

Perth and Kinross Council
Planning & Development Management Committee – 24 August 2021
Report of Handling by Head of Planning & Development (Report No. 21/126)

PROPOSAL: Formation of primary vehicular access and associated works (approval of matters specified in conditions of planning application 15/01157/IPM or as subsequently superseded by application 21/00383/IPM)

LOCATION: Land Adjacent to Huntingtowerfield and Ruthvenfield

Ref. No: [19/01430/AMM](#)
Ward No: P5 - Strathtay

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application relating to the formation of a primary north to south transport route through the application site. This sees a continuous vehicular route from Bertha Park roundabout, at Inveralmond, navigating down through 'Almond Valley', to the A85. Thereafter a new roundabout will be formed through a later development phase. The proposed development is acknowledged to not fully comply with the relevant provisions of the Development Plan; however, there are significant material considerations which outweigh this position and justify a recommendation of approval. It should be noted that should the application be approved, a decision notice will not be issued until the parent application (21/00383/IPM) has seen its related S75 concluded, and the associated decision notice issued.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to an area of 29.2 ha, and forms part of the development site known as 'Almond Valley', which itself extends to 103 hectares (ha) and is located immediately beyond the north-western edge of Perth. The application site currently comprises arable and grazing farmland. However, historically it was used for industrial purposes and there remain older properties throughout the site, mainly associated with historic mill activities related to Perth Lade. In addition, overland power lines pass across the site in a southwest / northeast alignment and there is also an underground gas main traversing on a north to south dog leg.
- 2 Almond Valley is allocated as 'Site MU73' within the Perth and Kinross Local Development Plan 2019 (LDP2). MU73 is identified for a mixed-use development, including up to 1,100 dwellings. A tract of land, south of the A85 (extending to circa 11ha), previously included in LDP 2014 as part of Almond Valley, has since instead been included as part of the 'Perth West' (MU70) allocation within LDP2. However, this 11ha remains included in this application. LDP2 states MU73 extends to an area of 150ha, which is incorrect, and the area identified in LDP2 is, in fact, 98ha.

- 3 Almond Valley has an extensive planning site history, with the primary decision being set via the approval of a Planning Permission in Principle (PPP) in 2017, that following a successful appeal to the Division of Planning and Environmental Appeals (DPEA) (application reference: 15/01157/IPM). That extant PPP has an associated Section 75 legal agreement.
- 4 More recently, on 29 June 2021 the Planning and Development Management Committee resolved they were minded to approve a S42 application (21/00383/IPM), which sought to amend the terms of Condition 8 and 16 of the extant PPP (15/01157/IPM). That S42 PPP cannot however see a decision issued until the existing S75 is replaced or amended, to reflect the changes included in 21/00383/IPM.
- 5 The primary purpose of this application for the Approval of Matters Specified in Conditions (AMSC) is to permit the development of a primary vehicular route and road linkages to respective parcels of residential and mixed-use development. Additional details on the longer-term community woodland are also submitted, in line with the extant S75 requirements (relating to ongoing management and care) related to PPP (15/01157/IPM); however, any permission granted here would enable the applicant to progress the development through the implementing of a new/superseding PPP which is likely to be issued in relation to the aforementioned S42 application (21/00383/IPM).
- 6 Fundamentally, the proposal is for the primary route to be delivered up to, but not beyond, the A85 boundary to the south. The roundabout then required in the existing (and updated) PPP and S75 is proposed to be delivered at a later date, after 340 dwelling units have been delivered, as established in the resolution to approve the new PPP (21/00383/IPM). The physical elements of the route proposed in the current application will deliver a new primary vehicular road and associated cycle/pedestrian path to connect the site from the western-link roundabout (also referred to as the 'Almond' roundabout), adjacent to Inveralmond Industrial Estate and Bertha Park in the north-east, through the Almond Valley application site, to its southern boundary with the A85. The primary route incorporates two phases, reflecting the agreed terms of PPP (21/00383/IPM):
 - Part 1: From the Western Link (Almond) Roundabout in the east, to the northern edge of the Town Lade in the west. In this location, the route runs in a south-western direction, passing through development parcel H4, with a spur to parcel H3 to the west, before it then reaches the Town Lade. The associated topography is relatively flat, with the proposed layout identifying proposed development on either side, with connecting routes to access the housing (subject of application 19/01433/AMM, reported elsewhere on this Agenda).
 - Part 2: Comprises the remainder of the proposed Primary Route. Navigating from the north, with the crossing of the Town Lade, which will ultimately connect to the committed roundabout at the A85. This section broadly runs south-west after crossing the Town Lade, then following

Castlebrae Road east-west and north-south. The route then flows west, meandering towards the A85 roundabout.

The northern section of Part 2 will act as a hub, with several active travel links meeting up and joining the road, providing a connection to the Local Centre and the Primary School site in due course. Part of Castlebrae Road will be widened and improved. Traffic calming measures and new footways are proposed on elements of the primary route, particularly at the Local Centre.

The southern portion of Part 2 departs from Castlebrae Road before reaching the Tibbermore crossroads junction. This junction will be closed, leaving remaining local access into parcels H19 and H20. The road will dissect parcels H18 and H19, before reaching the A85 roundabout.

- 7 The phases are supported by individual plans covering: road levels, surfaces, drainage and swept path plans. This application therefore supports the delivery of the initial infrastructure for the entire Almond Valley site. As per the terms of the aforementioned S42, connection of this road with the A85 through a roundabout would be required after the 340th dwelling unit (application 19/01433/AMM relates to development proposed in advance of the roundabout being required).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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

PRE-APPLICATION CONSULTATION

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

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 2014

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

The Scottish Planning Policy 2014 (SSP)

- 12 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 13 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291.

Planning Advice Notes

- 14 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places.

Creating Places 2013

- 15 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities, and

contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

- 16 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 18 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019 (LDP2).

TAYPlan Strategic Development Plan 2016-2036

- 19 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."

- 20 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1: Locational Priorities
- Policy 2: Shaping Better Quality Places
- Policy 6: Developer Contributions
- Policy 8: Green Networks.

Perth and Kinross Local Development Plan 2

- 21 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *"Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 15: Public Access
- Policy 23: Delivery of Development Sites
- Policy 26: Archaeology
- Policy 38C: Local Designations
- Policy 40B: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zone
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated Land and Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60: Transport and Accessibility Requirements.

LDP2 Allocation

MU73 Almond Valley (mixed use)

Site-specific Development Requirements

22 The Site-Specific Requirements detailed in LDP2 are:

- Implement the phasing programme for the housing, affordable housing, community facilities, open spaces, transport infrastructure contributions, road improvements, structure planting, and local centre in line with the planning permission/obligations S75 legal agreement
- Provide a site for potential new primary school
- Provide a detailed delivery plan
- Provide detailed Food Risk Assessment with each phase of development, to include establishment of flow paths and mitigation for appropriate uses
- Provide facilities to enable connection to Perth's bus network
- Provide a network of paths and cycle routes providing good active travel links to Perth and Almondbank
- Provide green corridors in particular networks to link the site with Perth and the wider countryside
- Provide biodiversity study updates and enhancement of biodiversity
- Integrate the existing landscape framework into the development
- Provide an Energy Statement investigating the potential for the provision of, and/or extension to, a heat network to serve the development. The Energy Statement will be expected to consider possible linkages to sites M70 and H319

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

Other Policies and Guidance

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

SITE HISTORY

- 23 [03/00212/OUT](#) An application was withdrawn in March 2004, this had sought outline planning permission for a Mixed use development including: residential, commercial, educational, recreational and retail development with associated road works and landscaping.
- 24 [08/00678/IPM](#) A further application was refused in January 2012, that had sought planning permission in principle for a Residential-led development of 1,800 new homes, a primary school, leisure, retail, office facilities along with new vehicular and pedestrian access, open space and landscaping.
- 25 [10/00005/PAN](#) PKC accepted in May 2010 the arrangements for public consultation set out within a Proposal of Application Notice (PoAN), related to a potential Mixed use development comprising: residential, retail, business and industrial associated community facilities, landscaping, car parking and infrastructure including roads and accesses.
- 26 [14/00011/PAN](#) A second Proposal of Application Notice (PoAN) for Mixed use development comprising residential, a primary school and community facilities was also accepted by PKC in October 2014
- 27 [14/01961/SCOP](#) PKC issued a Scoping Opinion in December 2014, related to a Mixed use development comprising residential, a primary school and community facilities.
- 28 [15/00546/IPM](#) A second application was withdrawn in July 2015, this had sought: Planning Permission in Principle for a Residential development with school and community facilities, open space, landscaping and associated infrastructure.
- 29 [15/01157/IPM](#) Planning Permission in Principle was approved on appeal to DPEA, following the refusal of permission by PKC in May 2016. This extant

permission permits a: Residential development with school and community facilities, open space, landscaping and associated infrastructure.

- 30 [19/00056/SCRN](#) PKC issued an EIA Screening Opinion in March 2019, advising that no EIA was required in association to the construction of a road.
- 31 [19/01433/AMM](#) An MSC application proposing the: Erection of 284 dwellinghouses, 21 detached garages, 56 flats, 3 retail units, a refuse/bike store and a sports changing pavilion, formation of boundary treatments, retaining walls, leisure facilities, SUDS ponds, parking areas, landscaping and associated works (Phase 1 and 1A) (approval of matters specified in conditions of 15/01157/IPM)_is subject to a report elsewhere on this Committee agenda.
- 32 [21/00383/IPM](#) A S42 application to modify Condition 8 (sustainable development) and Condition 16 (residential occupation) of Permission 15/01157/IPM was resolved to be approved at the Planning and Development Management Committee meeting of 29 June 2021, subject to an updated or new S75 agreement.

CONSULTATIONS

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

External

- 34 **Scottish Environment Protection Agency (SEPA):** No objection. Satisfied following the submission of additional flooding and drainage information and associated clarifications with a commitment to mitigation measures.
- 35 **Health and Safety Executive:** No objection.
- 36 **Health and Social Care Partnership:** No objection. Welcomed and encouraged active involvement to discuss the details for required community facilities.
- 37 **Nature Scot:** No objection. Welcomed update of the Habitats Regulations Assessment, which should thereafter be adhered to.
- 38 **Scottish Gas Network:** No objection.
- 39 **RSPB:** No comments.
- 40 **Transport Scotland:** No objection, subject to the understanding that the requirement for the new roundabout onto the A85 and associated pedestrian and public transport facilities along the A85 (either as set out in condition 16 of permission 15/01157/IPM or as amended by S42 application 21/00383/IPM) continue to be delivered.
- 41 **Historic Environment Scotland:** No objection. Advise of no adverse impact on national cultural assets.

- 42 **Methven Community Council:** Object. Raise several concerns including: primary school capacity, roads, environmental issues, flooding, existing septic tanks and field drain run offs.
- 43 **Perth and Kinross Heritage Trust:** No objection. Request a written scheme of archaeological investigation be secured and delivered via suspensive condition.
- 44 **Tulloch Community Council:** No comments.
- 45 **Luncarty, Redgorton and Moneydie Community Council:** No comments.
- 46 **Scottish Water:** No objection. Advise water and wastewater capacity is available at the Turret Water Treatment Works and Perth City Wastewater Treatment Works.

Internal

- 47 **Transport Planning:** No objection. Advise that the arrangements set out in both the S42 application (21/00383/IPM), which covers the primary access route, and this MSC application which relates to the primary access route, are acceptable, subject to planning conditions.
- 48 **Community Greenspace:** No objection, following minor clarification regarding areas of intended public open space for adoption.
- 49 **Planning and Housing Strategy:** No objection.
- 50 **Structures:** No objection. Advise that technical approvals will be necessary.
- 51 **Flooding:** No objection. Advise that final detailed drainage plans will be required.
- 52 **Biodiversity/Tree Officer:** No objection. Recommend conditions to secure proposed mitigation and enhancement measures.
- 53 **Environmental Health (Noise Odour):** No objection. Recommended conditions to control certain aspects (compliance with Noise Impact Assessment, etc).
- 54 **Environmental Health (Contaminated Land):** No objection. Advise more work requires to be undertaken on the potential for contamination in and around the former railway line, with a suspensive condition recommended.
- 55 **Development Contributions Officer:** No objection.

Representations

- 56 A total of 32 representations have been received, raising the following key issues:

57 Flood and Drainage

- Account should be taken of increased flood risk to proposed and existing properties;
- Containment of surface and floodwaters with potential for erosion.

58 Transport/Access

- Concerns over achieving access to the northwest section of the site;
- Requirement to improve access from A85 to Huntingtower;
- Impact on local transport pinch points.

59 Residential Amenity

- Option for existing housing to join public sewerage network;
- Noise;
- Site contamination.

60 Open Space and Biodiversity

- Provision and detail of community woodland and its access/parking provision – not forming part of this AMSC application (or any current detail) with impact on human health identified
- Impact on lamprey.

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

62 The following issues were raised but are not a material planning considerations:

- Loss of view.
- H11 cutting across lade path (mill house ruin) – clocktower mews. This element does not form part of this matters specified planning application.

ADDITIONAL STATEMENTS

63

Screening Opinion	EIA Addendum Required
Environmental Impact Assessment (EIA): Environmental Report	EIA addendum (1&2) submitted, supplementing the original Environmental Statement associated to 15/01157/IPM.
Appropriate Assessment	Habitats Regulations Appraisal (HRA) submitted. The conclusions of the submitted HRA is adopted as the Planning Authority's Appropriate Assessment.
Design Statement or Design and Access Statement	Submitted.
Report on Impact or Potential Impact	• Updated Transport Statement;

e.g., Flood Risk Assessment and Transport Statement	<ul style="list-style-type: none"> • Air Quality Assessment; • Noise and Vibration Impact Assessment; • Site Investigation Report; • Tree Survey; • Draft Construction Environment Management Plan (CEMP); • Flood Risk Assessment with update; • Sustainability Checklist; • Habitat Survey.
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APPRAISAL

- 64 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council’s other approved policies and supplementary guidance.

Principle

- 65 The principle of the development proposed has been previously established through both the LDP 2014 allocation, which has been continued into LDP2 (with amendments), and the approval of the extant PPP (15/01157/IPM). It is noted that since the approval of that PPP, there have been two principal changes to the Development Plan, with the adoption of TAYplan 2016-2036 in 2017 and LDP2 in 2019. Relevant changes to LDP2 are reflected in updated site allocation MU73 (as referred). This Committee’s resolution to approve the S42 PPP (21/00383/IPM) underlines the principle of development remaining acceptable notwithstanding these changes to the Development Plan and as a departure to aspects of Plan. The recent S42 PPP application (21/00383/IPM) would allow changes to the phasing of residential development and delivery of transport infrastructure required for the development, through amendments to Condition 16 of the extant PPP permission (and, by association, the related S75 clauses). This current AMSC application now reflects these changes and seeks approval for the primary vehicular access and associated infrastructure which, subject to that S42 decision notice being issued, the principle of development proposed is acceptable under these amended terms. The boundary of the application site for this vehicular access extends beyond the boundary of LDP2 Site MU73 allocation, into Site MU70, which was accepted in the S42 PPP. It is now appropriate to assess the detailed proposals to ascertain alignment with the relevant PPP conditions, the masterplan and LDP2 Policy criteria. For the avoidance of doubt, any subsequent reference to PPP in this assessment relates to the agreed terms of the S42 21/00383/IPM PPP application.

Design, Layout and Phasing

- 66 In respect of design and layout, LDP2 Policy 1 and 2 directly apply. In association, various PPP conditions also apply. The proposed land uses remain consistent with the PPP and the revised vehicular access route and paths are generally consistent with the original masterplan, although now taking a more direct route to the southeast of parcel H14 instead of traversing through. There are appropriate soft and hard landscaping schemes which provide mitigation and enhancement to supplement the engineered road, comprehensive path network and structures. It is considered that the design, scale, and form of the proposals can be appropriately managed and accommodated within the wider site context.
- 67 Overall, the proposals are considered to remain consistent with the PPP, with the design and layout of the development also considered to comply with Transport Standards, Accessibility Requirements and Public Access objectives of LDP2, thus aligned with LDP2 placemaking Policies 1A and 1B.
- 68 In respect of design, layout and phasing, the proposals are considered not to conflict with relevant LDP2 Policies or conditional terms of the PPP.

Roads and Access

- 69 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In association, several conditions attached to the PPP applications specify technical and phasing requirements.
- 70 As set out in the consultation responses from Transport Scotland and PKC Transport Planning, the phasing for final delivery and connection of this road network with the A85, via a roundabout, has been deferred in the S42 PPP from the terms of the extant PPP (15/01157/IPM) to allow this application to progress positively. The updated Transport Statement and associated mitigation measures were accepted through the determination of the S42 PPP to address this conflict. The proposed route, alignment, and specification of the vehicular access and proposed active travel elements are now considered appropriate; these address the requirements of the S42 PPP (including the therein proposed Condition 5).
- 71 As such the proposals are considered to accord with LDP2 site allocation MU73, Policies 1, 15 and 60 and the terms of the PPP.

Core Paths, Pedestrian and Cycle Routes

- 72 LDP2 Policy 15 applies in relation to maintaining and enhancing existing Public Access provision. In this respect, the connection to existing core paths affected by the proposal, and enhancement of these through the active travel provision proposed, is considered to continue to comply with the site-specific requirements and remains consistent with LDP2 Policy 15.

Residential Amenity

- 73 LDP2 Policies 1 and 17 seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise pollution. In association, several conditions attached to the PPP applications set specific requirements. Potential impacts for both existing and future residential amenity that may be affected by the principal access proposals have been assessed through noise and air quality assessments. This sees the proposals considered to continue to comply with the relevant LDP2 Policies and conditional terms of the PPP.

Contamination

- 74 LDP2 Policy 58 and condition 40 of the PPP apply, and contamination issues have been addressed as part of this submission, consistent and proportionate with the terms of the PPP. There is, however, still deemed to be further investigative work required, which can be addressed via recommended Condition 4.
- 75 Subject to Condition 4, the proposal is considered to satisfy the terms of LDP2 Policy 58 and conditional terms of the PPP.

Landscape and Visual Amenity

- 76 LDP2 Policies 39 and 42, are relevant in relation to landscape and visual amenity as are relevant conditions of the PPP.
- 77 The scale, allocation and planting species proposed in and around the access route and in particular, within the Community Woodland are considered appropriate. The route will create new features in the landscape, but subject to the aforementioned landscaping measures, this would not result in an adverse impact on landscape or visual amenity. Planning conditions are proposed to ensure adequate delivery of the landscaping (Conditions 12 and 13).
- 78 In terms of landscape and visual amenity, the proposals do not conflict with the relevant policies of LDP2 or associated PPP suspensive conditions.

Natural Heritage and Biodiversity including Community Woodland

- 79 In relation to natural heritage and biodiversity, LDP2 Policies 40 and 41 directly apply as are relevant conditions of the PPP.
- 80 It is considered that there will be no adverse impact on site biodiversity as a result of the development. Detailed management plans have been submitted in relation to the proposed Community Woodland, as secured via the existing S75 for the extant planning permission (15/01157/IPM), which have been welcomed by the Biodiversity Officer. This requirement would be carried over to any future or amended S75 required for the S42 PPP (21/00383/IPM). The proposals thus are considered to accord with the relevant policies of LDP2 and conditional terms of the PPP.

Drainage and Flooding

- 81 LDP2 Policy 52 states a presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. LDP2 Policy 53 further requires all new development to employ appropriate SUDS measures. In association, several PPP conditions relate to these matters.
- 82 Points within representation raised concerns in relation to flood risk, soil conditions and existing private sewerage arrangements. In this regard the application is supported by detailed flood risk and drainage material, which is considered by both SEPA and the PKC Flood team to be satisfactory. Neither consultee has concerns that flood and drainage impacts cannot be appropriately managed.
- 83 In response to concerns relating to existing private sewerage arrangements, the applicants' agents have confirmed an awareness of existing private drainage arrangements and have a commitment that private infrastructure will not be compromised and opportunities to connect into the future mains provision will be investigated and connections offered, as opportunities allow.
- 84 In terms of Drainage and Flooding, the proposals are considered to remain compliant with Policy 52 and 53 of LDP2 and associated suspensive conditions of the PPP.

Conservation Considerations

- 85 LDP2 Policy 26 and a related PPP planning condition relate to conservation matters. The PPP contains ongoing suspensive conditional requirements for archaeology works but, otherwise, there are no concerns or adverse impacts on immediate or wider cultural heritage assets anticipated through this application.
- 86 In respect of conservation considerations, the proposals are considered to accord with the relevant policies of LDP2 and associated PPP conditions.

Developer Contributions

- 87 As advised, in order to accord with LDP2 Policy 5 and the changes within the S42 PPP from the extant PPP (15/01157/IPM), a new or updated S75 legal agreement is now required to secure amended infrastructure proposals agreed. Detailed matters to be secured and covered within the S75 are identified below:
- Delivery of a site for a 2-stream primary school
 - Primary school financial contributions
 - Transport infrastructure contributions
 - Public transport improvements
 - Delivery of key transport infrastructure (including the new A85 roundabout)
 - Affordable housing provision
 - Open space provision and maintenance

- Sports pitches and pavilion provision and maintenance
- Play area provision and maintenance
- Structure planting delivery; and
- Delivery of associated community facilities including community woodland

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

Economic Impact

89 The impact on the local economy from the proposals will improve local access and open up the wider Almond Valley site for future phasing.

VARIATION OF APPLICATION UNDER SECTION 32A

90 This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations involve minor changes to the scheme incorporating the re-alignment of the carriageway at Town Lade crossing point and supporting plan updates to reflect an updated delivery strategy with background clarification. Additional information was also submitted, including updated Transport Statement, Habitat Regulations Assessment (HRA) and associated EIA addendums.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

91 The existing Section 75 tied to planning permission 15/01157/IPM requires to be updated and/or modified in respect of the previous 90-dwelling unit threshold originally consented in advance of the required delivery of the A85 roundabout and associated infrastructure. Should the Committee be minded to grant this application, consent shall not to be issued until a new or updated Section 75 Agreement has been modified, signed, and registered to take account of S42 application 21/00383/IPM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to adhere to this timeline may result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

DIRECTION BY SCOTTISH MINISTERS

92 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

93 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to broadly comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019), with the site

boundary extending beyond the MU73 allocation not being significant. Account has been taken account of the relevant material considerations and none have been found that would justify overriding the adopted Development Plan.

- 94 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

General

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

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

Construction

- 2 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays.

Reason: In the interests of residential amenity.

Contamination

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

Before any construction work commences on part two of the proposed access and roadway, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

Roads/Access specific

- 4 In association with Condition 19 of Planning Permission in Principle 21/00383/IPM and prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority, a Construction Traffic Management Plan (CTMP) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development
 - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists, and equestrians
 - (i) details of information signs to inform other road users of construction traffic
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded
 - (k) co-ordination with other significant developments (to include Vector Aerospace International Ltd) known to use roads affected by construction traffic
 - (l) traffic arrangements in the immediate vicinity of temporary construction compounds
 - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction
 - (n) monitoring, reporting and implementation arrangements
 - (o) arrangements for dealing with non-compliance; and
 - (p) details of HGV movements to and from the site.

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

Reason: To mitigate any adverse impact of development traffic and ensure the safe and efficient operation of the existing road network.

Biodiversity

- 5 The conclusions and recommended action points within the supporting ecology details submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

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

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

- 7 Wildlife kerbs shall be installed adjacent to all road gullies within 500m of a SUDS pond or watercourse as part of the construction phases of the development. The timing for the delivery of kerbs shall be specified in the Construction Environment Management Plan (CEMP) required under Condition 36 of Planning Permission in Principle 21/00383/IPM.

Reason: In the interests of protecting biodiversity.

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

Reason: In the interests of protecting biodiversity and delivering associated biodiversity enhancement.

- 9 Prior to commencement of development, a detailed Construction Method Statement (CMS) shall be submitted for written approval to the Council as Planning Authority; ensuring all mitigation measures listed in Section 7 of the Almond Valley - Phase 1 Application Habitats Regulations Appraisal (Plan 54 dated March 2021) are captured.

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

Landscaping

- 10 In association with Condition 8, and prior to the commencement of development, further details on the access, timing and implementation of the Community Woodland area shall be confirmed and submitted for the written approval of the Planning Authority, in consultation with Community Greenspace. The approved details will thereafter be developed out and handed over at the appropriate time.

Reason: In the interests of visual amenity, ensuring earliest practical establishment of this associated community benefit and to ensure the satisfactory implementation of the proposed planting scheme.

Archaeology

- 11 Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

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

D INFORMATIVES

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 4 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he 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.
- 5 The applicant should be advised that in terms of Section 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.
- 6 The applicant should be advised that in terms of Section 68 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to stop up any public roads or footways prior to the commencement of roadworks. The Roads Authority shall satisfy themselves that a suitable alternative road exists or that no alternative road is necessary prior to the granting of consent.
- 7 The applicant should be advised that in terms of Section 96 of the Roads (Scotland) Act 1984 a road condition survey may be required to be agreed with the Council as Roads Authority prior to the commencement of works. To ensure the public road is reinstated to its present standard.
- 8 The applicant should be advised that all proposed structures supporting the road, or which the developer is intending the Council adopt, will require technical approval in accordance with the Design Manual for Roads & Bridges standard BD 2/12 (& HD 22/08 where relevant). Bridges and culverts shall also be designed in accordance with the requirements contained within Perth & Kinross Council's Developers Guidance Note on Flooding & Drainage. The

developer is advised to contact Perth & Kinross Council's Structures & Flooding Team (tel 01738 475000, email structuresplanning@pkc.gov.uk) for further information and prior to commencing designs in order to ensure technical compliance.

- 9 Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
- 10 There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 21/00383/IPM, relating to:
 - Delivery of a site for a 2-stream primary school;
 - Primary school financial contributions;
 - Transport infrastructure contributions;
 - Public transport improvement;
 - Delivery of key transport infrastructure (including the new A85 roundabout);
 - Affordable housing provision;
 - Open space provision and maintenance;
 - Sports pitches and pavilion provision and maintenance;
 - Play area provision and maintenance;
 - Structure planting delivery; and
 - Delivery of associated community facilities including community woodland.

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

- 11 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations involve minor changes to the scheme incorporating the re-alignment of the carriageway at Town Lade crossing point and supporting plan updates to reflect an updated delivery strategy with background clarification. Additional information was also submitted, including updated Transport Statement, Habitat Regulations Assessment (HRA) and associated EIA addendums.
- 12 The developer is advised to contact Sophie Nicol, Archaeologist (Tel 01738 477080) to discuss terms of reference for work required by Condition 11.

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

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

- 2 The application submitted an EIA Addendum '2' dated February 2021. The public had opportunity to participate in the decision-making process through notification of the EIA supplementary information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.
- 3 The EIA addendum provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal with scoping out of all other elements. The significant effects on the environment are identified to be directly linked to baseline planning permission 15/01157/IPM, application 21/00383/IPM, this AMSC planning submission and 19/01433/AMM. In terms of significant parameters, the addendum's focus is primarily on climate change and traffic and transport impacts.
- 4 The Planning Authority is satisfied that the background EIA Statement, the 2019 EIA Addendum '1' and current EIA Addendum '2' submissions (all now forming the EIA Report) is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.
- 5 The Planning Authority has considered the original EIA Statement and both the Addendum 1 and 2 submissions, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.
- 6 In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

Background Papers: 32 letters of representation
Contact Officer: Callum Petrie
Date: 12 August 2021

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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