site area of at least 0.65ha.
- 143 The non-food units have more varied requirements but the minimum requirements would be clear unobstructed floor areas of 500 sqm GFA plus direct access to surface level car parking.
- 144 The largest unit that was available at the time of the RIA is the former store at 66-68 High Street. This unit is 781 sqm GFA over two floors with 630 sqm on the ground floor. This therefore does not meet the operation requirements of a discount food retailer such as Lidl.
- 145 Whilst the unit at 66-68 High Street may be able to accommodate a non-food use they are considered to be unsuitable as it does not meet minimum requirements for the proposed development in particular with regard to direct access to surface level car parking for customers and servicing arrangements.
- 146 The current application site is an out-of-centre location in terms of the sequential approach. The applicants have considered potential alternative premises and sites in the town centre and edge of centre and identified that there are no sequentially preferable sites or premises to meet the requirements of the application site. In conclusion the proposed site satisfies the sequential approach.
- 147 To further ensure the vitality and viability of Blairgowrie town centre is protected certain floorspace restriction will be required. (Condition 27).

Waste Collection

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

Natural Heritage and Biodiversity

- 149 The site is predominantly arable farmland with some hedgerows and trees of varying quality.

- 150 An extended Phase 1 Habitat Survey has been submitted within the EIA and the Councils Biodiversity Officer considers that ecology and biodiversity of the site has been considered to an acceptable level for an 'In Principle' application. It will be necessary to provide updated comprehensive habitat and protected species surveys with any further applications for this development, or each phase of the development, as the validity of surveys is limited by time. (Condition 18).
- 151 Any vegetation removal should be undertaken outside of the bird breeding season to avoid disturbance of breeding birds. If not possible a pre-commencement survey prior to the vegetation clearance should be carried out by a suitably qualified ecologist. (Condition 20).
- 152 Any trees on site which are scheduled to be felled should be assessed for bat roost features and the appropriate bat surveys should be undertaken prior to felling of trees. (Condition 20).
- 153 A development of this scale offers opportunities to provide suitable nest/roost sites for particular bird species and bats. It is therefore recommended that a proportion of all 2 storey properties should incorporate nest boxes and bat roosts (Condition 3(xi)).

Air and Noise Quality

Air

- 154 Following submission of a detailed air quality assessment, which included a cumulative assessment with the other large scale housing development in the area, Environmental Health have no objection to the proposal.
- 155 The air quality at this location has been assessed against the Environment Protection Scotland/Royal Town Planning Institute document *Delivering Cleaner Air for Scotland*. The assessment shows a maximum increase in nitrogen dioxide (NO₂) of 6% in the vicinity of this development. Whilst this is a relatively large increase in NO₂, the current levels are well below the 40ugm⁻³ limit, therefore this impact is designated as a slight impact. Environmental Health consider this impact to be acceptable in an area where NO₂ is well below the standard levels.
- 156 The increase of particulates (PM₁₀ and PM_{2.5}) is predicted to be 2%. The significance of impact is considered negligible and thereby an acceptable increase.
- 157 An assessment of dust during the construction phase has not been presented as part of the assessment, however appropriate mitigation measures have been included in Appendix 3 of the Assessment and Environmental Health recommend a condition to reflect this included with any consent. (Condition 9).

Noise

- 158 No significant issue is raised by Environmental Health at this stage but because the application contains provision for business land; there could be an issue with noise depending on the specific site layout.
- 159 As this application is in principle at the moment, the final layout is not known at this stage and noise will need to be assessed at any future approval of matters specified application stage. (Conditions 26 and 29).

Cultural Heritage

Scheduled Monument

- 160 Historic Environment Scotland's (HES) key interest is the potential effects on the setting of Fir Hillock scheduled monument, a burial mound 750m east of Ardblair Castle (SM 9612). HES welcome both the design of the development and the assessment of effects as it recognises the close proximity of the Scheduled Monument to the proposals and have identified that the development will have an impact on the setting of the monument.
- 161 HES are mainly content with the assessment and concur that views to the west and south west of the monument, towards other designated assets also from the prehistoric period are important characteristics of the setting of this asset. HES agree that the location of this monument on a prominent rise with panoramic views is also a key characteristic of the setting of the monument, however they consider that the importance of views to the east of the asset may have been underplayed slightly in the assessment. The location of the asset leads it to have panoramic views in all directions, including to the east in the direction of the proposed development and the presence of undesignated underground structures and pits to the north east of the scheduled monument within the boundary of the development indicates that views in this direction to other prehistoric sites may also have been important.
- 162 Whilst the presence of the existing urban development at Blairgowrie has had an impact on the setting of the monument in this direction, the currently undeveloped field to the east of the monument still allows the understanding, appreciation and experience of this site as having relatively open views in all directions. HES therefore consider that this element of the assessment has been slightly understated, however they are content that this has not affected the overall conclusions of the assessment of effects on the setting of this monument.
- 163 HES note that the indicative masterplan has been designed to take into account the setting of the Fir Hillock burial mound Scheduled Monument and that in order to minimise setting effects to this asset an area of open space has been built into the design to the east of the monument. HES are content that this mitigation by design will help to reduce the potential setting effects of the development on this asset. HES also note that the masterplan suggests that there will be a level of tree planting within this open space area, including

avenue and specimen trees along the road which runs across the open space in front of the monument. HES welcome the proposals for a heritage trail to enhance the understanding and appreciation of the asset.

- 164 No direct effects on any nationally important designated historic environment assets are predicted. The proposals would have an effect on the setting of two scheduled monuments, however, the integrity of the setting of these monuments would not be significantly affected.

Listed Buildings and Blairgowrie Conservation Area

- 165 My colleagues with conservation experience have considered the scope and methodology of the ES in relation to the potential impact on listed buildings in the area, Blairgowrie Conservation Area and sites on the Historic Environment Scotland Inventory of Gardens and Designed Landscapes. They are content with the ES that the proposed development is unlikely to have any significant direct or indirect impact on any listed buildings or Conservation Area within the area assessed.

Archaeology

- 166 PKHT confirmed that the proposed development site lies within an area that is considered to have archaeological potential given the number of pre-historic archaeological sites located in close proximity. The Archaeological Assessment submitted as part of the EIA is considered to be robust as it assessed both the direct and indirect effects of the proposed development on heritage assets, including an assessment on the setting of the scheduled monument located directly adjacent to the proposed development site.
- 167 Overall, there is considered to be a high potential for remains of prehistoric to Roman date to be present within the site. It is therefore recommended that an archaeological evaluation should take place to assess the presence/absence, character and significance of archaeological deposits on the site. The evaluation will help inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis of deposits. (Condition 8).

Developer Contributions

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

- Sports pitch provision and maintenance

Economic Impact

- 169 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. The impact of the proposed retail and business development is likely to be significant as it will provide job opportunities and will retain significant expenditure within the area and reduce expenditure leakage to Perth and Dundee in particular.
- 170 New residents should also fill job vacancies and support existing employers in the local area.
- 171 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

Sustainability

- 172 SEPA require substantial developments to ensure their heat demand is met from district heating, subject to the outcome of a feasibility assessment. District Heating can be achieved through onsite heat generation, co-location with an existing or proposed heat source or an existing or proposed heat network off site.
- 173 The development must enable connection to a heat network or heat producer, unless it can be demonstrated that this would not be feasible. An Energy Statement informed by a Feasibility Study should be provided at the Associated Matters Specified by Condition stage and demonstrate how the proposal will meet the requirements for providing district heating onsite. (Condition 17).

LEGAL AGREEMENTS

- 174 A legal agreement is required to secure infrastructure for the area. A Draft Heads of Terms has been prepared and agreed.

DIRECTION BY SCOTTISH MINISTERS

- 175 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

- 176 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.

- 177 The expansion of the western edge of Blairgowrie is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a sustainable community, serving as a well-connected suburb of Blairgowrie. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Blairgowrie and the wider area.
- 178 The proposed development is considered to primarily accord with the Development Plan, will lead to the creation of new homes to meet the predicted population growth, retain local expenditure, jobs both during the construction period and afterwards, enhanced community facilities, which will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 179 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply with respect to the in Principle Permission (17/00939/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 16 years.

Conditions and Reasons for Recommendation

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

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

- 2 The submitted masterplan, site layout plan and indicated scale of development, of up to 400 dwellings and 4 hectares of business land, are purely indicative and are hereby not approved.

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

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

- (i) a detailed phasing plan;
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
- (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vi) details of all landscaping, structure planting and screening associated with the development of each site;
- (vii) the lighting of all streets and footpaths;
- (viii) the layout of play areas and the equipment to be installed;
- (ix) full details of the proposed means of disposal of foul and surface water from the development;
- (x) details of car charging points to be provided within the development; and
- (xi) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.
- (xii) no development above 90 metres AOD.

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

- 4 No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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

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

Reason: In the interest of sustainable transportation.

- 6 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.

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

Reason: In the interests of residential amenity.

- 8 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted 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: In the interest of protecting archaeological interest within the site.

- 9 Dust control measures as outlined in Appendix 3 of the Air Quality Impact Assessment dated 19 December 2017 shall but put in place throughout the construction of this development.

Reason: In the interests of residential amenity

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

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

- 11 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.

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

Details of the schemes shall include:

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

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

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

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

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

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

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

- 16 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) arrangements for liaison with the Roads Authority regarding winter maintenance;
- d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- e) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;

- g) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

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

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

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

- 18 A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition submitted for approval under Condition 3 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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

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

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

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

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

- 21 All road gullies within 500m of a waterbody or SuDS pond shall have wildlife kerbs installed adjacent to the gully.

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).

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

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

- 23 Where it is intended to create semi-natural habitats, all species used in the planting proposals shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

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

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

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

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

- 26 As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 3, 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.

- 27 The net sales floor area of any Food Retail Unit shall not exceed 1,900 sqm and shall be a minimum of 70% for convenience goods and a maximum of 30% for the sale of comparison goods; the net sales floor area of any Non-Food Retail Unit shall not exceed 1,500 sqm and shall be a minimum of 60% for comparison goods and a maximum of 40% for the sale of convenience goods.

Reason: To control the potential impact on the vitality and viability of Crieff town centre.

- 28 All deliveries to any retail/commercial unit must be within the hours of 0700 and 2300 Monday to Saturday. Sunday deliveries must be within the hours of 0900 and 1700 hours.

Reason: To safeguard the amenity of neighbouring residential properties.

- 29 All fixed plant and equipment at the retail/business site shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed a noise rating level of 35dB LAeq, 15 mins during the night time period when measured 1 metre from the window of the closest noise sensitive receptors and should not exceed a rating level of 40dB LAeq, 1 hr when measured at the closest noise sensitive receptor during the daytime period.

Reason: To safeguard the amenity of neighbouring residential properties.

B JUSTIFICATION

- 180 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

- 181 Consent shall not to be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00939/IPM.

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

D INFORMATIVES

- 1 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 2 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 3 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 4 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
- 5 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 6 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 7 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.

- 8 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 9 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 10 The Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
- 11 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 12 For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
- 13 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
- 14 Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
- 15 The applicant is recommended to discuss with the Council's Public Transport Unit the supply of bus services and public transport infrastructure to ensure an adequate public transport provision for the site.

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:

- a) Mixed use development comprising residential development, business, education/recreation/community facilities, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works at land west of Blairgowrie and Rattray Cottage Hospital, Perth Road, Blairgowrie
- b) Approval as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.
- c) The expansion of the western edge of Blairgowrie is a longstanding proposal and is allocated in the LDP. The site is well placed to deliver a

sustainable community, serving as a well-connected suburb of Blairgowrie. The proposal will provide a significant contribution toward meeting the projected population growth of Perth and Kinross. It will also help assist funding of significant community infrastructure improvements that will benefit Blairgowrie and the wider area.

- d) Pre-application consultation with the local community was undertaken locally on 24 and 25 November 2014 with a follow up public exhibition held on 2 March 2017.
- e) The following environmental constraints that have been taken into consideration:
- Ancient woodland
 - Archaeology including Scheduled Monument of Fir Hillock burial mound
 - Site of Special Scientific Interest (SSSI) known as Ardblair and Myreside Fens
 - Existing Core Paths Network;
 - Topography (regarding visual impact).
 - Ecological protection and biodiversity enhancement
- f) i) Please see above Direction and Conditions associated with the recommendation of approval.
- ii) The impact of the development on the environmental designations in the area is not considered to be significant and can be mitigated.
- iii) Perth & Kinross Council is satisfied that the reasoned conclusion provided is accurate and remains current.
- iv) Please see above Conditions associated with the recommendation of approval that will help mitigate any environmental impact.
- v) Environmental monitoring of site by the Council will be facilitated by the required Construction and Environmental Management Plan (CEMP) (Condition 6).

Background Papers: 78 letters of representation
Contact Officer: Steve Callan 01738 475337
Date: 1 March 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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