

Perth and Kinross Council
Development Management Committee – 15 February 2017
Report of Handling by Interim Head of Planning

Residential development (in principle) at land 150 Metres South West Of Dobbies Garden Centre East Huntingtower, Perth

Ref No: 16/01348/IPM
Ward No: 9 Almond and Earn

Summary

This report recommends approval of the in principle application to formally establish the principle of residential development and associated uses at the former auction mart site at East Huntingtower, Perth. The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions and an associated legal agreement.

BACKGROUND AND PROPOSAL

- 1 The site is located to the south of the A85 trunk road and to the west of the A9 trunk road as it bypasses the western extent of Perth. There are a number of houses directly opposite the access into the site and extending some 160 metres along the A85. To the east of the A9 lies established residential areas with the closest housing being approximately 120 metres from the site.
- 2 The site is bounded to the west by the boundary of the former agricultural mart landholding which is defined by a hedge and core footpath running north-south. The footpath, which is located outwith the application site boundary, meets a path running west-east some distance to the south of the application site, along what was the southern boundary of the former mart site.
- 3 The site gradually slopes down from south to north which levels out before reaching Huntingtower Castle. To the south of the site sits Newhouse farm and land that gradually rises beyond.
- 4 The application site extends to some 6.0 hectares and is located on the footprint of the former United Action Mart, to the west of the Dobbie's Garden Centre at East Huntingtower. It is currently accessed from the A85 along with other existing businesses. Within the site there are significant areas of poor quality hardstanding associated with its previous use.
- 5 Landscaping around the site is already well established due to the use of planting to screen the previous development, the majority of which was undertaken to minimise the impact of development on the edges of the site that border onto open countryside, notably along its western and southern edges. This has resulted in a planted southern edge some 50 metres thick and a broken line of trees running along the western edge, which itself is raised by a 2 metre high bund feature that runs the length of the site. The trees along the site's western edge run into a 40 metre wide strip of vegetation close to the north west corner of the site. There are mature clumps and strips of woodland

around Newhouse farm and along the ridgeline that runs just north of Huntingtower Castle.

- 6 The site is located within the settlement boundary of Perth as defined by the Perth and Kinross Local Development Plan 2014. It is not allocated for a particular use but is classed as a brownfield site due to its previous and current condition.
- 7 This site is now under control of administrators and their proposal seeks to formally establish the principle of residential development, serving the west of Perth with the submission of a masterplan, indicative site layout plan and phasing plan.
- 8 The proposed new development comprises the following uses:
 - Residential development of up to 270 dwellings (indicative)
 - Open space.
 - Play areas.
 - New vehicular and pedestrian routes including connecting to the adjacent allocated site (H70) known as Perth West.
- 9 The exact scale, mix and final numbers relating to the above uses would be arrived at through the production and submission of further detailed planning applications with associated supporting information, if planning consent is granted to this application..
- 10 The application has been accompanied by a supporting Transport Assessment, Noise Assessment, Air Quality Assessment, Flood Risk and Drainage Assessment, Habitat Assessment, a Design and Access statement, Pre-Application Consultation Report and Sustainability Checklist.

Environmental Impact Assessment (EIA)

- 11 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale project to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 12 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.

- 13 An Environmental Statement (ES) was submitted and assessed as part of the 09/02126/FLM application for retail development. As this is a major application for a different use it was required to be re-screened for an EIA and it was found that on this occasion an EIA was not required as the previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up to date supporting assessments, looking at flood risk, drainage, transport, ecology, noise, air quality and contaminated land.

PRE-APPLICATION CONSULTATION

- 14 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The regulations require the renewal of major planning application to have carried out pre-application consultation with the local community prior to submission of the renewal.
- 15 A Proposal of Application Notice (PAN) (16/00004/PAN) was submitted to the Council in May 2016 and approved in June 2016. A public exhibition was held locally on 18 May 2016. The ward Councillors and Methven Community Council were invited. The results of the community consultation have been submitted with the application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 16 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 17 The 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.

The Scottish Planning Policy 2014

- 18 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.
 - The determination of planning applications and appeals.
- 19 Of relevance to this application are;
- Paragraphs 24 – 35: Sustainability
 - Paragraphs 36 – 57: Placemaking
- 20 A successful Sustainable Place
- Paragraphs 126 – 131 Affordable Housing
 - Paragraphs 135 – 151 Valuing the Historic Environment
- 21 A Natural, Resilient Place.
- Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
 - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 22 A Connected Place
- Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 23 The following Scottish Government Planning Advice Notes (PAN) are also of interest:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 58 Environmental Impact Assessment
 - PAN 60 Planning for Natural Heritage
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 63 Waste Management Planning
 - PAN 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 69 Planning & Building Standards Advice on Flooding
 - PAN 75 Planning for Transport

- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places 2001

- 24 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets 2010

- 25 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 26 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.

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2012-2032

- 27 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2032 the TAYplan region 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"

- 28 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

Policy 1 – Location Priorities

- 29 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Policy 2 – Shaping better quality places

- 30 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 31 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 4: Strategic Development Areas

- 32 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan. This includes a strategic development area to the West/ North West of Perth for 4000+ homes and 50ha of employment land.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 33 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

Policy 8 – Delivering the Strategic Development Plan

- 34 States, *“To ensure that quality is designed-in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth and Kinross Local Development Plan 2014

- 35 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 36 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.”

- 37 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 38 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

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

Policy PM1C - Placemaking

- 40 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

- 41 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

- 42 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 ED1A - Employment and Mixed Use Areas

- 43 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 RD1 - Residential Areas

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

Policy RD4 - Affordable Housing

- 45 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

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

Policy TA1B - Transport Standards and Accessibility Requirements

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

Policy CF1B - Open Space Retention and Provision

- 48 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

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

Policy CF3 - Social and Community Facilities

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

Policy HE1A - Scheduled Monuments and Non Designated Archaeology

- 51 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

- 52 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

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

Policy HE4 - Gardens and Designed Landscapes

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

Policy NE1A - International Nature Conservation Sites

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

Policy NE1B - National Designations

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

Policy NE2A - Forestry, Woodland and Trees

- 57 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

- 58 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

- 59 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

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

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

- 61 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

- 62 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

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

Policy EP3A - Water, Environment and Drainage

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

Policy EP3B - Water, Environment and Drainage

- 65 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

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

Policy EP3D - Water, Environment and Drainage

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

Policy EP8 - Noise Pollution

- 68 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

- 69 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

- 70 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.

OTHER POLICIES

- 71 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
 - Employment and Mixed Use Areas Supplementary Guidance May 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.
 - Perth and Kinross Retail Study 2014.

Perth & Kinross Community Plan (2006 – 2020)

- 72 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
 - A positive image locally, nationally and internationally.
 - Improved infrastructure and transport links.
 - A sustainable natural and built environment.

Perth & Kinross Corporate Plan 2013-2018

- 73 The Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy; and creating safe and sustainable places for future generations.

Perth and Kinross Local Transport Strategy

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

The Perth City Plan 2015 – 2035

- 75 This plan produced by the City Development Board and sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

West/North West Perth Strategic Development Framework (SDF) Non-Statutory Supplementary Guidance January 2017

- 76 Three Long Term Strategic Development Areas are identified in the adopted LDP for Perth at Bertha Park (H7), Perth West (H70), and Almond Valley Village (H73). Together these form the West / NorthWest Perth Strategic Development Area, as identified in the Strategic Development Plan (TAYplan).

- 77 The SDF pulls together existing information from a variety of sources including: work to date on masterplans, the existing site specific developer requirements in the adopted LDP, and work undertaken by, or on behalf of the Council on specific projects, such as the Cross Tay Link Road, and the Perth West Charrette.

SITE HISTORY

- 78 There have been a series of applications relating to this site over the years. These include:

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

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

09/02126/FLM: Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013 and remains live until 19 April 2016.

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

13/01795/MPO: Modification of Planning Obligation associated with 09/02126/FLM to amend Clause 1.1, 2.1 and 3.1 and delete Clause 6. Application approved by Development Management Committee November 2013

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

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

16/00695/FLL Renewal of 12/00392/FLL for erection of petrol filling station. Currently awaiting 16/00696/FLM to be finalised.

16/00696/FLM Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. S75 requires to be updated before decision can be issued.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

- 79 No objection to the proposal provided certain conditions regarding drainage and culverts are imposed with any permission.

Scottish Water

- 80 No response to the proposal. Previously had no objection.

Transport Scotland

- 81 No objection to the proposal subject to certain conditions being imposed with any planning permission. They recommend a restriction of no more than 100 dwellings before the A9/A85 road works are complete and a financial contribution towards the proposals impact on Broxden roundabout is required.

Methven and District Community Council

- 82 Supports the proposal of housing on this brownfield site and should integrate with the adjacent Perth West site.

Perth & Kinross Heritage Trust

- 83 The proposed development site lies within an area that is considered to be archaeologically sensitive. A large proportion of the proposed development site contains cropmarks likely to represent archaeological remains that have been identified through aerial survey. The site lies to the south east of Huntingtower; an area of extensive archaeological remains and historic significance, including Scheduled Monuments (SM 3630) and Huntingtower Castle. It is recommended that a condition for an archaeological programme of works be attached to planning permission if granted to identify any archaeological remains and, if appropriate, to ensure that the impact of the development is mitigated through preservation in situ or by record.

INTERNAL

Strategy and Policy

- 84 No objection to the proposal. This site is located within the settlement boundary of the LDP where the principle of development is favourably considered subject to its assessment against the all the relevant general policies of the Development Plan.

Community Greenspace

- 85 No objection to the proposal. The vision presented is for tree lined streets and pockets of open space. It highlights the opportunity to connect the existing core paths through creation of new walking/cycling routes as well as the road network. The nearest existing play area is noted to be at Perth Caravan Park, however as this is privately owned it is not accessible to the public.
- 86 The design principle of designing for people and pedestrian movement rather than cars is welcomed. The SUDS and play area are integrated and designed to be complimentary without the need for fencing.

Transport Planning

- 87 No objection to the proposal as having reviewed the applicants Transport Appraisal they are satisfied that it accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes. They wish to secure a financial contribution towards public transport improvements as at present there is not the capacity within the local bus network to adequately serve the new development.

Environmental Health

- 88 No objection in principle to the application but recommend conditions regarding air quality and noise are included with any permission.

Air Quality

- 89 This site is outwith the Perth AQMA but as the boundary is along the A9 road directly adjacent, this proposal has the potential to impact on it. The main issue for Environmental Health is the potential of this application and the others in the vicinity to increase traffic to the point where the AQMA would need to be extended.
- 90 The applicant's Air Quality Assessment (AQA) showed a maximum increase in NO₂ of 0.6 $\mu\text{g m}^{-3}$ and 0.1 $\mu\text{g m}^{-3}$ for PM₁₀ at residential receptors with this development over the committed developments in the area. This is deemed to have a negligible impact in terms of the IAQM guidance.
- 91 The AQA also assesses impacts from dust at the construction phase and suggests mitigation and a condition based on this is recommended.

Noise

- 92 Noise has also been assessed based upon the increase in traffic noise and impact on future residents. Whilst a small increase in traffic is predicted, the main concern is that future residents, particularly along the A9 and A85 can achieve a reasonable level of residential amenity.

- 93 Barriers along the A9 and A85 are suggested by the applicant but it is not clear whether their predictions include the effect of the barriers or not. The night time levels internally should be 30dBA or lower, however for some properties on this site this would appear to be unachievable with open windows whether a barrier is used or not. Environmental Health recommend that further mitigation should be explored at the approval of matters stage to enable windows to remain open at night time. A condition is recommended requiring further assessment of noise mitigation measures at the Approval of Matters stage to ensure a suitable level of residential amenity is achieved. A condition controlling the hours of noisy construction is also recommended.

Biodiversity Officer

- 94 The Preliminary Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the site. While no protected species were identified during the daytime walkover survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm immediately to the south west of the site.
- 95 Invasive non-native species were found at a number of locations on the site and will need to be dealt with in an appropriate manner prior to development of the site. There are areas of trees which should be taken account of in the layout of the site and protected during development.
- 96 As this is not a detailed application there may be a delay in commencement of the development, should development not commence before November 2017 an updated ecological survey should be undertaken.

Developer Contributions

Affordable Housing

- 97 The application proposes approximately 270 dwelling houses, which would mean that the Affordable Housing Policy of 25 % would apply. A condition to reflect this should be attached to any planning application granted.

Primary Education

- 98 Based on the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. This proposal is within the catchment of Ruthvenfield Primary School and a financial contribution will be required in this instance. A condition to reflect this should be attached to any planning application granted.

Transport Infrastructure

- 99 With reference to the Councils Transport Infrastructure Developer Contributions Supplementary Guidance the proposal requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. A condition to reflect this should be attached to any planning application granted.

Flood Risk and Structures

- 100 No objection to the proposal having assessed the Drainage Strategy Plan and Flood Risk Assessment (FRA) for the development. They agree with the conclusions of the FRA in that Fluvial/Tidal/Pluvial and Groundwater flood risk is low. Whilst overland flooding has been considered and thought to be low, it is recommend this is closely monitored during the detailed design in order to contain any potential overland flood routes within the site. i.e. embankments above properties where overland flooding could affect the property etc.
- 101 The proposal for SUDS is acceptable. The Greenfield runoff rates from the site will require to be agreed in due course as will the detailed design. The calculated reduction in surface water runoff from the site is of the order of 80-90% to that of the 1 in 200 year return period and will help to reduce flood risk to the Lade. The greenfield runoff rates detailed in Appendix 8 of the FRA are acceptable. This will require to be formally agreed once a detailed design is complete.

REPRESENTATIONS

- 102 Two letters of representation have been received objecting to the proposal including one for the owners of the adjoining Perth West allocated site. The letters raise the following relevant issues:
- Unimaginative use of site and should be developed for sports and fitness use
 - Should require an EIA
 - Inadequate pre-application consultation
 - Contaminated land
 - Land ownership issue
 - Lack of breeding birds survey
 - Hogweed on site
 - Poor connectivity with H70 and wider area
 - Should remain a site for a supermarket to serve the adjacent developments
- 103 The material planning concerns raised are addressed in the Appraisal section of this report.

ADDITIONAL STATEMENTS

104	Environment Statement	Screened - Not required
	Screening Opinion	Yes
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Transport Assessment, Habitat Assessment, Noise Assessment, Air Quality Assessment, Flood Risk and Drainage Assessment

APPRAISAL

Policy Appraisal

- 105 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.
- 106 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

Principle

- 107 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.
- 108 TAYplan Policy 4 (Strategic Development Areas) is of particular importance as well as the site specific requirements contained in the LDP. The other relevant policy considerations are outlined in the policy summary section above and are considered in more detail below.

- 109 TAYplan sets the strategic framework for the LDP under Policy 4 and identifies the Perth Core Area as being the location for the majority of development in Perth and Kinross to meet the projected population growth by identifying three strategic development areas at North West Perth, Oudenarde and Invergowrie at the James Hutton Institute. The proposed site is located immediately adjacent to the North West Perth Strategic Development Area and the indicative layout shows that in the long term it will form part of the development at Perth West (H70). It will also provide additional accessibility for Perth West along the A85. The application is considered acceptable because it is consistent with the aspirations of TAYplan Policy 4.
- 110 The site is not allocated for a particular use in the LDP but is within the settlement boundary of Perth and is classed as an urban brownfield site due to its previous use and current condition. Because of its status in the LDP the general principle of development for a variety of uses is therefore considered acceptable and this includes residential.
- 111 The planning history of the site shows a mix of uses and the majority of the application site is now cleared and sitting empty. This derelict state is detracting from the adjoining businesses in the immediate area, potentially to their detriment. The current proposal would re-use this brownfield land.
- 112 LDP Policy PM1 requires that all development must contribute positively to the quality of the surrounding built and natural environment. In my view, the principle of residential development on this site is acceptable given the brownfield nature of the site, the existing and historic mix of uses on the site and the potential for environmental betterment.

Traffic and Transport

Background

- 113 The biggest single constraint facing the Perth Area is the capacity of the roads infrastructure in and around Perth. Of the future land supply identified through the LDP for the Perth Housing Market Area only 30% can be delivered without significant improvements to the transport network. Not only is congestion becoming an ever increasing problem but the increased pollution levels evident in several areas of the City have required the Council to identify Perth as an Air Quality Management Area. This deterioration in air quality is caused in part by standing traffic which is particularly evident around the A9/A85 junction at present.
- 114 To help alleviate these issues planning permission has now been granted for a new A9/A85 junction as part of the proposed Cross Tay Link Road (CTLR) project. The A9/A85 works have now commenced and should help alleviate a number of issues relating to congestion and air quality.

- 115 The strategy of the TAYplan focuses the majority of growth on Perth City and its Core area building upon its key role as the hub of the area. The Plan concentrates on the delivery of sites to the north-west and north of Perth as the main driver to achieving sustainable economic growth providing the prime source of future employment and housing land during and beyond the Plan period. The delivery of the A9/A85 junction improvement is a key component in achieving the aims of the LDP.

Transport Assessment

- 116 LDP Policy TA1 requires local road networks be capable of absorbing the additional traffic generated by the development and that a satisfactory access to the network is to be provided. The required standard is the impact that any development has on the operation of the associated road network should result in 'no net detriment'.
- 117 SPP 2014 emphasises the importance of locating development in places well served by public transport and a wide choice of transport modes, including on foot and by cycle.
- 118 A Transport Assessment (TA) was submitted with the planning application. The TA was assessed by the Transport Planning team and Transport Scotland.
- 119 Transport Planning are satisfied that it accurately reflects the impact of the development on the local road network and demonstrates the sites potential accessibility by sustainable modes.

Public Transport

- 120 The application site is at present accessible to the car but is not easily accessible to sustainable modes of transport of public transport, walking and cycling. It is not currently accessible by public transport with four services passing the site with two scheduled to stop near the proposed development. Transport Planning would wish to secure a financial contribution towards public transport improvements as at present there is little capacity within the local bus network to adequately serve the new development.
- 121 It is considered that, subject to a financial contribution the development is in compliance with LDP Policy TA1 in regard to transport and road safety issues.

Trunk Road Network

- 122 Transport Scotland have no objection to the proposal but have recommended that a cap of 100 dwellings be allowed to be occupied prior to the A9/A85 works are in operation. They also require a developer contribution to help mitigate the proposal's direct impact on Broxden roundabout. This is consistent with the approach taken for both Almond Valley and Berthapark and can be controlled by way of condition.

- 123 It is considered that a Green Travel Plan will need to be submitted with a view to minimising private single occupancy car usage whilst encouraging the use of public transport, car sharing, cycling and walking. An improved and extended bus service, as previously recommended could be reasonably required by condition, if permission were to be granted. The proposed Travel Plan would be considered in detail by Transport Scotland and the Council's Transport Planning and Public Transport sections prior to it being agreed. This could ensure a satisfactory package of appropriate measures would be put in place prior to the opening of the proposed store.

Footpaths/Cycle Access

- 124 The proposed residential development demonstrates good future connections with the Perth West allocation and masterplan framework to ensure it is well connected and permeable to the west and south.
- 125 It is noted that there is an existing at grade crossing of the A9 adjacent to this site, which provides an important active travel connection into Perth. The Perth West Masterplan Framework and the LDP Main Issues Report have also identified this need for the provision of a foot and cycle bridge as a shared commitment amongst the wider Perth West area.
- 126 Referring to the existing LDP, given the policy requirement of PM1 to create/improve links outwith the site and for developments to be designed for the safety and convenience of all potential users (TA1B), it is considered that the developer of this site should provide:
- (1) land that is required to safeguard the provision of this pedestrian/cycleway bridge provision over the A9.
 - (2) a proportionate financial contribution towards the provision of a pedestrian/cycleway bridge in vicinity of Newhouse Farm (to replace the at grade crossing here).
- 127 The TA identifies the designated cycle route NCR 77 runs to the north of the site and through Almondbank. This route links in with local cycle routes into the city centre. An existing core path runs along the western side of the application site, but outwith, the site. This route links in with routes in the wider area and while it was not developed specifically as a cycle route it will be available to cyclists and provide various traffic free routes which will be attractive to cyclists.
- 128 It is acknowledged within the TA that because of the existing cycle opportunities, connections to traffic free routes in the area and nature of the local road network, it is considered that the anticipated increased demand for cycling can be accommodated and will be a feasible mode choice for residents.

- 129 Whilst there are concerns relating to the lack of provision of a separate crossing over the A9 for both pedestrians and cyclists, there is no proposal for a dedicated pedestrian and cycle crossing over the A9 at the moment but a financial contribution towards it can be requested and ring fenced.
- 130 As the core path along the western boundary of the application site lies outwith the identified planning application site, it is not under the control of the applicant. To that end it would not be reasonable to condition any approval to require works to or the maintenance of the existing footpath.

Air Quality

- 131 Perth and Kinross Council have a duty to review and assess air quality within their area under the Environment Act 1995 and designate areas which exceed the national standard as AQMA. This was done for the City of Perth in 2006 for exceedances of the annual mean nitrogen dioxide (NO₂) and particulate (PM₁₀) standards and will be declared for PM_{2.5} in the near future.
- 132 The site is outwith the AQMA but as the boundary is along the A9 road directly adjacent, this proposal has the potential to impact on it, particularly if considered along with the recently approved proposals at Almond Valley and Bertha Park which are adjacent to this site. The main issue for Environmental Health is the potential of this application and the others in the vicinity to increase traffic to the point where the AQMA would need to be extended and to this end an air quality assessment has been done.
- 133 Levels of the aforementioned pollutants have been modelled locally for a 2015 baseline along with 2018 for committed developments and this proposal is in line with guidance laid out by the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK).
- 134 The assessment showed a maximum increase in NO₂ of 0.6 ug^m⁻³ and 0.1ug^m⁻³ for PM₁₀ at residential receptors with this development over the committed developments in the area. This is deemed to have a negligible impact in terms of the IAQM guidance.
- 135 Environmental Health has some minor issues with how the assessment was conducted such as the use of Leuchars rather than Strathallan for meteorological data and the use of general background maps for background data rather than background monitoring the Council have in place for both PM₁₀ and NO₂.
- 136 They also have a concern over the verification of the model as it appears to systematically under predict levels of NO_x significantly. This has been adjusted based on monitoring, albeit with only 2 diffusion tubes to give a better relationship.
- 137 However due to the very small increase and the fact levels are still predicted to be well below the standards, Environmental Health do not see any benefit in redoing the assessment and have no issues with regard to air quality.

- 138 The applicants AQA also assesses impacts from dust at the construction phase and suggests mitigation and Environmental Health have recommended a condition to mitigate this issue.

Noise

- 139 Noise has also been assessed based upon the increase in traffic noise and impact on future residents. Due to the relative small increase in traffic, the main concern is that future residents, particularly along the A9 and A85 can achieve a reasonable level of residential amenity.
- 140 The applicants Noise Assessment has evaluated noise in line with PAN 1/2011 Technical Advice Note (TAN) with regard to achieving external amenity levels of $L_{Aeq\ 16}$ hour of 55dB. Noise was measured then modelled for future years at 3 positions, day and night relating to different areas of the site. Position 1 was next to the A85, position 2 in the middle of the site and position 3 at the A9 and as expected positions 1 and 3 were the main issues although the noise model does seem to over predict slightly.
- 141 The maximum predicted daytime levels along the A85 receptors were 63dBA and 58dBA at night. The receptors along the A9 are similar with maximum levels of 62dBA and 52dBA for day and night respectively.
- 142 TAN states that this difference between 55dBA and 63dBA of 8dBA is of a moderate magnitude but combined with the high sensitivity of the receptor, this leads to a moderate/large significance of effect. For a large level of significance TAN states *"These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance."*
- 143 Barriers along the A9 and A85 are suggested by the applicant but it is not clear whether these predictions in the Noise Assessment include the effect of the barriers or not. The night time levels internally should be 30dBA or lower, however for some properties on this site this would appear to be unachievable with open windows whether a barrier is used or not. PAN 1/2011 states *"It is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation. Local circumstances, particularly relating to the existing noise character of the area, should influence the approach taken to noise levels with open or closed windows."* Therefore further mitigation should be explored at the approval of matters stage to enable windows to remain open at night time.
- 144 Due to this Environmental Health have recommended a condition requiring further assessment of noise mitigation measures at the Approval of Matters stage to ensure a suitable level of residential amenity is achieved. They have also recommended a condition controlling the hours of noisy construction based on the Environmental Health policy with respect to this.

- 145 In conclusion, and having considered the above, it is considered that there will be no significant detrimental loss of amenity to either nearby residential properties or the proposed new dwellings.

Contaminated Land

- 146 A Phase 1 Contaminated Land Assessment has been completed by the applicant and has identified local areas of contamination associated with the former land uses.
- 147 The Land Quality Officer has recommended a condition be applied to any planning consent to further identify any contamination and propose mitigation measures if required. This conditional control will ensure the development complies with LDP Policy EP12 – Contaminated Land.

Design and Layout

- 148 Through Designing Places (2001) the Scottish Government signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development.
- 149 Designing Streets (2010) published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.
- 150 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other modes.
- 151 A Masterplan including indicative layout plan and phasing plan for the site has been submitted as part of this 'In Principle' application. This sets out the principal components, uses and estimated timescales of the proposed development.
- 152 In this case the proposal includes two vehicular access points into and out of the adjoining allocated site (H70) at Perth West and pedestrian/cyclist access points onto the core path network. The proposal is thereby considered to be a permeable and well connected site that accords with the National Roads Development Guide 2014 and LDP Policy TA1 Transport Standards and Accessibility Requirements.

- 153 When considering the layout of any new development, one of the most important issues to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas. The proposed indicative layout takes cognisance of Designing Streets and incorporates appropriate natural surveillance of all areas of space and the main pedestrian routes. The proposal is in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking.
- 154 The street layout shows a clear road hierarchy through the site and is considered to be easily usable by all users and helps ensure the proposal complies with Designing Streets (2010). The proposed lay out and linkages ensure the site is extremely permeable for all modes of transport including pedestrians and cyclists as it connects up with footpaths, core paths that serve Perth city centre. Public transport connections are available on the A85.
- 155 As mentioned above, the massing and scale of the dwellings shown on the indicative plan can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties. Because of the site's location at the edge of a settlement, it is considered that the proposed density of 270 is also considered acceptable.
- 156 In terms of house design, as it is just an 'In Principle' application we do not have such details at this stage.

Landscaping, Trees and Open Space

- 157 LDP Policy ER6 seeks to ensure development proposals have a good landscape framework within which the development can be set and, if necessary, can be screened. The site benefits from established perimeter planting inherited from the earlier development of the site. Within the site there is little established landscaping that will be affected. The proposed open space, play areas and landscaping shown within the submitted indicative plans should provide a significant positive enhancement of the site.
- 158 Community Greenspace considered that the vision presented in the Design and Access Statement and indicative layout plans for tree lined streets and pockets of open space is acceptable. It highlights the opportunity to connect the existing core paths through creation of new walking/cycling routes as well as the road network. The design principle of designing for people and pedestrian movement rather than cars is welcomed. The SUDS and play area are integrated and designed to be complimentary without the need for fencing.

- 159 In terms of play area provision the nearest existing play area is noted to be at Perth Caravan Park, however as this is privately owned it is not accessible to the public and a play area within the site will be required. The play area should comply with the Council's Play Area Strategy and located to be easily accessible to the majority of residents, overlooked from housing while not being adjacent to roads. Community Greenspace consider that the play area location shown on the indicative site layout plan is not ideal at this stage and recommend it is moved for any detailed planning application.
- 160 Because full landscaping details have not been submitted at this stage, it is appropriate to require further information by condition, should permission be granted. The potential exists for landscaping to effectively ensure the visual amenity of the area is protected and enhanced.

Impact on Listed Buildings and Scheduled Monuments

- 161 The proposed development site is to the north of the category B listed Newhouse Farmhouse, and associated category C listed partially-ruined steading.
- 162 The Conservation Planner considers that the principle of residential development on the site is acceptable in relation to the potential impact on the setting of the listed buildings. It should be ensured in the course of a future detailed application, however, that the area of woodland to the south of the site is retained in order to preserve the secluded aspect of the farmhouse and steading, and ensure visual separation from the proposed development.
- 163 The site is also over 350m from Huntingtower Castle which is Listed category A. Due to the distance between the sites, the topographical changes and the existing buildings, it is considered that there will be no detrimental impact on the Listed building or its setting.
- 164 There are four Scheduled Monuments in the vicinity of the application site. The previous ES contained an assessment of the potential impacts on these sites and concluded that there would be no significant impacts on any of the sites.

Archaeology

- 165 LDP Policy HE2 seeks to protect unscheduled sites of archaeological significance and their settings and where it is likely that archaeological remains exist the developer will be required to arrange for an archaeological evaluation to be carried out. The previous ES adequately considered the development in terms of the above and recommends that during the construction works an archaeological watching brief be put in place.

- 166 Perth and Kinross Heritage Trust has again advised that the development site contains an area of known archaeological sensitivity and is considered to have archaeological potential. On this basis it is recommended that a condition for an archaeological programme of works be attached to planning permission, should it be granted, to identify any archaeological remains and, if appropriate, to ensure that the impact of the development is mitigated through preservation in situ or by record.

Natural Heritage

- 167 LDP Policy NE3 requires development proposals to avoid detrimental impact on biodiversity and protected species. The Preliminary Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the site. While no protected species were identified during the daytime walkover survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm immediately to the south west of the site.
- 168 Invasive non-native species such as Hogweed were found at a number of locations on the site and will need to be dealt with in an appropriate manner prior to development of the site. There are areas of trees which should be taken account of in the layout of the site and protected during development.

Flooding Risk and Drainage Strategy

Flood Risk

- 169 SEPA have confirmed that the site is not located within an area with a history of flooding but does show a small area along the northern boundary of the site is at risk of surface water flooding.
- 170 The applicant has undertaken some site investigations and a CCTV survey of 2 culverted watercourses within the site. The Newton Burn is thought to be culverted on the northern boundary of the site running alongside the A85. The applicant has also established a culverted watercourse within the site boundary which has an unknown source and its route is shown within Appendix 4 of the Flood Risk Assessment. The indicative plans indicate that no development is proposed above the Newton Burn which adheres to SEPAs guidance.
- 171 SEPA does have concerns regarding development above the culverted watercourse as the source is unknown and could be culverted beneath the entire length of the site. As there is an engineering solution and/or revised site layout to mitigate this risk of flooding, SEPA offers no objection to the principle of the development on the condition that additional information is provided regarding this culverted watercourse.

- 172 Whilst overland flooding has been considered by the Councils Flood Risk Officer to be low, he would recommend this is closely monitored during the detailed design in order to contain any potential overland flood routes within the site. i.e. embankments above properties where overland flooding could affect the property etc.

Drainage Strategy

- 173 LDP Policy EP3 requires all development to have sufficient infrastructure to serve the development. Within a settlement the main aim is to ensure that the public services can accommodate the development.
- 174 The surface water drainage proposals outlined in the Drainage Strategy Plan and FRA are considered acceptable to SEPA in terms of water quality as it provides the required two levels of treatment for surface water run-off from the residential development. They note that the surface water is to discharge to the Perth Town Lade, through the existing culvert along the northern boundary and an existing surface water sewerage network.
- 175 The Councils Flood Risk Officer considers that the proposal for SUDS is acceptable. The Greenfield runoff rates from the site will require to be agreed in due course as will the detailed design. The drainage strategy does state that the ownership of the surface water sewer (375mm) is unknown and further investigation is required regarding ownership.
- 176 The calculated reduction in surface water runoff from the site is of the order of 80-90% to that of the 1 in 200 year return period and will help to reduce flood risk to the Town Lade. The greenfield runoff rates detailed in Appendix 8 of the FRA are acceptable but will require to be formally agreed once a detailed design is complete.

Developer Contributions

- 177 A Section 75 legal agreement is required to secure infrastructure for the site to ensure it complies with Policy PM3 - Infrastructure Contributions and associated Supplementary Guidance on Developer Contributions. A Draft Heads of Terms has been prepared and has been agreed with the applicant. It would cover the following topics:
- Primary School Delivery
 - Transport Infrastructure Contributions
 - Public Transport Improvement
 - Affordable Housing Provision
 - Open Space, Play Area Provision and Maintenance
 - Contribution towards pedestrian footbridge across A9.
 - Contribution towards improvements to Broxden roundabout

Pre-Application Public Consultation

- 178 Concern has been expressed in the representations that the pre-application public consultation exercise undertaken for this proposal was inadequate. The pre-application consultation was undertaken in accordance with the approved PAN submitted by the applicant and meets the Scottish Government's requirements for major planning applications.

Economic Impact

- 179 The development of up to 270 dwellings will provide a significant increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimated that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 270 dwellings the estimated expenditure on convenience and compassion goods would be in the region of £983,00 per annum. This expenditure should have a significant positive impact on Perth City Centre, nearby commercial centres and Inveralmond Industrial Estate with its many ancillary retail facilities.
- 180 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. In summary, the overall economic impact will be positive for the local area.

LEGAL AGREEMENTS

- 181 A legal agreement is required to secure infrastructure that will be impacted by the proposal. A Draft Heads of Terms has been agreed between the parties.

DIRECTION BY SCOTTISH MINISTERS

- 182 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

- 183 The proposal fully accords with National Guidance and Development Plan policy in relation to residential development on an urban brownfield site. The indicative proposals are acceptable in terms of its design, density, siting and landscape impact. The development can be satisfactorily accessed, with appropriate road infrastructure improvements, together with the implementation of the current junction improvements to the A85/A9 junction. It also offers good site permeability and connectivity with the adjoining allocated site at Perth West and beyond.

RECOMMENDATION

A Approve the application subject to the following direction and conditions:

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 as respects the in Principle Permission (02/01482/IPM) with the substitution of the period of 3 years referred to in each of those subsections, of the period of 8 years.

Reason – This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

Approval of Matters Specified in Conditions

- 1 The Council as Planning Authority hereby directs that formal application(s) for the Approval of Matters Specified in Conditions as specified below shall be submitted to, and approved by, the Planning Authority before the commencement of development. For the proposed phased development the application for Approval of Matters Specified in Conditions for shall be made no later than 2 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal. Notwithstanding this, the proposed development shall be commenced within 5 years from the approval of this planning application for planning permission in principle, or within 3 years from the date of approval of the first application for such matters, whichever date is the earlier.

Reason: To ensure that the matters referred to are given full consideration and to accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

- 2 The site layout plan, phasing plan and housing numbers as submitted are purely indicative and are not approved.

Reason: The application is for planning permission in principle only at this stage.

- 3 No development shall commence until a detailed delivery plan confirming the phased delivery of the site and construction works has been submitted and approved in writing by the Planning Authority. Once approved, the development shall be implemented in accordance with the approved Delivery Plan unless otherwise agreed in writing by the Planning Authority

Reason: In order to ensure the implementation and completion of the development components of the proposal to coincide with infrastructure delivery and to release the elements of the proposed development which the planning authority considers will bring economic and social benefits to the area.

- 4 No development shall commence on any phase until further planning application/applications have been submitted to and approved by the Planning Authority in respect of the following matters to coincide with the delivery plan to be secured under the legal agreement:
- a) The delivery of the development in phases associated with the areas prescribed in the Masterplan.
 - b) Details of all cut and fill operations.
 - c) Full details of the proposed means of disposal of foul water to serve the development.
 - d) Full details of the disposal of surface water from the development by means of a Sustainable Urban Drainage System.
 - e) The siting, design, height and external materials of all buildings or structures.
 - f) Measures to enhance environmental sustainability through design, orientation and planting or any other means.
 - g) Details of any screen walls/fencing to be provided.
 - h) Details of all landscaping, planting and screening associated with the development
 - i) Details of play areas and the equipment to be installed.
 - j) Details 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).
 - k) Detailed specification of all street and footpath lighting.
 - l) Detailed specification of noise and lighting mitigation measures to be incorporated along properties that face the A9 and 85 Roads.
 - m) Detailed plan of public access across the site (existing, during construction and upon completion).

The development shall be implemented in accordance with the planning application(s).

Reason: permission for the development has been granted in principle only and subsequent approval is required for the reserved matters in accordance with Sections 58 and 59 of the Town and Country Planning (Scotland) Act 1997.

- 5 In pursuance of condition 4 c), foul drainage for each phase of the development shall be drained to the mains sewerage system or by other alternative means of adoptable sewerage and plant. The details of the foul drainage system shall be submitted to and approved in writing by the Council as Planning Authority in consultation with Scottish Water and Scottish Environment Protection Agency. The agreed foul drainage shall thereafter be implemented prior to the completion of the development.

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

- 6 In pursuance of Condition 4 d), disposal of surface water:-
- a) all storm water drainage from all paved surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems.
 - b) Full drainage calculations and the final layout and depth of the proposed SUDS pond and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team to ensure the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in the Drainage Strategy. The agreed detail shall thereafter be implemented prior to the completion of the development.
 - c) The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.
 - d) The discharge of any surface water drainage shall be limited to the greenfield runoff rates for the Town Lade. The discharge of any surface water drainage to the Perth Town Lade will be limited to 80-90% of the greenfield runoff rate. All discharge rates shall be agreed in writing with the Perth and Kinross Council Flooding Team prior to the commencement of any works on site.

Reason: In the interests of best practise surface water management; to avoid undue risk to public safety and flood risk.

- 7 In pursuance of condition 4 f), measures to maximise environmental sustainability through design, orientation and planting or any other means each development phase shall also include:-
- a) The submission of sustainability checklists
 - b) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into that phase of the development.
 - c) Details on sustainability label of the domestic and non-domestic buildings to be erected to ensure it complies with Silver Active from 2016 and Gold Active from 2020 as per the 'Building Standards Technical Handbook Section 7 – Sustainability'.

Following written approval from the Planning Authority each development phase shall be undertaken in accordance with the approved details.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the LDP Policy EP1: Climate Change, Carbon Reduction and Sustainable Construction.

- 8 In pursuance of condition 4 j), all applications for each development phase shall include a transport statement scoped to include the means of access to the site from the wider public road network to include all modes of transport (walking, cycling, public transport and private car).

Reason: In the interest of sustainable transportation.

- 9 In pursuance of condition 4 (g, h, i, k), schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for each phase of development. Details of the scheme shall include:-
- a) Existing and proposed finished ground levels relative to a fixed datum point.
 - b) Existing landscape features and vegetation to be retained.
 - c) Existing and proposed services including cables and any substations.
 - d) The location of new trees, shrubs, hedges, grassed areas and water features.
 - e) A schedule of plants to comprise species, plant sizes and proposed numbers and density.
 - f) The location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment.
 - g) An indication of existing trees, shrubs and hedges to be removed.
 - h) A programme for the completion and subsequent maintenance of the proposed landscaping.

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.

Any planting which, within a period of 5 years from the completion of the 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.

- 10 In pursuance of condition 4 m), a detailed plan of public access across the site (existing, during construction and upon completion) for each phase of development, will be submitted for the written approval of the Council as Planning Authority and show:-

- a) All existing paths, rights of way, tracks, core paths and 'National Cycle Route 77'.
- b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance of curtilage, in relation to proposed buildings or structure.
- c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users etc.
- d) Any diversions of paths, temporary or permanent proposed for the purposes of the development.
- e) The detailed specification of the proposed paths and tracks, along with how they will be constructed to avoid impact on trees.

Reason: In the interest of sustainable transportation.

- 11 Development shall not commence until a Green Travel Plan, aimed to encourage more sustainable means of travel, has been submitted and approved in writing by the Council. The Travel Plan will have particular regard to provision for walking, cycling and public transport access to and within the various elements of the development and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan. The plan will include details of the financial contribution required to provide an adequate local bus service for the development and the pedestrian crossing over the A9.

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

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

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

- 13 No more than 100 residential units are permitted to be occupied until the A9 / A85 Junction Improvement, generally as proposed by Perth and Kinross Council as part of its 'Perth Transport Futures Project' transport strategy to support the Local Development Plan, is operational.

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

- 14 No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

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

- 15 Details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

- 16 Prior to commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, following consultation with Transport Scotland.

Reason: To ensure that there will be no distraction to drivers on the trunk road, and that the safety of the traffic on the trunk road will not be diminished.

- 17 Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 18 There shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected.

- 19 No development shall commence until a Construction Traffic Management Plan (CTMP) has been approved in writing by the Planning Authority in consultation with Transport Scotland. In particular the CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

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

- 20 Prior to approval of further detailed applications, details of the lighting within the site likely to impact on the A9 and A85 trunk road shall be submitted for the written approval of this Council as Planning Authority and thereafter installed all to the satisfaction of the Planning Authority in consultation with Transport Scotland.

Reason: To ensure that there will be no distraction or dazzle to drivers on the road, and that the safety of the traffic on the road will not be diminished.

- 21 The Habitat Survey undertaken and submitted with the planning application 16/01348/IPM shall be updated and re-submitted to the Planning Authority for each phase of development as part of any further matters specified by condition applications.

Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the welfare of any protected wildlife.

- 22 Development shall not commence until further information is submitted on the culverted watercourse flowing through the development site as shown on drawing entitled "CCTV Survey results, Drainage Strategy" by Goodson Associates, Drawing Number DSP01. Further Information must detail the culvert source, and detail post development proposals. No dwellings shall be erected above the culvert.

Reason: To prevent flood risk and in the interests of residential and environmental amenity.

- 23 No development shall take place within the development site as outlined on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the service, shall be submitted to and approved in writing by the planning authority, after satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust.

Reason: The site lies adjacent to areas of archaeological significance.

- 24 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Planning Authority.

Reason: In the interest of residential amenity.

- 25 All existing trees and hedgerows shall be retained and protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction), unless otherwise agreed in writing by the Planning Authority. The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

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

- 26 Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the felling, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency. The CEMP shall be updated and submitted not less than two months prior to the commencement of each phase and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity

- 27 Dust mitigation measures as detailed in the Air Quality Impact Assessment document by Energised Environments dated 11 August 2016 shall be followed at all times during construction.

Reason: In the interests of residential amenity.

- 28 Construction work shall be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noisy work on a Sunday.

Reason: In the interests of residential amenity.

- 29 Noise shall be re-assessed at the Approval of Matters application stage with further mitigation suggested to ensure all properties are adequately protected from road noise.

Reason: In the interests of residential amenity.

- 30 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.

Reason: In the interests of the sustainable disposal of waste.

- 31 All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

Bin Dimensions

Capacity (litres)	Width (mm)	Height (mm)	Depth (mm)
240	580	1100	740

Reason: In the interests of the sustainable disposal of waste.

- 32 Prior to the submission for approval of further detailed applications a Feasibility Study shall be submitted in writing for the approval of the Planning Authority. This report should investigate the technical feasibility and financial viability of heat network/district heating for this site, identifying any 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 investigate future district heating opportunities for the development.

- 33 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy RD4: Affordable Housing of the Perth & Kinross Local Development Plan 2014, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 34 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 35 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.

- 36 Prior to the commencement of development a detailed ground investigation and reclamation statement shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be restricted to those areas that will form garden grounds unless the investigation identifies the requirement to assess ground conditions in relation to the protection of the occupants, building fabric or wider environment from sources identified outwith the application area that may cause constraint to the proposed end use. The investigation should be compliant with relevant good practice, government guidance in force and applicable European and British standards. Any necessary works of remediation shall be implemented in accordance with the approved reclamation statement prior to the new dwellings being first occupied.

Reason: To ensure details are acceptable to the Local Planning Authority and to safeguard residential amenity.

B JUSTIFICATION

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

C PROCEDURAL NOTES

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions set out above has been completed and signed to reflect the current planning reference 16/01348/IPM. 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 being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

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 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 4 The developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.

- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
- 8 There is evidence of Hogweed present on the site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought.

Background Papers: 2 letters of representation

Contact Officer: Steve Callan

Date: 26 January 2017

Nick Brian
Interim Head of Planning

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