

Perth and Kinross Council  
Development Management Committee – 24 May 2017  
Report of Handling by Interim Head of Planning

Erection of school, biomass/energy plant, formation of playground areas, sports pitches, landscaping, car parking, vehicular accesses and associated works on land at Berthapark to the North West of Perth, within Local Development Plan (LDP) allocation H7.

Ref. No: 17/00198/FLM  
Ward No: N5 - Strathtay

**Summary**

This report recommends approval of this detailed application to erect a school with a supporting biomass/energy plant, playground areas, sport pitch provision, landscaping, vehicle parking, access and associated infrastructure works on land at Berthapark (H7) Strategic Development Area. The development is considered to comply with the current Development Plan, providing considerable benefit, both in the future as a hub for the Berthapark community and future school provision for the wider area. The application is recommended for approval, subject to conditions.

**BACKGROUND AND PROPOSAL**

- 1 The site is located within the heart of the forthcoming Berthapark settlement, subject to in principle planning approval 15/01112/IPM, within a 333 hectare site consisting of agricultural land and woodland. The site in question is characterised by agricultural land.
- 2 The site, which extends to 4.67 hectares, is situated directly north of the river Almond, sitting above and beyond Inveralmond Industrial Estate to the south, north and west of the A9 trunk road. Rural in nature, the site is broadly flat, benefiting from some key mature landscaping to the south and the associated topography.
- 3 The wider site area is acknowledged to change dramatically in character over the next two decades as the residential areas and supporting infrastructure is built out to the north, east and west of the site. As part of the in principle masterplan, building heights in central areas adjacent to the school were anticipated to rise up to 3 storey in height with a “School Square” identified to the north of the school subject of this application. The school site has been located immediately to the east of a new distributor road and roundabout.

- 4 The development proposals comprise the following elements:
  - Non residential institution (Use Class 10) for 1100 secondary school pupils
  - Biomass/Energy Plant
  - Sustainable Urban Drainage Systems (SUDS)
  - Landscaping
  - Recreation/sports and open space provision and facilities
  - Parking and access
- 5 The associated site plans accompanying the application, highlight the different elements of the physical proposals, including the principal large four storey building, which is dramatic in form, with the four storey façade facing north onto the newly created high street, tapering down and to the rear at the south with a mono pitch roof and modern materials. The proposed school dimensions are as follows:
  - Principal (northern) elevation – 77m
  - Rear (southern) elevation – 43m
  - Side (east and west) elevations – 105m
  - Height (at highest point of roof) – 17.5m
- 6 The energy centre, which is located further south into the site, takes a similar architectural cue.
- 7 The school is proposed to be set back and down from the high street, approximately 500mm lower, with a feature retaining wall and seating area along the frontage. Parking has been identified to the west, with more direct access parking opportunities to the east, including associated drop off and principal bus drop off points.
- 8 Formal play spaces have been identified, including a grass pitch, synthetic pitch and Multiple Use Games Area (MUGA). In addition, there are elements of structural landscaping planting proposed, intended to be flexible and adaptable, providing for use by staff and pupils as part of the school curriculum. Playground areas will provide for active and passive play opportunities.
- 9 The application has been accompanied by a supporting Transport Statement, Air Quality Assessment, Drainage Assessment, Habitat Assessment, a Design and Access statement, Pre-Application Consultation Report and Noise report.

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

- 10 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 projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 12 A formal screening exercise has already been completed for the site and the associated proposed use (15/01079/SCRN), with a screening opinion that an EIA is not required to be undertaken in this context.

## **PRE-APPLICATION CONSULTATION**

- 13 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This sets out that there is a statutory requirement imposed on the applicant to undertake pre-application consultation activity with the local community.
- 14 A Proposal of Application Notice (PAN) (16/00012/PAN) was submitted to the Council on 20<sup>th</sup> October 2016 and approved on 15<sup>th</sup> November 2016. A public exhibition was held on 15<sup>th</sup> November 2016. The ward 5 Councillors and local Community Councils were all notified. 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**

- 15 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**

- 16 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**

- 17 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.
- 18 Overarching topic areas relevant to this application include:
- Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 19 Specific detailed topic area paragraphs include:
- 20 A successful Sustainable Place
- Paragraphs 135 – 151 Valuing the Historic Environment
- 21 A Natural, Resilient Place
- Paragraphs 193 – 218 Valuing the Natural Environment
  - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 22 A Connected Place
- Paragraphs 269 – 291 Promoting Sustainable Transport and Active Travel
  - Annex B – Parking Policies and Standards
- 23 The following Scottish Government Planning Advice Notes (PAN) are also of relevance:
- PAN 3/2010 Community Engagement
  - PAN 1/2011 Planning and Noise
  - PAN 2/2011 Planning and Archaeology
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 68 Design Statements

- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

### **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.

## **LOCAL POLICY AND GUIDANCE**

### **TAYPlan Strategic Development Plan 2012-2032**

- 26 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"*

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

### **Policy 1 – Location Priorities**

- 28 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**

- 29 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**

- 30 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**

- 31 Confirms that local development plans should identify specific sites for the Strategic Development Areas and allocate land uses set out in the TAYplan.

## **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 32 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**

- 33 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**

- 34 The 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.
- 35 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.”*

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

**Policy PM1A - Placemaking**

- 37 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**

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

**Policy PM2 - Design Statements**

- 39 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**

- 40 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**

- 41 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 TA1A - Transport Standards and Accessibility Requirements**

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

**Policy TA1B - Transport Standards and Accessibility Requirements**

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

### **Policy CF1B - Open Space Retention and Provision**

- 44 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**

- 45 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**

- 46 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**

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

### **Policy HE1B - Scheduled Monuments and Non Designated Archaeology**

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

### **Policy NE1A - International Nature Conservation Sites**

- 49 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**

- 50 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**

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

### **Policy NE2B - Forestry, Woodland and Trees**

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

### **Policy NE3 - Biodiversity**

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

### **Policy NE4 - Green Infrastructure**

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

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

- 55 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**

- 56 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**

- 57 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**

- 58 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**

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

### **Policy EP3C - Water, Environment and Drainage**

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

### **Policy EP3D - Water, Environment and Drainage**

- 61 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 EP5 – Nuisance from Artificial Light and Light Pollution**

Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects to neighbouring properties or cause avoidable adverse light pollution.

### **Policy EP11 - Air Quality Management Areas**

- 63 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**

- 64 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**

- 65 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.
  - Green Infrastructure Supplementary Guidance November 2014

### **Perth & Kinross Community Plan (2006 – 2020)**

- 66 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**

- 67 Corporate Plan Vision includes promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

### **Perth and Kinross Local Transport Strategy**

- 68 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**

- 69 This plan produced by the City Development Board 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.

## **SITE HISTORY**

- 70 15/01112/IPM - Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle), which was approved by the Development Management Committee in May 2016, with a decision issued on 12 December 2016 following the conclusion of an associated legal agreement.
- 71 15/01079/SCRN Erection of primary and secondary school, associated road infrastructure and landscaping. Response provided 15<sup>th</sup> July 2015
- 72 16/00012/PAN Erection of high school with pitches and multi-use games area Decision issued 15<sup>th</sup> November 2016

## **CONSULTATIONS**

### **EXTERNAL**

#### **Scottish Environment Protection Agency (SEPA)**

- 73 Supported further investigation of biodiversity opportunities within the site and recommended that the applicant should appropriately consider scope for future proofing of linkages with district heating and associated infrastructure.

#### **Scottish Water**

- 74 Confirmed that capacity exists to accommodate the development and also clarified that dialogue was ongoing regarding the wider Berthapark development. .

#### **Scottish Natural Heritage (SNH) (Tay SAC)**

- 75 Advised there was considered to be no adverse impact on the proposal in relation to the Tay Special Area of Conservation, confirming that no Appropriate Assessment was required to be undertaken.

#### **Royal Society for the Protection of Birds (RSPB) Scotland**

- 76 Comfortable with the biodiversity assessment submitted, with a recommendation to establish further scope for biodiversity opportunities and more detail relating to the sustainability considerations attributed to the inception and ongoing operation of the proposed energy centre associated with the school development.

#### **Transport Scotland**

- 77 Consider the proposal to be acceptable.

**Perth & Kinross Heritage Trust (PKHT)**

- 78 Confirmed that the proposed development site lies within an area previously reviewed as part of the wider Berthapark development, identifying no archaeology identified on site.

**Luncary, Redgorton and Moneydie Community Council**

- 79 No comment received.

**Methven Community Council**

- 80 No comment received.

**INTERNAL**

**Community Greenspace Team**

- 81 Comfortable with the approach being proposed, with suspensive conditions covering the detailing

**Transport Planning Officer (TP)**

- 82 No objection to the proposal as having reviewed the applicant's 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. Proposed condition for a green travel plan to be produced and submitted for approval and informative to be included

**Environmental Health Officer (EH)**

- 83 Comfortable with the details proposed, recommending suspensive condition in relation to managing noise, odours through ventilation details and attributable light and air pollution.

**Biodiversity Officer**

- 84 Considered the inclusion of the ecological survey of the site to be satisfactory, identifying the presence of key biodiversity features. The biodiversity officer clarified that recommendations contained within the report should be included in any approval.

**Developer Contributions Officer**

- 85 No developer contributions are sought or applicable towards this education development.

## **Structures and Flooding Team (SFT)**

- 86 Conditions were recommended to establish detailed drainage calculations were submitted to the Planning Authority for SFT information, approval and adherence thereafter, prior to the commencement of development and in association, a condition to ensure appropriate SUDS measures are in place in tandem with all construction operations.

## **Community Waste Advisor**

- 87 Set out requirements for recycling facilities anticipated in this regard, achieved through a proposed condition and informative.

## **REPRESENTATIONS**

- 88 One letter of representation has been received, principally providing points of comment and personal clarification about specific matters identified within the proposal including:
- Lack of detail to show how the development will be linked to the wider road and footway network. Connection is an important issue, because the applicant needs to demonstrate that safe routes will be available for children, their parents and staff travelling to and from the school on foot, by bicycle and for all abilities.
  - CTRLR not shown on drawings submitted.
  - Trees adjacent to the site have not been shown on the drawings submitted with the application.
  - No detail in place as to how the development will connect to the public drainage network.
  - Discrepancies and best practice measures in the ecology survey.
- 89 The material planning concerns raised are addressed in the Appraisal section of this report.

## **ADDITIONAL STATEMENTS**

90

Environment Statement	Covered under the EIA in association with planning application 15/01112/IPM
Screening Opinion	15/01079/SCRN
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Submitted

## **APPRAISAL**

### **Policy Appraisal**

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

### **Principle**

- 92 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.
- 93 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.
- 94 The site sits within LDP development site allocation H7, and also now under the auspices of in principle planning consent 15/01112/IPM. Associated with the LDP developer requirements, was the appropriate site provision for educational facilities, including a secondary school in phase, with this planning application looking to secure this requirement in detail. Other relevant policy considerations are identified within the policy section above.
- 95 For reasons outlined here and below, the principle of the proposed development is considered to be consistent with the salient LDP policy areas and that of the legal agreement associated with in principle planning consent 15/01112/IPM.

### **Design, Layout and Visual Amenity**

- 96 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.

- 97 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.
- 98 In respect of policy PM1A and PM1B, the proposed school development is considered to respond well to the approved masterplan associated with planning consent 15/01112/IPM. The striking contemporary design, palette of high quality finishing materials and overall form, scale and relationship both in terms of the building elements and identified hard and soft landscaping concepts are considered to have the potential to make a positive contribution to the surrounding area and provide a good focal point for the forthcoming community centre of Berthapark settlement. The proposed formal play areas to the rear (south) of the principal building is considered logical with good permeability defined alongside.
- 99 The proposed parking area to the west is set back and set down from the main road (high street) to avoid dominating the high street scene from the roundabout approach. There is considered to remain potential for additional structural planting to be investigated and delivered at this stage, further softening its impact and guiding the eye to the principal elevations of the new school building and being relatively well established in advance of the associated residential phasing and buildings surrounding the school grounds to become occupied. This element is recommended to be pursued further by condition 12.
- 100 As acknowledged in the background papers, the school building and the associated phasing has a particular challenge in responding on two levels to the surrounding landscape character, initially fitting into the landscape of an existing rural backdrop and then progressively, becoming successfully integrated as part of a central hub of a new urban settlement. The principal building and its associated elevated position above the River Almond will undoubtedly be striking initially, but this will be absorbed long term by surrounding development, structural landscaping, the existing southern landscape boundaries and the large building landscape of the existing Inveralmond Industrial estate.
- 101 Overall, the design, layout and visual amenity impacts of the proposals are considered appropriate in this context and consistent with associated LDP policy criteria of PM1 A and B.

### **Landscaping, Trees and Open Space**

- 102 The existing site is characterised by agricultural fields, with a solid farm access track along the northern boundary and field boundaries in post and wire and hawthorn hedging with natural established riparian planting further south beyond the boundaries of the site.



- 103 The landscaping proposals are considered broadly appropriate. Notwithstanding, as previously mentioned, there are considered to be opportunities for additional early structural planting enhancement possibilities to be pursued through this application, particularly in and around key open areas along boundary edges. It is considered appropriate to therefore look to condition a more extensive landscaping plan to be forthcoming, including landscape proposals in the wider site area within the applicants' control. Associated with this, it is recommended that plant specification is clarified to understand site appropriate species are being sourced. The proposals are considered appropriate and capable of fulfilling LDP policy NE4.

### **Roads and Access**

- 104 A Transport Statement (TS) was submitted on 8 March 2017. The TS was considered to provide a good assessment of the various transport related issues. In summary, the site will be accessed from one of the new principal streets that will be constructed as part of the wider Berthapark site. The layout and connection to the CTRL have all been previously approved, with a proposed wide range of vehicular and sustainable transport links available. In addition, the traffic impact of the school has previously been assessed as part of these applications with no adverse issues identified.
- 105 The proposals include a separation of the school bus park from the principal car parking area with separate vehicular accesses. A swept path analysis demonstrates that the proposed bus park area will be suitable for all buses. Based on the projected school role and likely catchment area, the provision to accommodate 15 buses has been agreed by Transport Planning as appropriate for this development.
- 106 The site is also considered to include adequate car parking facilities and cycle park provision, which is encouraged. Notwithstanding, it is considered appropriate to request through suspensive condition, an obligation for the applicant to comprehensively explore and where feasible, put in place additional sustainable travel arrangements through the undertaking of a Green Travel Plan (GTP) for the site.
- 107 While the impacts of the final development have been assessed, there will be some temporary impacts from the construction traffic and to ensure these effects are managed and where appropriate mitigated, a Construction Traffic Management Plan (CTMP) is also recommended to be secured via a condition.
- 108 In summary, providing suspensive conditions are secured, the proposed details submitted are consistent and sufficient with that required by LDP Policies TA1A and TA1B to support the development.

## **Residential Amenity**

- 109 In terms of impact on existing residential amenity, there is not considered to be any adverse impact anticipated on existing farm residences to the east. The school will be developed and operational prior to any of the surrounding proposed residential development, albeit consideration has been given to the final situation of the proposed houses as identified in the approved masterplan.

## **Noise**

- 110 Noise arising from the synthetic sports pitch and multi-use games area (MUGA) has been assessed. The community use of these facilities is encouraged in promoting active, healthy lifestyles and general social interaction, but this has to also be managed appropriately in association with maintaining suitable amenity to neighbouring properties.
- 111 There is limited guidance on suggested tolerable noise levels from these types of facilities, and what there is tends to point to an  $L_{Aeq\ 1\text{hour}}$  of 50dB. The calculated levels were said to be 48dBA based upon a conservative source level of 61dBA at 10 metres, with the closest residential properties 50 metres away. Taking account of this, there are no objections on grounds of noise. Even at the levels anticipated, associated noise could however potentially be considered a Statutory Nuisance, particularly through any audible foul language and general antisocial behaviour. In light of this, it has been recommended as best practice to seek via condition, for a noise management plan to be drawn up for approval and thereafter adhered to and reviewed as appropriate in relation to the wider community use of this facility.
- 112 There are also general operational noises associated with this type of development such as plant noise, but EH are comfortable that this can be adequately controlled by condition. In summary, there is not judged to be any adverse impact, which cannot either be managed via condition or detailed through the reserved matters applications of the associated residential phasing in and around the secondary school facility hereby proposed. The proposals are considered to comply with LDP policy EP8.

## **Air Quality**

- 113 The development proposals include provision for a biomass boiler to meet the heating needs of the school. Perth and Kinross Council have an obligation to review and assess all biomass boilers within its area over 50kW under the Environment Act 1995. Given that the proposed boiler is 995kW, it required to be assessed to check compliance with air quality objectives.
- 114 An air quality assessment was submitted, comparing predicted impacts from emissions arising from the boiler stack at nearby receptors to both Scottish and EU air quality objectives. This was then assessed in line with Environmental Protection UK (2015) Land-Use Planning & Development Control: Planning For Air Quality guidance to obtain a significance of effects

- 115 For nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>) annual mean objectives, the significance ranges from moderate to negligible depending on the height of the stack. The minimum stack height, which gives a negligible effect for both pollutants was identified at 13.5 metres. As the proposed stack height is currently 14 metres, the minimum height requirement is being met to ensure negligible effects and can be appropriately developed out in accordance with the plans. A standard condition was recommended with regards to the ongoing maintenance of the boiler. Overall, the proposals are considered to comply with LDP Policy EP11.

### **Contaminated Land**

- 116 A site investigation has been completed and submitted in support of the application identified no potential contamination issues within the proposed development site. Based on this information, EH were comfortable for no further contamination works to be necessary.

### **Archaeology**

- 117 Perth and Kinross Heritage Trust (PKHT) clarified there will be no impact on this site having been previously reviewed for archaeology in relation to planning in principle application 15/01112/IPM. No further archaeological works are therefore required within the area covered by this application (17/00198/AMM).

### **Natural Heritage & Biodiversity**

- 118 The Council's Biodiversity officer has confirmed that the habitat and ecological survey undertaken is satisfactory, appropriately identifying the presence of key biodiversity features. The report identifies opportunities to enhance the site including planting, SUDS, lighting and the incorporation of features in the buildings. It is considered appropriate to ensure that these recommendations are secured through condition of any consent. On this basis, the proposals are considered to comply with LDP policy NE3.

### **Climate Change, Carbon Reduction and Sustainable Construction**

- 119 In terms of the building itself and the associated energy centre, best practice elements are being introduced to ensure that sustainable design and construction is built into the development. The proposals for this school are considered to comfortably satisfy the terms of policy LDP EP1 in this regard. The wider site has been investigated for District Heating, in line with LDP site requirements. Due to both the timing and funding implications, the school has had to propose its own energy centre, with district heating not being taken forward at this stage. In line with SEPA recommendations, it has been considered appropriate to ensure the site is future proofed in relation to the wider development area for potential district heating infrastructure. The applicants' agents have confirmed that futureproofing has been built in as an integral feature of the design and build programme for the school and the associated energy centre.

### **Flooding Risk and Drainage Strategy**

- 120 A drainage design has been submitted and the principles have been considered appropriate. It was however acknowledged that there were no calculations provided to support the design. In order to fully comply with LDP Policy EP3, it was therefore requested by SFT to condition for these calculations to be submitted for review, ensuring the drainage design can cope under high flow conditions.

### **Developer Contributions**

- 121 No contributions are applicable to the proposed development.

### **Pre-Application Public Consultation**

- 122 Pre-application public consultation was undertaken in accordance with the approved PAN submitted by the applicant and is considered to meet Scottish Government requirements for major planning applications.

### **Economic Impact**

- 123 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 the long term, the development of this purpose built 21<sup>st</sup> century secondary school will provide an excellent learning environment and platform for future scholars and a social hub for the community. In summary, short and long term economic impact will be beneficial for the local and wider area.

### **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

- 124 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the proposal is compliant with the Development Plan, no Scottish Minister notification is required in this instance.

### **LEGAL AGREEMENTS**

- 125 No legal agreement is required for this proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

- 126 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**

- 127 The proposal is considered to accord with National Guidance and Development Plan policy in relation to necessary supporting infrastructure and facility provision associated with strategic development sites which is considered appropriate in its situation, design, scale, material finish, sustainability credentials and landscape framework potential. The development can also now be satisfactorily accessed through the associated committed road infrastructure improvements of the A9/A85 transport interchange. Overall, I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. The application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

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

*Reason – In the interests of promoting and securing sustainable means of travel relating to the operation and use of the development.*

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

- a) restriction of construction traffic to approved routes, in particular Inveralmond Roundabout during peak traffic volumes (08.00-09.30, 16.00-17.30) and the associated 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 major commercial users known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) monitoring, reporting and implementation arrangements; and
- n) arrangements for dealing with non-compliance.

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

*Reason – To mitigate any adverse impact of development traffic on the safe and surrounding road network during construction.*

- 4 Prior to the use of any identified external play and sports facilities, a Noise Management Plan (NMP) must be submitted to and approved in writing by the Planning Authority, in consultation with the Council Environmental Health Team. The approved NMP shall identify all appropriate measures to be adopted, the system of management, monitoring, review, reporting and the appropriate timescales for any plan review. The approved plan shall thereafter be adhered to and reviewed periodically as agreed in consultation with the Council Environmental Health Team.

*Reason – In order to safeguard the residential amenity of the area.*

- 5 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

*Reason - In order to safeguard the residential amenity of the area.*

- 6 Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

*Reason — In order to safeguard the amenity of the surrounding area.*

- 7 All external lighting 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 a degree that it does not adversely affect the amenity of the neighbouring land.

*Reason — In order to safeguard the residential amenity of the area.*

- 8 The hours of operation of any external floodlighting shall be restricted to between 0800 and 2200 hours

*Reason — In order to safeguard the residential amenity of the area.*

- 9 The boiler shall only operate on fuel prescribed and stored in accordance with the manufacturer's instructions. The boiler and flue and any constituent parts shall be maintained and serviced in accordance with the manufacturer's instructions and a record shall be retained of these activities which shall be presented to the Council on request. No changes to the biomass specifications shall take place without the prior written agreement of the Council as Planning Authority.

*Reason – In order to ensure that the boiler is adequately maintained and operating efficiently and in order to protect neighbouring amenity.*

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

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

- 11 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect animals from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Council as Planning Authority. The measures should include: creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

- 12 Prior to the commencement of development, a detailed planting scheme shall be submitted for the further written agreement of the Council as Planning Authority. This shall include planting numbers and full specifications. Appropriate structural landscape buffer planting shall also be investigated around the edges of the site; at key, pre-agreed locations. The scheme as subsequently approved shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

*Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme and to maximise ecology opportunities.*

- 13 Prior to the occupation of the building, precise details of the proposed recycling and waste collection facilities shall be submitted for the further written agreement by the Council as Planning Authority, in consultation with the Council Community Waste Team. The approved details shall be implemented prior to the completion or bringing into use of the development.

*Reason – In the interest of protecting residential amenity and to ensure adequate servicing facilities are provided.*

- 14 In association with condition 16, a screened recycling point comprising containers for colour separated glass, paper/card, household metal packaging, textiles and small waste electricals shall be installed within the school grounds, to the west of the parking area, at an exact location and scale to be agreed in consultation with the Council Community Waste Team. The details as approved shall be delivered on site prior to the occupation of any neighbouring residential units.

*Reason – In order to ensure adequate community servicing facilities are provided.*

- 15 In association with condition 16, the required recycling containers for glass should either be 'bells' or underground storage design, to be specified and agreed in consultation with the Council Community Waste Team. The detail as approved shall be implemented prior to the occupation of any neighbouring residential units.

*Reason – In order to ensure adequate servicing facilities are provided.*



- 16 Prior to the commencement of development, detailed drainage calculations associated with the proposed drainage design shall be submitted for the further written approval of the Planning Authority, in consultation with the Council Structures and Flood Risk Team.

*Reason – In order to ensure the drainage design is satisfactory to cope with high flow conditions.*

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

*Reason – To ensure no adverse flood risk during the construction phase of the development.*

- 18 Prior to the commencement of the development, details of the specification and colour of the proposed external finishing materials, including full details of the proposed retaining walls shall be submitted to and agreed in writing by the Council as planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is earlier.

*Reason - In the interest of visual amenity and to ensure a satisfactory standard of local environmental quality.*

- 19 The applicant is advised to consider and design in future proofing measures for the development to be capable of connecting to a wider heat network as part of the development of the wider Berthapark site. This includes; appropriate safeguarding of space for the future provision of pipework, energy hubs or other associated heat infrastructure to ensure that the subsequent connection of any potential district heating network can be undertaken without causing avoidable disturbance to existing buildings or infrastructure.

*Reason - In the interests of sustainability, to ensure the potential for district heating opportunities are futureproofed.*

## **B JUSTIFICATION**

The proposals are considered to accord with the Development Plan with significant education and long term community benefits to the residents of Berthapark, with no material reasons which justify departing from the Development Plan.

## **C PROCEDURAL NOTES**

None.

## **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 planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 4     This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
- 5     No work shall be commenced until an application for building warrant has been submitted and approved.
- 6     The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 7     The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 8     The applicant is recommended to contact with the Council Community Waste Team at the earliest opportunity and ultimately prior to commencement of development to ensure that all associated requirements are understood and can be met for the servicing of bins and the recycling point.

- 9 The applicant is recommended to review and follow the best practice guidance within the RSPB consultation memo dated 1<sup>st</sup> March 2017 in relation to biomass as a fuel source.

Background Papers: One letter of representation  
Contact Officer: Callum Petrie  
Date: 05 May 2017

**Nick Brian**  
**Interim Head of Planning**

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