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16/08/2021

A meeting of the **Planning and Development Management Committee** will be held virtually on **Tuesday, 24 August 2021 at 10:00**.

If you have any queries please contact Committee Services on (01738) 475000 or email [Committee@pkc.gov.uk](mailto:Committee@pkc.gov.uk).

**BARBARA RENTON**  
Interim Chief Executive

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**Members:**

Councillor Roz McCall (Convener)  
Councillor Bob Brawn (Vice-Convener)  
Councillor Michael Barnacle  
Councillor Rhona Brock  
Councillor Tom Gray  
Councillor David Illingworth  
Councillor Ian James  
Councillor Tom McEwan  
Councillor Crawford Reid  
Councillor Lewis Simpson  
Councillor Richard Watters  
Councillor Mike Williamson  
Councillor Willie Wilson



**Planning and Development Management Committee**

**Tuesday, 24 August 2021**

**AGENDA**

***MEMBERS ARE REMINDED OF THEIR OBLIGATION TO DECLARE ANY FINANCIAL OR NON-FINANCIAL INTEREST WHICH THEY MAY HAVE IN ANY ITEM ON THIS AGENDA IN ACCORDANCE WITH THE COUNCILLORS' CODE OF CONDUCT.***

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- 1        DECLARATIONS OF INTEREST**
- 2        WELCOME AND APOLOGIES/SUBSTITUTES**
- 3        MINUTE OF MEETING OF PLANNING AND DEVELOPMENT  
MANAGEMENT COMMITTEE OF 28 JULY 2021 FOR  
APPROVAL  
(copy to follow)**
- 4        DEPUTATIONS**
- 5        APPLICATIONS FOR DETERMINATION**
- 5(1)    MAJOR APPLICATIONS**
- 5(1)(i) 19/01430/AMM - FORMATION OF PRIMARY VEHICULAR  
ACCESS AND ASSOCIATED WORKS (APPROVAL OF  
MATTERS SPECIFIED IN CONDITIONS OF PLANNING  
APPLICATION 15/01157/IPM OR A SUBSEQUENTLY  
SUPERSEDED BY APPLICATION 21/00383/IPM), LAND  
ADJACENT TO HUNTINGTOWERFIELD AND  
RUTHVENFIELD** **5 - 30**

Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/126)

- 5(1)(ii) 19/01433/AMM - ERECTION OF 284 DWELLING HOUSES, 21 31 - 66**  
**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 (APPROVAL OF MATTERS SPECIFIED IN**  
**CONDITIONS OF PLANNING PERMISSION 15/01157/IPM OR**  
**AS SUBSEQUENTLY SUPERSEDED BY APPLICATION**  
**21/00383/IPM (PHASE 1 AND 1A), LAND ADJACENT TO**  
**HUNTINGTOWERFIELD AND RUTHVENFIELD**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/127)

- 5(1)(iii) 20/01877/FLM - ERECTION OF 107 DWELLINGHOUSES, 67 - 90**  
**GARAGES AND ASSOCIATED WORKS (CHANGE OF HOUSE**  
**TYPES AND REVISED DESIGN PLOTS 1-179 AND 87-114),**  
**LAND SOUTHWEST OF MAPLE PLACE, BLAIRGOWRIE**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/128)

**5(2) LOCAL APPLICATION**

- 5(2)(i) 21/00435/FLL - CHANGE OF USE, ALTERATIONS AND 91 - 108**  
**EXTENSION FROM FORMER TELEPHONE EXCHANGE TO**  
**FORM COFFEE SHOP/SNACK BAR (CLASS 3) AND**  
**ASSOCIATED WORKS, FORMER TELEPHONE EXCHANGE,**  
**MONCUR ROAD, INCHTURE, PERTH, PH14 9RW**  
Report of Handling by Head of Planning and Development  
(Recommendation - Approve) (copy herewith 21/129)

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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 340<sup>th</sup> 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 (SPP)**

- 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"> <li>• Air Quality Assessment;</li> <li>• Noise and Vibration Impact Assessment;</li> <li>• Site Investigation Report;</li> <li>• Tree Survey;</li> <li>• Draft Construction Environment Management Plan (CEMP);</li> <li>• Flood Risk Assessment with update;</li> <li>• Sustainability Checklist;</li> <li>• Habitat Survey.</li> </ul>
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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](mailto: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

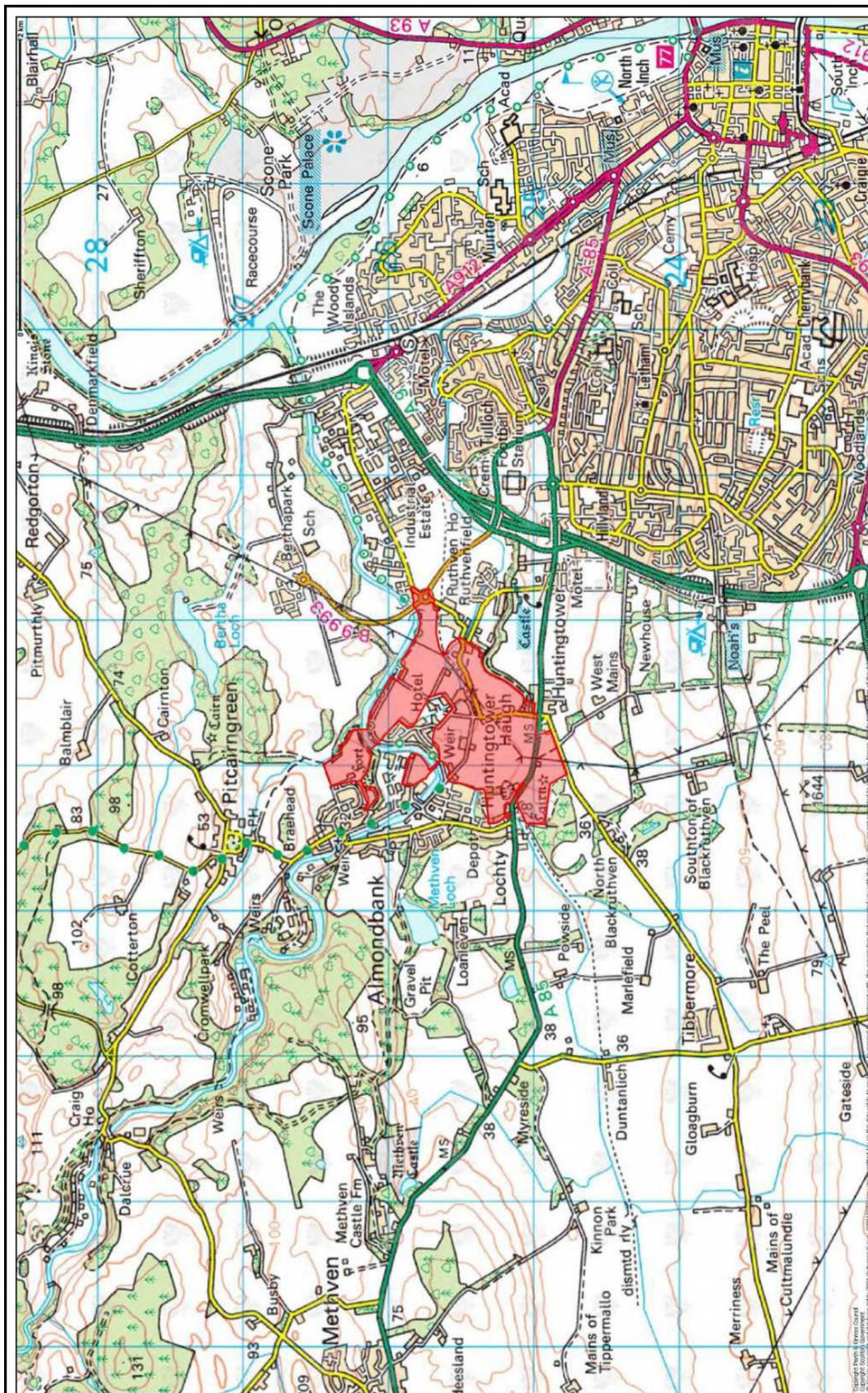
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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19/01430/AMM

19/01430/AMM - Formation of primary vehicular access and associated works (approval of matters specified in conditions of planning application 1501157/PM or as subsequently superseded by application 2100333/PM. Land Adjacent to Huntingtower and Ruthvenfield

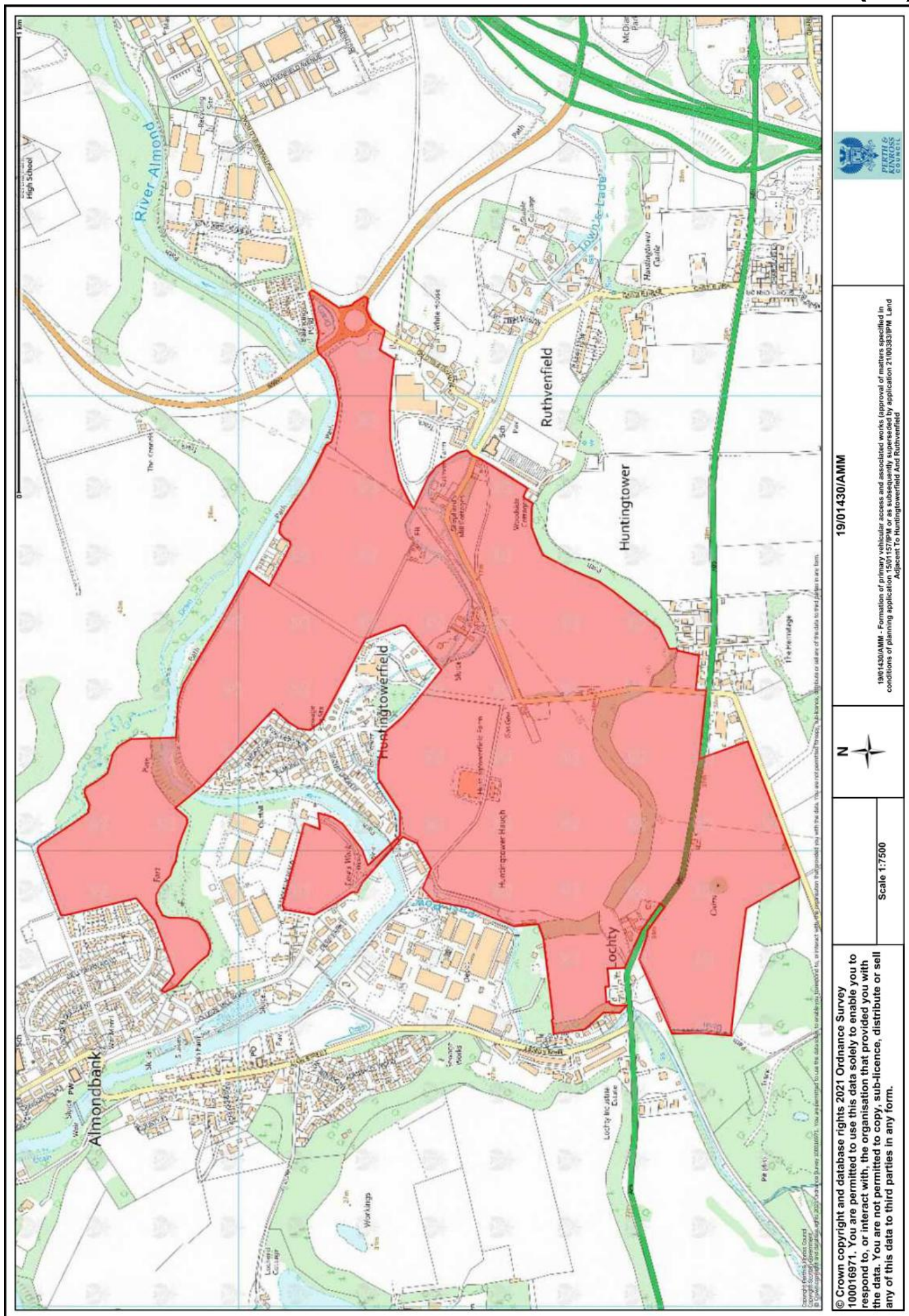


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Perth and Kinross Council  
Planning & Development Management Committee – 24 August 2021  
Report of Handling by Head of Planning & Development (Report No. 21/127)

**PROPOSAL:** Erection of 284 dwelling houses, 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 (approval of matters specified in conditions of planning permission 15/01157/IPM or as subsequently superseded by application 21/00383/IPM) (Phase 1 and 1A) (allocated site MU73)

**LOCATION:** Land Adjacent to Huntingtowerfield and Ruthvenfield

Ref. No: [19/01433/AMM](#)

Ward No: P5 - Strathtay

### Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application for the erection of a total of 340 dwellings (284 houses and 56 flats), 3 retail units, a sports changing pavilion and associated infrastructure and works, relating to Phases 1/1A and the 'Local Centre', in the northern part of the site, referred to as 'Almond Valley'. 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 the position of the Development Plan 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 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 In relation to the current vehicular access into the site, this consists primarily of 2 junctions accessed from the A85, to the south, with a tertiary road which snakes through the site and links up with the new roundabout serving Inveralmond Industrial Estate and Bertha Park. A new vehicular access to the site is also proposed, which will ultimately connect to a dedicated roundabout onto the A85. This new road will provide additional access options and a through route to the wider Almond Valley site (application 19/01430/AMM relates and is reported elsewhere on this Agenda). Both this AMSC application and 19/01430/AMM were originally submitted as being associated to the extant PPP (15/01157/IPM). However, this arrangement was not appropriate as any permission granted through this application could only be done as a result of the approval of the aforementioned S42 application (21/00383/IPM). In effect, once an alternative S75 is in place and a decision on 21/00383/IPM issued, it would be possible to also issue a decision on this application and, if positive, enable the applicant to progress the development through the implementing of the 2021 PPP.
- 6 The application subject to this report proposes development in the initial, northern Almond Valley Phases 1 and 1A, as well as within the Local Centre. This sees Approval of Matters Specified in Conditions (AMSC) is sought for:

- Residential development:
  - 85 Affordable housing units (25%), comprising;

6	x	1 bed
69	x	2 bed
10	x	3 bed
  - 255 Private housing units, comprising;

40	x	2 bed
120	x	3 bed
92	x	4 bed
3	x	5 bed



- Community facilities; including a retail/local centre comprising 3 units (196sqm total)
- Open space;
- Dedicated equipped outdoor play area;
- Sports pitches and pavilion provision adjacent to the River Almond; and
- New vehicular and pedestrian routes, including connection to the recently constructed A9/A85 link road.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 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**

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

## **NATIONAL POLICY AND GUIDANCE**

- 9 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**

- 10 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)**

- 11 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.
- 12 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57
  - Affordable Housing: paragraphs 126 – 131
  - Paragraphs 135 – 151 Valuing the Historic Environment
  - 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**

- 13 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
  - PAN 1/2011 Planning and Noise
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 58 Environmental Impact Assessment
  - PAN 60 Planning for Natural Heritage
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 63 Waste Management Planning
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning & Building Standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places
  - PAN 79 Water and Drainage.

### **Creating Places 2013**

- 14 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**

- 15 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**

- 16 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**

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYPlan Strategic Development Plan 2016-2036**

- 18 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.”*

- 19 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 4: Homes
- Policy 6: Developer Contributions
- Policy 8: Green Networks

### **Perth and Kinross Local Development Plan 2**

- 20 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.

- 21 The principal relevant policies are, in summary:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space within New Developments

- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Archaeology
- Policy 27: Listed Buildings
- Policy 32: Embedding Low and Zero Carbon Generating Technology in new Developments
- Policy 38A: International Nature Conservation Sites
- Policy 38B: National Designations
- 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 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 [19/01430/AMM](#) A MSC application proposing the: Formation of a primary vehicular access and associated works (approval of matters specified in conditions of 15/01157/IPM or 21/00383/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.
- 35 **Scottish and Southern Energy:** No objection, following clarification on associated impact and buffer zones associated to SSE assets.
- 36 **Scottish Forestry:** No comments.
- 37 **Sport Scotland:** No comments.
- 38 **Health and Social Care Partnership:** No objection. Requested further dialogue with applicant/developer for future phases, to ensure land designated for Community Facilities can include necessary infrastructure requisite for growing population.
- 39 **Scottish Gas Network:** No objection.
- 40 **RSPB:** No comments.
- 41 **Perth and Kinross Heritage Trust:** No objection, set out conditional requirements to be applied to any permission.
- 42 **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.

- 43 **Historic Environment Scotland:** No objection. Advise of no adverse impact on national cultural assets.
- 44 **NatureScot:** No objection. Support the approach proposed through the HRA and supporting statement.
- 45 **Luncarty, Redgorton and Moneydie Community Council:** No comments.
- 46 **Methven Community Council:** Object. Concerns raised regarding: flooding and drainage, primary school capacity, roads, environmental impacts, site amenities, construction works and compliance with outline permission conditions.
- 47 **Tulloch Community Council:** No comments.
- 48 **Scottish Water:** No objection. Advise water and wastewater capacity is available at the Turret Water Treatment Works and Perth City Wastewater Treatment Works.

#### **Internal**

- 49 **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 other local roads, are acceptable, subject to planning conditions.
- 50 **Community Greenspace:** No objection, following minor amendments and clarifications.
- 51 **Commercial Waste Team:** No objection. Advise proposed waste storage arrangements sufficient.
- 52 **Planning and Housing Strategy:** No objection. Comment that the proposal ensures ongoing compliance with the terms of the recent S42 PPP application and associated Development Plan policy.
- 53 **Structures and Flooding:** No objection. Ask that detailed drainage plans to be submitted prior to commencement of development.
- 54 **Biodiversity/Tree Officer:** No objection, subject to conditional controls to ensure mitigation and enhancement measures all delivered on site.
- 55 **Development Contributions Officer:** No objection, subject to a suitable S75 legal agreement being in place (see detail below).

- 56 **Environmental Health (Contaminated Land):** No objection. Recommend further detailed contamination review, controlled and secured via a suitable planning condition.
- 57 **Environmental Health (Noise Odour):** No objection. This followed detailed analysis, during the processing of the application, of the relationship between the proposals and an existing kennels/cattery business. This work resulting in an addendum to the initially submitted Noise Assessment – in response to comments and concerns made by the operators of that business. That additional assessment saw EH satisfied that the NIA work undertaken and the additional predicted noise level calculations, reflective of the advised capacity at the kennels, demonstrate that noise impacts are not predicted to adversely affect the residential amenity of the proposed dwellinghouses.

- 58 **Enterprise Team:** No comments.

### **Representations**

- 59 A total of 23 representations have been received, raising the following key issues:
- 60 Flood and Drainage
- Flooding concerns
- 61 Transport and Access
- Relationship of paths and lade crossing to operational kennels
  - Access conflicts with insufficient local access road provision
- 62 Residential Amenity
- Impact on neighbouring residential amenity
  - Air quality
  - Noise – including concern for impact from operational kennels
- 63 Open Space and Biodiversity
- Impact on biodiversity, loss of undeveloped land and hedging
  - Impact on a protected tree
- 64 Cultural Heritage
- Impact on setting of listed buildings
- 65 Other
- Housing surplus to requirements
  - Viability of the local centre units
  - Impact on climate change



- Managing construction
- Impact on local 'services', including: education, health service, police, fire service
- Visual impact

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

The following points raised are not material planning considerations for this planning application and are not discussed further:

- The impacts of future phases on the Vector Aerospace facility, the principle of development having been established through earlier PPP applications. However, it remains appropriate to consider impacts associated to the detail of future phases, where these could directly impact on the operations and boundaries of the facility. Otherwise, the impacts on light, noise and air pollution elements are not considered to compromise the current submission and have been proportionately considered at this stage.
- A request for a bridge/crossing to community woodland, as this is not anticipated to be submitted until proposals for Phase 3 are made.

## ADDITIONAL STATEMENTS

67

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 are adopted as the Planning Authority's Appropriate Assessment.
Design Statement or Design and Access Statement	Submitted.
Report on Impact or Potential Impact e.g., Flood Risk Assessment	<ul style="list-style-type: none"> <li>• Updated Transport Statement;</li> <li>• Air Quality Assessment</li> <li>• Noise and Vibration Impact Assessment</li> <li>• Site Investigation Report</li> <li>• Tree Survey</li> <li>• Draft Construction Environment Management Plan (CEMP)</li> <li>• Flood Risk Assessment with update</li> <li>• Sustainability Checklist</li> <li>• Carbon reduction report</li> <li>• Updated Habitat Survey.</li> </ul>

## **APPRAISAL**

- 68 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. In addition, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 applies due to the potential impact the development may have on adjacent Listed Buildings, which requires special regard to be given to the desirability of preserving the building or its setting. 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 consideration of the Council's other approved policies and supplementary guidance.

### **Principle**

- 69 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. 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 340 residential units which, subject to that S42 decision notice being issued, the principle of development proposed is acceptable under these amended terms. The principle of the scale of development for the overall Almond Valley development being in excess of the LDP2 Site MU73 allocation was also accepted in the S42 PPP decision. Therefore, it is now appropriate to assess the detailed proposals, to ascertain alignment with the relevant PPP conditions, 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 PPP application (21/00383/IPM).

### **Design, Layout and Housing Mix**

- 70 In respect of design, layout and housing mix, LDP2 Policies 1, 2 and 25 directly apply. In association, various PPP conditions also apply. As noted above, the proposed land uses remain consistent with the LDP2 application, the masterplan and terms of the S42 PPP.
- 71 Within the wider masterplan, the exact scale and mix of development is not defined. Following submission, an initial design, layout and phasing review by

officers led to comprehensive changes being made to the proposed design and layout and amended plans were submitted. At this point the proposed 284 dwellinghouses (21 detached garages) and 56 flats are considered to have been designed to provide an appropriate mix of house types, suitable for the affordable housing requirements and for a variety of end users in the private market. The design and material palate for each house type is considered acceptable, subject to verification (Condition 34). The 3 retail units provide a local centre, as envisaged by the LDP2 allocation and are commensurate with the development contained in these early phases.

- 72 The layout provides a good internal road network, with footpaths, that links well with the proposed road hierarchy across the site. Links to future phases are also provided, as set out in the masterplan and primary road application 19/01430/AMM reported elsewhere to this Committee. The proposed dwellings all seek to provide an active and street-facing frontage, with garages (where proposed) set back or offset with appropriate front boundary treatment and detailing, mitigating the impact of visual dominance. This provides an acceptable design and visual quality throughout and ensures that cars will not dominate streetscapes. The private garden ground provision for individual plots is set out in Plan 375, which confirms that the areas proposed are appropriate. The associated infrastructure, such as open spaces and landscaping provision, complements this layout and are proportionate for these phases of development.
- 73 Overall, the proposals are considered to comply with the Council's placemaking policies, providing a logical and coherent structure and hierarchy of streets, buildings and open space that considers the surrounding landscape character and amenity of the area. The current proposals are considered to accord with both the S42 PPP (21/00383/IPM) and the relevant LDP2 Policy 1 – Placemaking.

### **Residential Amenity**

- 74 LDP2 Policies 1 and 17 generally 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 also apply.
- 75 In terms of potential for impact on existing residential amenity, such as overlooking or loss of privacy, it is not considered that the proposed development will unacceptably compromise existing residential amenity, or between properties within the proposed development itself. Each dwelling will see acceptable rear garden areas in terms of depth and area provided, complying with the aforementioned LDP2 policies and the Placemaking Supplementary Guidance 2020.

### **Air Quality and Dust**

- 76 The PPP applications required an assessment of air quality and the potential impact of each phase. In this regard, a submitted air quality assessment (AQA) addresses both the construction and operational phases of the development.

The AQA found that the development was unlikely to have a significant adverse impact on air quality. On the basis that mitigation measures identified are undertaken, secured through planning conditions, no unacceptable, adverse impacts on air quality and dust beyond the construction phases will occur. This conclusion remains consistent with LDP2 Policy 57 and the terms of the PPP.

### **Noise and Vibration**

- 77 A Noise Impact Assessment (NIA) also supports the application. Through this review, and having regard to concerns raised in representation, a further assessment of the potential impacts of noise was undertaken. This considered operational noise from existing businesses, including that from Adie Kennels and Cattery, to understand what impacts these operations may have on the amenity experienced by occupants of the proposed dwellinghouses. The outcome of the additional assessment established that, subject to mitigation being secured, no unacceptable impact on future residential amenity was predicted, thus this element of the proposals are in accordance with LDP2 Policy 56 (Conditions 6 and 8). However, further informative work is required in relation to proposed properties in the vicinity of Huntingtower Hotel, this sees a NIA required to inform and deliver appropriate mitigation against noise impacts in that area (Condition 12). These measures, combined, ensure no adverse impact on the operation of these neighbouring businesses.
- 78 In terms of overall residential amenity, the proposals are considered to be acceptable and not conflict with the relevant LDP2 policies or the terms of the PPP.

### **Health Care Facilities**

- 79 The HSCP have requested dialogue with the developer(s) in the future, to ensure appropriate provision is catered for. The applicant's agents welcome this dialogue and have identified units in the Local Centre that could be made available for rental/purchase of such a facility.

### **Waste and Recycling Provision**

- 80 The PPP application seeks to ensure appropriate waste and recycling provision is identified and secured as part of the matters specified applications. There is considered to be adequate provision to accommodate the conditional requirements in this regard, satisfying the conditional terms of the PPP.

### **Landscape and Visual Amenity**

- 81 LDP2 Policies 39: Landscape; 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy; 40B: Forestry, Woodland and Trees: Trees, Woodland and Development; and 42: Green Infrastructure are all relevant considerations in relation to consideration of landscape and visual amenity. In association, several conditions attached to the PPP application also apply.
- 82 PKC Community Greenspace consider the revised open space and landscaping proposals are acceptable, subject to minor revisions being required (Condition

23). Overall, the open space allocation, play area specification and landscaping design and species choice are all satisfactory and are in accordance with Council's Supplementary Guidance: Open Space Provision for New Developments.

- 83 As part of the original S75 agreement, a community sports pavilion was secured, and this element continues to be proposed in the current application, where it is to be located alongside the proposed riverside sports pitches. The applicant will develop the low-level pavilion and then hand over that facility at the appropriate time, in line with the terms (to be) set out in the S75. Further detail in relation to timing and the nature of agreement with a suitable community sports group or organisation to take on the operation of the community pavilion can be addressed (Condition 25).
- 84 In terms of landscape and visual amenity, the proposals do not conflict with the relevant policies of LDP2 or associated PPP suspensive conditions.

### **Core Paths, Pedestrian and Cycle Routes**

- 85 LDP2 Policy 15 is concerned with public access; including core paths and rights of way and seeks that development proposals do not have an adverse impact on such routes. In this regard comprehensive linkages with existing core paths, together with new and enhanced pedestrian/cycle routes are to be provided, and will integrate into a wider network – reflective of the routes identified through the original masterplan. Concern was raised in one representation, seeking relocation of the proposed path and Lade crossing, further away from their property on cited safety and security concerns. This issue was reviewed but it is not considered necessary or proportionate, with the proposed route and crossing point considered optimal. Overall, the provision identified is considered to continue to comply with the site-specific requirements in relation to public access being maintained and enhanced, consistent with LDP2 Policy 15 in this regard.

### **Phasing, Roads and Access**

- 86 LDP2 Policies 1, 15 and 60 apply to assessing these matters. In association, several conditions attached to the PPP application specify technical and phasing requirements.
- 87 Following the original PPP approval, the wider site context and circumstances have altered; with the A9/A85 junction improvements now being fully operational, as part of Perth Transport Futures project. The S42 PPP approved related changes to the development's phasing. The Western Link roundabout (also referred to as the Almond roundabout) is also now available, to directly access the north-eastern portion of the Almond Valley development, at the north-eastern corner of this application site.
- 88 The S42 changes approved the principle of the development being phased as is proposed in this AMSC application, being from east to west in the northern part of the site. In infrastructure and practical terms, this makes earlier phases more straightforward to develop, freeing up more capacity on the road network than

originally calculated. As noted earlier, the reconfiguration of the residential phasing through the S42 application sees the new A85 roundabout being required after the 340<sup>th</sup> residential unit. Thus the principle of access now being taken for the scale of development proposed solely from the Almond roundabout is established.

- 89 The key considerations in reaching this position were impacts on both local and trunk road networks, both in isolation and cumulatively. A suite of measures were identified in the Transport Statement to mitigate and provide comfort that the increased threshold could be accommodated and suitably offset with associated mitigation measures, including the change to the phasing across both the local and trunk road network. This application accords with the phasing and delivery changes as agreed by this Committee for the S42 PPP application (21/00383/IPM).
- 90 Further, both Transport Scotland and PKC Transport Planning agree that, subject to the proposed amended Condition 16 and related clauses of the S75, the amended phasing approach to infrastructure delivery was acceptable. To clarify, the proposed development phasing would contravene the approved terms of the extant PPP and therefore any approval for this AMSC cannot be supported for that application (Condition 1).
- 91 In respect of the internal road layout and parking provision, Transport Planning raise no concerns. The proposed internal movement layout, including road hierarchy and associated private and public parking provision is considered satisfactory and consistent with the approach and principles adopted in the original masterplan submission.
- 92 The proposals, supported by proposed Conditions 15-21 which, in part reinforce the terms of PPP Condition 16 (21/00383/IPM), ensure compliance with associated LDP2 Policy and with the terms of the PPP.

### **Drainage and Flooding**

- 93 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 conditions attached to the PPP applications also apply.
- 94 In terms of both drainage and flooding, the current proposals have been fully reviewed by both SEPA and Flood Team colleagues and are considered to remain compliant with Policy 52 and 53 of LDP2 and the conditional terms and commitments of the PPP.

## **Conservation Considerations**

- 95 LDP2 Policies 26, 27 and conditions attached to the PPP application apply.
- 96 Archaeological assessment is recommended to be undertaken (Condition 33), which accords with the approach in the PPP. Objections in respect of the impact of B-listed Waterside Cottages have been received. However, it is considered that appropriate planting and spacing has been afforded to this grouping, with no adverse impact on the character or setting of the listed buildings. There are no other adverse impacts on cultural heritage assets as a result of this phase of development.
- 97 In respect of conservation considerations, the proposals are therefore considered to not accord with LDP2 policies and terms of the PPP.

## **Natural Heritage and Biodiversity**

- 98 In relation to natural heritage and biodiversity, LDP2 Policies 38, 40, and 41 are relevant. In association, several PPP conditions also apply.
- 99 Due to the relationship with the River Tay Special Area of Conservation (SAC), a Habitats Regulations Assessment (HRA) was required, consistent with LDP2 Policy 38A. The HRA Report concluded that, through the implementation of proposed mitigation measures, there will be no likely significant effects upon the River Tay SAC. Nature Scot and the PKC Biodiversity Officer agreed with the outcome of the HRA, emphasising the development must fully accord with the HRA requirements. Condition 37 of the PPP (21/00383/IPM) requires the appointment of an independent Ecological Clerk of Works (EcoW) across all phases, thus the approach is considered satisfactory.
- 100 The relevant habitat regulation tests are considered to have been met and other impacts are appropriately addressed through assessment and compliance with the mitigation measures identified in the Environmental Impact Assessment Report (EIAR). Accordingly, it is considered that the potential threat and impact to population, distribution or habitat of protected species can be either avoided or minimised through mitigation and shall therefore not impede the granting of permission.
- 101 In summary, it is considered that there will no significant, adverse impact on site biodiversity as a result of the development proposals with suitable mitigation and enhancement secured. Thus, there is no conflict with relevant LDP2 Policy or terms of the PPP.

## **Energy and Low Carbon Technology**

- 102 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. The supporting energy statement submission sought by officers (Plan 369) has confirmed that the dwellings and associated buildings will achieve the necessary standards required by LDP2 Policy 32 and PPP suspensive Condition 8. An Energy Statement is required prior to the

commencement of development, to review heat network potential for district heating networks in association with Perth West (Condition 48 of PPP 21/00383/IPM).

### **Developer Contributions**

103 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 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.

104 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**

105 The impact on the local economy from 340 new dwellings, local centre and sports pavilion and facilities will add to the available local expenditure and have a positive impact on existing local facilities.

### **VARIATION OF APPLICATION UNDER SECTION 32A**

106 This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate wholesale changes to the layout and design of the proposed scheme. Additional information was also submitted in respect of updated Transport Statement, Noise Impact Assessment, ecology, drainage and flood risk clarification.

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

107 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. This 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**

- 108 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**

- 109 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). The scale of development for the overall Almond Valley development, as accepted in the S42 PPP application (21/00383/IPM), justifies setting aside the indicative scale of residential development in the LDP2 Site MU73 allocation. Account has been taken account of the relevant material considerations and none have been found that would justify overriding the adopted Development Plan.
- 110 In terms of Phases 1, 1A and the delivery of the local centre, it is considered that the application accords with the S42 PPP, application 21/00383/IPM. The scale of development, the layout and design raise no significant issues. The proposal will not adversely affect the visual, landscape or residential amenity or business operations of the immediate and surrounding areas. The impact on the local road network can also be mitigated to an acceptable level via conditional control in advance of the A85 roundabout being delivered.
- 111 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve the planning application subject to the following conditions:**

### **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 The Construction Environment Management Plan (CEMP) submitted to satisfy Condition 36 of planning permission 21/00383/IPM shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amendments will be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

- 3 The Dust Management Plan (DMP) shall be strictly adhered to during the operations of the site. The DMP shall be a dynamic document which shall be updated to reflect any changes to the operations of the site and to address any substantiated complaints by residents. The details contained within the DMP, as approved by the Council as Planning Authority in writing shall be implemented in full as part of the operations of the site.

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

- 4 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07.00 to 19:00-hours, Saturday 08.00 to 13:00 nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of residential amenity.

### **Residential Amenity**

- 5 Prior to the commencement of the development full details shall be submitted for the layout and incorporation of EV charging duct points within the development and all other proposed Air Quality mitigation measures to be implemented and evidenced that the predicted insignificant impact from the development is maintained .

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

- 6 Prior to the commencement of the development hereby approved, the developer shall submit a scheme, for the written approval of the Planning Authority, which shall include the proposed means of ventilation for all habitable rooms that require acoustic trickle ventilation and the glazing specification for all

habitable rooms for those properties affected by road traffic noise, as identified in Section 9 of the submitted Noise Impact Assessment (drawing number 19/01433/331: '*Detailed Noise Impact Assessment - Almond Valley, Perth*' dated June 2020), to ensure that the habitable rooms can achieve the internal sound levels Daytime 35 dBLAeq,16hrs and Night time 30dB LAeq,8hrs. The agreed scheme shall thereafter be implemented in accordance with the agreed details.

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

- 7 For any commercial kitchen, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed, operated and maintained, within the commercial areas, such that cooking odours are not exhausted into or escape into any neighbouring dwellings.

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

- 8 All plant or equipment including any ventilation system associated with operation of the commercial areas 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 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

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

- 9 Commercial deliveries shall be limited to Monday to Sunday 07.00 to 19.00.

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

- 10 For commercial and sport pavilion areas, all external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.

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

- 11 Prior to the occupation of any dwellinghouse in site H4, A 2-metre-high acoustic barrier shall be installed along the whole length of site boundary between 'J&E Smillie' and site H4. The acoustic barrier shall have a superficial mass of at least 20Kg/m<sup>2</sup> and shall be of a solid construction with no gaps.

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

- 12 Prior to the commencement of development at site H2, the applicant must submit a further noise impact assessment (NIA) to assess noise from the operations of the Huntingtower Hotel for the written approval of the Planning Authority, in consultation with Environmental Health Team. The NIA should be undertaken by a qualified noise consultant. All mitigation measures proposed in the NIA, which are agreed or required by the Planning Authority, shall be fully implemented prior to the occupation of any dwellinghouse in site H2.

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

### **Contamination**

- 13 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 residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: To ensure any contamination present on site is satisfactorily remediated.

### **Flood risk and Drainage**

- 14 Notwithstanding the submitted drainage details, prior to the installation of any drainage works on site, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the development.

Reason: To ensure the technical specification of the drainage system for the site accords with Policy EP3C - Water, Environment and Drainage (Surface Water Drainage) of the Perth and Kinross Local Development Plan 2014.

### **Roads and Access**

- 15 No more than 200 residential units are permitted to be occupied until such time as a detailed design and specification for the following works has been submitted to and approved in writing by the planning authority in consultation with the Roads Authority and Perth & Kinross Council Structures team:

- a) new primary road route as shown in application 19/01430/AMM, connecting the site to the new A85 roundabout; and
- b) new vehicular lane crossing as shown in 19/01430/AMM, connecting to the site.

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

- 16 For clarification, and in association with Condition 16 b) of Planning Permission in Principle 21/00383/IPM, no more than 90 residential units or any units in the 'Local Centre' hereby approved shall be occupied until a new active travel lane crossing, as approved in writing, to an agreed design and specification to the satisfaction of the Planning Authority, in consultation with the Perth & Kinross Council Structures team is delivered, connecting to all elements of the occupied site.

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

- 17 No more than 61 residential units within Phase 1A are permitted to be occupied until new vehicular and active travel accesses connecting the site to both Bleachers Way and Phase 1 of the development is provided, to a design and specification approved in writing by the Planning Authority, after consultation with the Perth & Kinross Council Structures team.

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

- 18 A scheme for the design specification and timing for delivery of public transport infrastructure internally within the development of Phase 1 & Phase 1A, including hard stand areas, bus shelters, poles & flags and any required bus stop road markings, shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Council's Public Transport Unit.

Reason: To ensure that committed sustainable transport measures are delivered on site to an agreed specification.

- 19 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 the adverse impact of development traffic on the safe and efficient operation of the local road network.

- 20 Development shall not commence until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: In the interests of pursuing and ensuring sustainable travel options are fully considered holistically for this site and linkages to existing residential areas and future development phases.

- 21 For the avoidance of doubt and in association with condition 2, there shall be continued access maintained to all core paths and rights of way across the site, for the duration of the construction period.

Reason: To ensure adequate and appropriate public access is retained at all times, including the construction phases of the development.

### **Landscaping and Public Open Space**

- 22 The detailed landscaping and planting scheme hereby approved shall, with the inclusion of the matters detailed in Condition 23 of this permission, be implemented as part of the site development programme and thereafter maintained.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 23 In association with Condition 22 of this permission, and for the avoidance of doubt, an updated scheme to incorporate the following specifications shall be submitted for the written approval of the Council as Planning Authority, in consultation with the Community Greenspace Team:

- The identified non-motorised bridges shall be finished in treated Larch, to a specification agreed with the Council and not recycled plastic as currently proposed.
- The informal path identified through existing woodland adjacent to the local centre shall be located nearer the lade, finished with a stone dust surface to ensure suitability for all non-motorised users.
- Review of the meadow mix proposal, with no current capacity to maintain through annual cut and lift requirements. Indicate topsoil should be stripped from areas of wildflower planting and steep ground with gradient of greater than 1:4 will not be mowed.
- Incorporate a simple low-level fence (with staggered gaps for access) between pitches and riverside to assist the prevention of balls going into the river.

Reason: In the interests of maintenance acceptability, visual amenity, consistency and sustainability.

- 24 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 25 Prior to the completion of the development hereby approved, a scheme confirming the arrangements for handover of the approved Community Pavilion

to an end user, shall be agreed between the applicant and the Council. The agreed arrangement shall thereafter be undertaken as approved, subject to any agreed periodic review specified in the scheme.

Reason: In order to safeguard and appropriately deliver a community asset in the immediate and long term.

### **Biodiversity**

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

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

- 27 The conclusions and recommended action points within the supporting biodiversity survey and Habitats Regulation 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).

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

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

- 29 Prior to the commencement of development hereby approved, details of the location and specification of the bird nesting bricks or boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks, or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. 25% of two storey-dwellings should contain a bird nesting brick or box.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.



- 30 Prior to the commencement of development hereby approved, details of the location and specification of the integrated bat bricks, boxes or tubes shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the integrated bat bricks, boxes or tubes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit. 25% of two storey-dwellings should contain a bat brick, box or tube.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

- 31 Prior to commencement of development hereby approved, 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 384 - dated March 2021) are captured.

Reason: In order to ensure the development does not impact negatively on the nearby Special Area of Conservation.

- 32 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

### **Cultural Heritage**

- 33 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 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.

### **Material Finishes**

- 34 Prior to the commencement of the development of any building hereby approved, details of the specification and colour of the proposed external finishing materials to be used shall be submitted to, and agreed in writing by,

the Council as Planning Authority. Thereafter it shall be finished in accordance with the approved scheme.

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

## **B JUSTIFICATION**

The proposal is considered to remain in accordance with the Development Plan 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 developer is advised to contact Sophie Nicol, Archaeologist (Tel 01738 477080) to discuss terms of reference for work required by Condition 33 .
  - 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
  - 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency (SEPA).
  - 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 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](mailto:structuresplanning@pkc.gov.uk)) for further information and prior to commencing designs in order to ensure technical compliance.
  - 9 The applicant is reminded that, should any protected species be present a licence may be required from NatureScot to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
  - 10 The 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.
  - 11 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.

- 12 The applicant is encouraged to provide access for hedgehogs sheltering, hibernating in, and commuting through the development. Access gaps in wooden fences should be 13cm x 13cm at ground level. Advice and assistance is available from the Tayside Biodiversity Partnership.  
<https://www.taysidebiodiversity.co.uk/information/information-guides-manuals/>
- 13 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste, including construction phasing.
- 14 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate wholesale changes to the scheme. Additional information was also submitted in respect of updated Transport Statement, Noise Impact Assessment, ecology, drainage and flood risk clarification.
- 15 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](#).

## **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 brief 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 planning application 19/01430/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' submission (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: 23 letters of representation  
Contact Officer: Callum Petrie  
Date: 12 August 2021

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

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Perth and Kinross Council  
Planning & Development Management Committee – 24 August 2021

Report of Handling by Head of Planning & Development (Report No. 21/128)

<b>PROPOSAL:</b>	Erection of 107 dwellinghouses, garages and associated works (change of house types and revised designs plots 1-79 and 87-114)
<b>LOCATION:</b>	Land southwest of Maple Place, Blairgowrie

Ref. No: [20/01877/FLM](#)

Ward No: P3 - Blairgowrie and Glens

### Summary

This report recommends approval of the application for a development comprising the erection of 107 dwellinghouses and associated works within zoned housing site H64, which sits within the Blairgowrie and Rattray settlement boundary, as identified in the Perth and Kinross Local Development Plan 2019 (LDP2).

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

### BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is situated in southwest Blairgowrie, within and adjacent to several established residential areas. The Blairgowrie Community Campus is located to the northwest, across the road from an established residential area known as Moyness Park. The western boundary is defined by the stone wall of Blairgowrie Cemetery on Perth Road, with the boundaries to the south and east characterised by field boundaries and the playing fields off Piggy Lane.
- 2 The site extends to 5.7 hectares (Ha) and is undulating in form, sloping from northwest to southeast with a watercourse running through the site forming a mini valley. The site was previously unmanaged, agricultural land with public access running down to Piggy Lane with open space, parking and recreational areas beyond.
- 3 The existing vehicular access into the site is via Berrydale Road to the north. A new road is also proposed, to link Berrydale Road with Hazelwood Road, to the southwest of the site (currently used for construction traffic). The provision of this linkage is a longstanding objective of Local Development Plan policy to improve adoption access.

- 4 This application seeks permission to change the house types approved under the extant planning permission (17/00961/AMM); with the erection of 107 dwellinghouses. The development is proposed by new applicants Scotia Homes who have purchased the site, alongside GS Brown, to construct 71 and 36 units respectively as part of this application.
- 5 There is also a separate planning permission for 7 dwellinghouses to the north of the site, off Elm Drive which formed part of the extant permission (reference 20/01175/FLL). Development commenced in 2020 under the extant planning permissions (17/00961/AMM and 20/01175/FLL), allowing the site infrastructure works and construction of the initial dwellinghouses to begin. Collectively, the current application and permission 20/01175/FLL would reduce the overall number of dwellinghouses approved on the LDP2 H64 site from 117 plots to 114.
- 6 For the current application, the unit numbers and tenure mix now proposed includes:
  - 12 x 2-bedroom semi/terraced dwellinghouses
  - 50 x 3-bedroom semi-detached dwellinghouses
  - 4 x 3-bedroom detached dwellinghouses
  - 41 x 4-bedroom detached dwellinghouses.
- 7 Supporting infrastructure proposed:
  - Neighbourhood Equipped Area of Play (NEAP)
  - Link through to Hazelwood Road
  - Footpath/cycleway links to community campus and Piggies Lane recreation area.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 8 A screening exercise was undertaken in association with planning application 10/01360/IPM, where it was found that EIA was not required by virtue that the proposal would not have significant effects on the environment having regard to its location, size, nature and character of development. Notwithstanding the update in the EIA regulations, it was concluded that the development is still not EIA development.
- 9 Nevertheless, a combined suite of supporting environmental information has been included in the supporting information, including assessment of the following areas:
  - Transport
  - Flood risk and drainage
  - Ecology
  - Energy Statement



## **PRE-APPLICATION CONSULTATION**

- 10 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed. The applicant was therefore required to undertake formal pre-application consultation with the local community.
- 11 The approach followed current Scottish Government guidance, including an online event with a live presentation and question and answer session, hosted on the applicant's website. Two virtual consultation events took place in October 2020 with Scotia Homes (the primary applicant) hosting the first session and the Community Council hosting the second. Supporting material presenting the development was published on 19 October 2020, with views and comments welcomed until 9 November 2020.
- 12 The submitted Pre-Application Consultation (PAC) Report identified that 25 residents and 1 community group member attended the online consultation event. The content and coverage of the community consultation exercise is considered sufficient and proportionate.

## **NATIONAL POLICY & GUIDANCE**

- 13 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**

- 14 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)**

- 15 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.

- 16 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: paragraphs 24 – 35
- Placemaking: paragraphs 36 – 57
- Maintaining a 5-year Effective Land Supply: paragraphs 123 - 125
- A Low Carbon Place: paragraphs 152 – 154
- 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 – 271.

### **Planning Advice Notes**

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

- PAN 40 Development Management
- PAN 44 Fitting New Housing Development into the Landscape
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- PAN 84 Reducing Carbon Emissions in New Development.

### **Creating Places 2013**

- 18 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**

- 19 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**

- 20 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**

- 21 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYPlan Strategic Development Plan 2016-2036**

- 22 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.”*

- 23 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:
- Policy 2: Shaping Better Quality Place
  - Policy 8: Green Networks
  - Policy 9: Managing TAYplans Assets.

## **Perth and Kinross Local Development Plan 2**

- 24 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 14: Open Space Retention and Provision
  - Policy 15: Public Access
  - Policy 17: Residential Areas
  - Policy 20: Affordable Housing
  - Policy 22: Particular Needs Housing Accommodation
  - Policy 23: Delivery of Development Sites

- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60: Transport Standards and Accessibility Requirements.

### **Other Policies**

- 25 Developer Contributions and Affordable Housing Supplementary Guidance April 2020
- 26 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.
- 27 Flood Risk and Flood Risk Assessments – Developer Guidance January 2021
- 28 This document set out the Council's guidance on how to approach flood risk and flood risk assessments across sites.

### **SITE HISTORY**

- 29 The site is allocated for residential development in LDP2 as site H64, Blairgowrie South. The allocation notes an indicative capacity range of 94-148 residential units across the 7.82ha allocation.
- 30 [10/00007/PAN](#) Proposal of Application Notice (PoAN) for residential development. Content of PoAN satisfactory. Decision issued May 2010.
- 31 [10/01360/IPM](#) Residential development and associated works (in principle). Approved September 2014.
- 32 [17/00961/AMM](#) Erection of 117 dwellinghouses, garages and associated works (approval of matters specified in conditions 10/01360/IPM). Approved April 2019.
- 33 [19/01467/FLL](#) Erection of a sales office (for a temporary period). Approved November 2019.
- 34 [19/01566/FLL](#) Formation of vehicular access (temporary period) Approved March 2020.



- 35 [20/00007/PAN](#) Proposal of Application Notice (PoAN) for residential development. Content of PoAN satisfactory. Decision issued September 2020.
- 36 [20/01175/FLL](#) Erection of 7 dwellinghouses and associated works (revised design and layout for plots 81 to 87 of application 17/00961/AMM). Approved November 2020.
- 37 [20/01176/FLL](#) Erection of temporary Cabin with associated parking spaces and access. Approved November 2020 for a temporary period up to one year.
- 38 [20/01438/FLL](#) Erection of 2 dwellinghouses (revised plot layout and house types for plots 27 and 28 of application 17/00961/AMM). Approved December 2020.

## CONSULTATIONS

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

### External

- 40 **Blairgowrie and Rattray Community Council:** No comments made.
- 41 **Scottish Water:** No objection. Sufficient capacity at both the Lintrathen supply and the Blairgowrie wastewater treatment works identified.
- 42 **Scottish Environment Protection Agency (SEPA):** No objection. Advised responsibility for flood and drainage with the Council Flood Team.

### Internal

- 43 **Environmental Health (Contaminated Land):** No objection, no evidence of contamination from records.
- 44 **Structures and Flooding:** No objection. The applicant provided further clarification via an updated Flood Risk Assessment. The Flood Team are comfortable that there will be no adverse impact. Conditions are recommended, for further infiltration testing prior to development commencing and the provision of temporary SUDS during construction.
- 45 **Transport Planning:** No objection.
- 46 **Development Contributions Officer:** No objection. The existing S75 agreement will need to be modified or terms satisfied in advance of granting any planning permission.
- 47 **Biodiversity/Tree Officer:** No objection, following updated habitat survey information.

- 48 **Planning and Housing Strategy:** No objection.
- 49 **Community Greenspace:** No objection, subject to conditional control over final play area design and specification.
- 50 **Community Waste Advisor:** No objection, subject to ongoing conditional requirement to provide a mini glass recycling point within the development.

## REPRESENTATIONS

- 51 A total of 3 representations have been received. The points raised within the representations were:
- Flood and drainage risk
  - Impact on wildlife and habitat
  - Road and access concerns
  - Impact on neighbouring residential amenity.
- 52 The material planning concerns raised are summarised and salient points are addressed in the Appraisal section of the report. The following concern is not material considerations:
- Shared boundary issues and logistics of maintenance of boundary fence

## ADDITIONAL STATEMENTS

53

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Design Statement Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment and Habitat Survey Submitted

## APPRAISAL

- 54 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**

- 55 As is clear, the principle of residential development on this site has already been approved, with an extant planning permission in place and the site being allocated in LDP2 for residential development. The principle of development therefore continues to be acceptable.
- 56 Whilst the principle of residential development is already established, detailed consideration of the submission requires further review of:
- the revised density and mix;
  - private amenity space provision;
  - open space, including landscaping proposals, play area provision and specification;
  - updated peripheral road arrangements and delivery commitment; and
  - clarification that satisfactory drainage arrangements and avoidance of and flood risk.

### **Design and Layout**

- 57 This application seeks to change the detail of the residential development proposed, including: reduced dwellinghouse numbers, revised house types, and minor plot design changes. The most significant changes across the layout are proposed in and around the northwest tip of the site adjacent to the community campus where three units have been removed. The general road and plot layout and open space configuration remains consistent to the extant permission, only it is now to serve modified house types and sees the link road brought forward at an earlier stage. Further, the play area design has been reconsidered to take account of community feedback and to meet current Community Greenspace standards.
- 58 In respect of design and layout, LDP2 Policies 1 and 2 directly apply. In relation to the layout and plot subdivision, this remains broadly consistent with planning permission 17/00961/AMM. The layout is considered to continue to work well with the immediate and surrounding site characteristics. The location of higher density of terraced units next to the school remains, albeit now reduced through the removal of 3 units. A lower density and more generous plot provision remains towards the south and eastern boundaries. Consistent with planning permission 17/00961/AMM, the plot sizes, orientation/positioning, landscaping and rear garden ground provision has been detailed to ensure continued compliance with LDP2 placemaking and design policy. Overall, the proposal represents a medium-scale development with a density of approximately 20 dwellings per hectare. This is considered appropriate in this location.

- 59 The layout includes a logical movement hierarchy with perimeter blocks, courtyards with parking to the rear and a crescent. The layout seeks to generally avoid cul-des-sac style development and maintain movement patterns, consistent with designing streets and LDP2 policy requirements. The built areas are supplemented by useable open space and blue and green networks which are further assessed in detail under Landscape, Visual Amenity and Open Space provision below.
- 60 Whilst new house designs are proposed, these designs remain consistent in style and scale to neighbouring residential dwellings, primarily two-storey, with 19 house type variations all together. House sizes range from just under 60 sqm to 138 sqm, which is considered to provide a good housing mix, as required by LDP2 Policy 25.
- 61 The material finishes include a mixture of rendered, grey cedar cladding, brick and reconstituted stone walls, concrete roof tiles and dark grey windows and doors giving it a contemporary flavour. The material palette is considered to remain appropriate within this site context and typical of the area.
- 62 Taken as a whole, the current proposals are considered to remain acceptable and correspondingly accord with LDP2 Policy 1 and 2.

### **Residential Amenity**

- 63 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise pollution. Analysis has found no concerns in relation to either, consistent with planning application 17/00961/AMM; other than potential for long term noise associated with pumping station and any mechanical ventilation/heat pump technology, which could be adequately controlled (Condition 9).

### **Overlooking**

- 64 The house designs and orientation would not result in overlooking to neighbouring properties. All plots consistently maintain a minimum 18 metre window-to-window separation at the rear.

### **Overshadowing, loss of sunlight and daylight.**

- 65 A reasonable level of daylight and sunlight is maintained for all properties. The extent of any overshadowing between properties is not significant and considered to be acceptable.

### **Private Amenity Space**

- 66 The proposed layout remains consistent with the extant permission and complies with the minimum garden ground standards of the supplementary guidance. The private garden ground ranges from 55 sqm (with a further

generous front garden) for smaller, terraced units, up to 315 sqm for larger, detached units.

- 67 Overall, the policy requirements of LDP2 Policies 1, 17, 55 and 56 continue to be satisfied. A reasonable level of amenity for the new residents has been identified, causing no unacceptable impact on the amenity of occupants of nearby properties.

### **Roads and Access**

- 68 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In this regard the general road layout and access provision remains consistent with that of the extant permission. In addition to this, the provision of the proposed link road through to Hazelwood Road is now coming forward much earlier than previously required under the extant permission, which addresses a site-specific requirement of the H64 LDP2 allocation. This road would also be used for construction traffic, as it has been for development to date under the extant permission. PKC Transport Planning have raised no concerns with the proposals, including adequate parking provision allocation. There are no issues regarding traffic and road safety resulting and therefore the proposals are considered to satisfy the terms of LDP2 Policies 1, 15 and 60.

### **Drainage and Flooding**

- 69 LDP2 Policy 52 states there will be 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. LDP2 Policy 53 requires all new development to employ appropriate SUDS measures. In respect of flood and drainage, the applicant submitted detailed assessments on flooding and drainage proposals with relevant consultation undertaken through both SEPA and the Council's flood team. Further detail (Plan 124) was submitted in June 2021. The additional plan sets out more detail to the construction phases, with SEPA clarifying responsibility will remain with the Council. PKC Flooding team considers the updated assessment demonstrates the required design detail and mitigation measures required, subject to recommended planning conditions, address any concerns relating to drainage and flood risk (which were originally raised and addressed through planning permission 17/00961/AMM).
- 70 In summary, the updated proposals are considered to satisfy LDP2 Policies 52 and 53 in respect of both flood risk and surface water drainage.

### **Landscape, Visual Amenity and Open Space provision**

- 71 LDP2 Policies 39 and 42, are relevant considerations in relation to landscape and visual amenity. Detailed landscaping plans have been submitted, which include revised planting specifications to reflect more native species than was

previously secured through the extant permission and revised details of the neighbourhood equipped play area. Community Greenspace, who will maintain the area in the future, are satisfied with the proposals submitted in the correct location; however, the final play equipment details and landscaping specification around the play area requires to be specified (Condition 3).

- 72 The development is considered to integrate well within its wider site context, including the wetland landscape corridor and provide good connections to wider services such as parks and other open spaces, whilst providing adequate open space within the site itself and a dedicated equipped play area, serving the wider residential area.
- 73 Overall, the balance and allocation of the different proposed open space elements and planting proposals are considered to remain satisfactory. The general allocation of public open space, subject to conditional control to secure and deliver the detail of the committed neighbourhood play area, is considered to comply with LDP2 Policies 39, 42 and Supplementary Guidance: Open Space Provision for New Developments.

#### **Core Paths, Pedestrian and Cycle Routes**

- 74 A promoted and well used path (Core Path BLAI/22, which is also a right of way Blair Muir Path: 17/22), known locally as Piggy Lane, runs along the southeast boundary of the site between the site and the playing fields.
- 75 Overall, the proposed access and path provision is considered to continue to comply with the site-specific requirements in relation to public access being maintained and enhanced, consistent with LDP2 Policy 15 in this regard.

#### **Natural Heritage and Biodiversity**

- 76 In relation to natural heritage and biodiversity, LDP2 Policies 40 and 41 apply. An updated Ecology Report was sought with additional survey work commissioned, which established no evidence of any Great Crested Newt. Alongside the assessment of ecology, revised detailed landscaping proposals to incorporate more appropriate native species beyond that approved as part of the extant permission, is proposed. The assessments and landscape provision are considered appropriate and proportionate.
- 77 Measures to enhance biodiversity through bat roosting and bird nesting opportunities, along with provision for hedgehog passage and wildlife kerbs for amphibians, have all been identified by the Council's Biodiversity Officer. A plan identifying bat and bird accommodation provision addresses this requirement (Plan 18). In other areas, planning conditions are proposed requiring wildlife kerbs to be installed and finished boundary fencing to incorporate safe hedgehog passage between gardens are also now recommended (Conditions 6-8).

- 78 It is considered that there will be neither adverse nor significant additional impact on site biodiversity as a result of the revised development. In light of the supporting information and associated recommended conditions, the proposals are considered to comply with LDP2 Policies 40 and 41.

### **Energy and Low Carbon Technology**

- 79 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. An Energy Statement was submitted (Plan 125) with further clarification from the applicant, which confirms that the dwellings will achieve the necessary standards required by LDP2 Policy 32.

### **Waste Collection**

- 80 Waste collection is considered to be appropriately addressed through both the provision and access to individual properties. It is however recommended that a mini glass recycling point is integrated within the site by the developer, which is addressed via condition (Condition 14).

### **Developer Contributions**

- 81 To address the requirements of LDP2 Policy 5, an updated legal agreement, from that secured for planning permission 17/00961/AMM, will be required to secure infrastructure associated with site H64 and related contributions. Matters to be secured and covered within the S75 are identified below under the following topic headings as per the agreed heads of terms:

- Primary Education
- Open Space/Play Facilities & Maintenance.

### **Economic Impact**

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

### **VARIATION OF APPLICATION UNDER SECTION 32A**

- 83 This application was varied prior to determination, in accordance with the terms of Section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate ecology, drainage and flood risk updates with an amendment to the open space areas and planting specification.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 84 The proposal is considered acceptable, subject to securing either a modification of the extant Section 75 legal agreement or new agreement for this planning application specifically.

## **DIRECTION BY SCOTTISH MINISTERS**

- 85 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**

- 86 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 comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 87 Accordingly, the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

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

#### **General**

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

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

#### **Landscaping and Open Space**

- 2 Prior to the commencement of development hereby approved, all trees identified for retention on site and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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



- 3 Within 6 months of the date of this decision notice, finalised details on the layout, boundary treatment and specification of the identified and committed play area (NEAP) shall be submitted for the written agreement of the Council as Planning Authority, in consultation with Community Greenspace. The details shall include a commitment to delivery timescales. The scheme and specification agreed will thereafter be fully implemented to the satisfaction of the Council as Planning Authority on the timescales set out and agreed.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

- 4 The detailed landscaping and planting scheme hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

### **Biodiversity**

- 5 The conclusions and recommended action points detailed within the Habitat Survey and Great Crested Newt Survey (Plan 123, dated 24/06/21) 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).

- 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.

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

- 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 10 of this permission.

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).

- 8 Notwithstanding the plans hereby approved, “hedgehog highways” (gaps of 13 x 13 centimetres) shall be incorporated at ground level in a fence for each plot, or section of fence not within a plot, as part of the finished boundary fence detailing. The “hedgehog highways” shall be delivered prior to occupation of any affected plot and prior to the completion of development for all other fences, to the satisfaction of the Council as Planning Authority.

Reason: In the interests of employing best practice ecology and enhancing biodiversity opportunities.

### **Amenity and Construction Management**

- 9 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 the interests of public health and to prevent adverse noise pollution.

- 10 The Construction Environment Management Plan (CEMP) submitted with this application shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amendments will be submitted to the Planning Authority as soon as reasonably practicable, citing the relevant amendment and appropriate guidance.

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

- 11 In association with Condition 12, Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

- 12 In association with Condition 12 and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the

permanent surface water drainage scheme is fully implemented and operational.

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

- 13 Prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason: To ensure the provision of effective drainage for the site.

### **Recycling**

- 14 Prior to the completion and handover of public open space, a mini-glass recycling point shall be incorporated at an appropriate location within the site, agreed in consultation with the Council's Community Waste Service team.

Reason: In the interests of sustainability and to compliment the kerbside recycling services that will be provided.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

## **C PROCEDURAL NOTES**

Consent shall not be issued until a revised or new Section 75 Agreement relating to planning contributions set out above has been completed. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months may result in the planning application being re-assessed through failing to comply with the associated policy requirements and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 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)).

- 2 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.
- 3 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.
- 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 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.
- 5 The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from [www.pkc.gov.uk](http://www.pkc.gov.uk) and should be returned to [snn@pkc.gov.uk](mailto:snn@pkc.gov.uk).
- 7 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 8 No work shall be commenced until an application for building warrant has been submitted and approved.

- 9 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.
- 10 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 11 The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
- 12 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the landscaping scheme to incorporate more native species planting and updated play area layout. Additional information was also submitted in respect to ecology, drainage and an updated Flood Risk Assessment.

Background Papers: 3 letters of representation  
Contact Officer: Callum Petrie  
Date: 12 August 2021

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

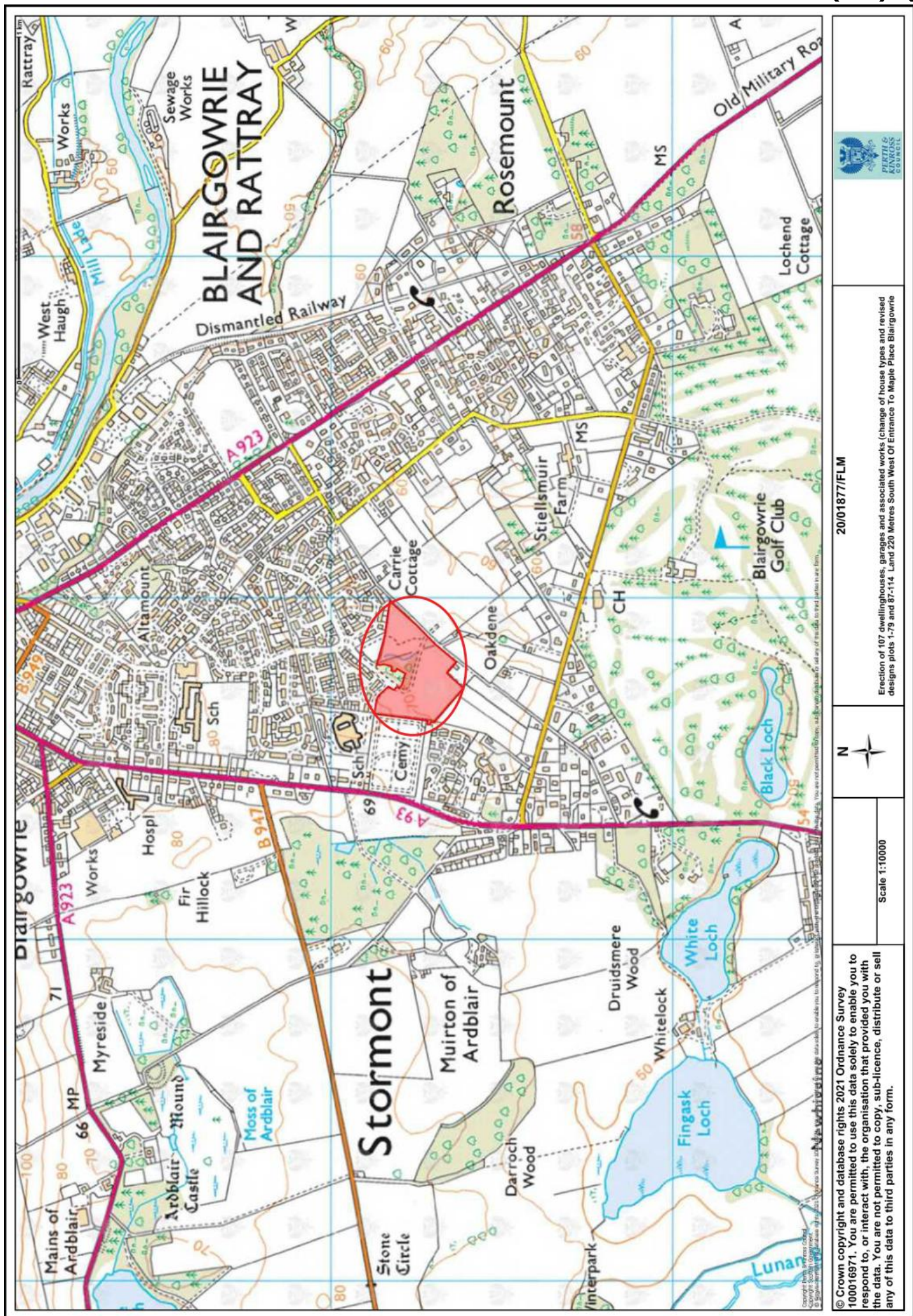
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Erection of 107 dwellinghouses, garages and associated works (change of house types and revised designs plots 1-79 and 87-114 Land 220 Metres South West Of Entrance To Maple Place Blairgowrie



**Scale 1:2500**

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Perth and Kinross Council  
Planning & Development Management Committee – 24th August 2021

Report of Handling by Head of Planning & Development (Report No. 21/129)

<b>PROPOSAL:</b>	Change of use, alterations and extension from former telephone exchange to form coffee shop/snack bar (Class 3) and associated works.
<b>LOCATION:</b>	Former Telephone Exchange, Moncur Road, Inchtute, Perth, PH14 9RW.

Ref. No: [21/00435/FLL](#)

Ward No: P1 - Carse of Gowrie

### Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

## BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site is the former Telephone Exchange, Moncur Road, Inchtute. The site is located within the Inchtute Conservation Area. The application seeks detailed planning permission for the change of use, alterations and extension to the former telephone exchange to form a coffee shop/snack bar (Class 3) and associated works.
- 2 The existing building is redundant and is in a state of disrepair. It is proposed to convert the existing building to become the prep and serving area, and extend the building to provide a storeroom. A separate building will also be constructed to accommodate toilet and baby changing facilities. An outdoor seating area will be provided, with the proposed site plan showing 36 covers. Part of the outdoor seating area will be under a new retractable canopy.
- 3 The submitted design statement indicates that the applicant operates a local business and already employ a number of local people. It is intended to diversify this business through this current proposal and it is proposed to operate the site as a year-round facility, 7 days a week with trading between the hours of 8am and 6pm. It is also stated within the design statement that the applicant has purchased this site in an effort to restore the building which they consider to be an eyesore within the village.

## PRE APPLICATION CONSULTATION

- 4 No formal pre-application consultation undertaken.

## **NATIONAL POLICY & GUIDANCE**

- 5 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**

- 6 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)**

- 7 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.
- 8 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability: paragraphs 24 – 35
  - Placemaking: paragraphs 36 – 57.

### **Planning Advice Notes**

- 9 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 77 Designing Safer Places

### **Creating Places 2013**

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

## **National Roads Development Guide 2014**

- 11 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**

- 12 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

## **TAYplan Strategic Development Plan 2016-2036**

- 13 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.”*

## **Perth and Kinross Local Development Plan 2**

- 14 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.

- 15 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 17: Residential Areas
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 27A: Listed Buildings
- Policy 28A: Conservation Areas: New Development
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 41: Biodiversity
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 56: Noise Pollution
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals
- Policy 61: Airfield Safeguarding

## **Other Policies**

### Placemaking Supplementary Guidance 2020

- 16 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

## **SITE HISTORY**

- 17 None of relevance.

## **CONSULTATIONS**

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

### **External**

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

- 19 PKHT welcome the re-use of the existing building and have no objection, subject to conditional control regarding the requirement for archaeological survey work.

#### **Scottish Water**

- 20 No objection. There is currently sufficient capacity in both the Clatto Water Treatment Works and the Hatton Waste Water Treatment Works to service the development.

#### **Inchtute Community Council**

- 21 The local community council object as they consider that an alternative use for the building should be found. The responses also highlighted the lack of parking and road safety concerns.

### **Internal**

#### **Transport Planning**

- 22 Transport Planning initially objected due to the proximity of the outdoor seating area and the proposed planter to the road. A revised scheme was submitted by the agent to address these concerns and Transport Planning now have no objection to the proposed development.

### **Conservation Team**

- 23 The Conservation Team welcome the restoration of the existing building and have no objection.

### **Environmental Health (Noise Odour)**

- 24 The Council's Environmental Health Team have no objection, subject to a number of planning conditions. The planning conditions recommended will ensure that neighbouring amenity is not compromised through the proposed development.

### **Biodiversity/Tree Officer**

- 25 The Council's Biodiversity/ Tree Office initially objected due to a lack of ecology work. The relevant survey work was consequently prepared and submitted and the Biodiversity/ Tree Officer now has no objection to the proposed development, subject to conditional control in line with the recommendations of the survey work.

### **Commercial Waste Team**

- 26 The Commercial Waste Team highlighted the required bin provision for the development.

### **REPRESENTATIONS**

- 27 A total of 12 representations have been received in respect of the current application (5 x support, 7 x objection). The main issues raised within the representations are:

- 28 Letters of support (5):

- Enhances existing derelict building
- Employment provision
- Increase of facilities for village
- Local enterprises should be encouraged

- 29 Letters of objection (7):

- Inappropriate use
- Overprovision of facilities in village
- Lack of parking facilities
- Out of character with village
- Road safety implications / traffic congestion
- Noise pollution
- Impacts upon maintenance of private road
- Concerns with staffing / business model
- Alternative use for building should be found

- 30 These issues are addressed in the Appraisal section of the report.

## **ADDITIONAL STATEMENTS**

31

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Habitats Regulations Appraisal: AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg. Flood Risk Assessment	Submitted (Ecology Survey and Drainage Plan)

## **APPRAISAL**

- 32 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, namely the Council's Placemaking Supplementary Guidance 2020.
- 33 In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

### **Principle**

- 34 The site is located within the settlement boundary of Inchtute on identified white land. The conversion of a redundant building to a café in this location is considered to be acceptable providing it is compatible with the surrounding land uses and does not detract from the character and amenity of the area. In this instance, the use of the building as a café will not be of detriment to any neighbouring land use and is considered to be compatible with neighbouring land uses. The site is bound by open space to the north east and south east, and is opposite Inchtute Church, which lies to the west. The nearest residential



property is in excess of 50 metres from the development site, located to the south west. There are therefore no sensitive receptors immediately adjacent the development site and thus the principle of the development is considered to be acceptable.

### **Design, Layout and Conservation Considerations**

- 35 The design of the proposal is considered to be of a high quality and suitable for the context of the site. The proposed conversion will restore the building and the extension and new build elements will complement the existing building, whilst ensuring that the character and integrity of the original building is retained. The selected materials will also help to ensure that the building blends in suitably to the surrounding environment. The selected materials are a combination of brickwork and vertical timber larch cladding for the walls with a natural slate roof. Design features such as the raised planter and retractable canopy will help to ensure that the building contributes positively to the street scene.
- 36 The site is located within the Inchtute Conservation Area and is immediately adjacent the Inchtute Church, which is a Category C listed building. The Council's Conservation Team and Perth & Kinross Heritage Trust (PKHT) both welcome the retention and conversion of the existing building. It is considered that the proposed development will not have an adverse impact upon the character or setting of the Inchtute Conservation Area or neighbouring listed buildings. PKHT did however request conditional control regarding the implementation of a programme of archaeological work (Condition 8). This condition has been recommended to ensure compliance with LDP2 Policy 26B 'Scheduled Monuments and Archaeology'.

### **Proposed Advertisements**

- 37 No advertisements have been proposed as part of this application. Any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. An informative has been recommended to highlight this to the applicant (Informative 6).

### **Landscaping and Visual Amenity**

- 38 The existing building is in a derelict state and is covered in graffiti. The conversion and restoration of this building will improve the visual amenity and landscape character of the area. This view was also voiced within the majority of letters of support received.

### **Residential Amenity**

- 39 The nearest residential receptor is approximately 50 metres to the south west. The Council's Environmental Health Team have no objection to the proposed development, subject to a number of planning conditions. The planning

conditions recommended will ensure that neighbouring amenity is not compromised through the proposed development.

- 40 The recommended conditions will require a Noise Management Plan, an effective ventilation system, will limit plant equipment noise, will limit servicing and deliveries, hours of operation, and will control external lighting. A condition has also been recommended to ensure that no music is played in the external seating area (Conditions 2-7).
- 41 Overall, it is considered that the recommended conditions will ensure that the neighbouring amenity is not compromised by the proposed development. The recommended conditions will ensure compliance with LDP2 Policies 17 'Residential Areas' and 56 'Noise Pollution'.

### **Roads and Access**

- 42 Transport Planning initially objected to the proposed development due to the proximity of the outdoor seating area and the proposed planter to the road. A revised scheme was submitted by the agent to address these concerns and Transport Planning now have no objection. The revised scheme brings the edge of the development back 500mm from the road edge.
- 43 Concerns were raised within some representations received regarding the lack of parking facilities and the impact of the proposed development upon the local road network. The proposal incorporates bicycle parking and Transport Planning consider this sufficient for a village centre location such as this. The site is well served by public transport and there is on-street parking available within a short walking distance from the site. Any inconsiderate or unsafe parking from individuals is not a planning consideration. The site is also in a relatively central location where the majority of residents within Inchtute can walk to within 5-10 minutes, thus eliminating the requirement for a vehicle.
- 44 Whilst it is appreciated that the proposed development will result in additional traffic generation, the level of traffic likely to be generated by a unit of this scale is considered to be minimal and can be accommodated within the current capacity and road arrangements.

### **Drainage and Flooding**

- 45 A drainage plan has been submitted with the application which demonstrated compliance with LDP2 Policy 53C 'Water Environment and Drainage'. It is considered that there are no drainage or flooding implications with the proposed development.

### **Waste Collection**

- 46 The Commercial Waste Team highlighted the required bin provision for the development. An informative has been recommended to highlight this requirement to the applicant (Informative 8).

## **Natural Heritage and Biodiversity**

- 47 The Council's Biodiversity/Tree Office initially objected to the proposed development due to a lack of ecological assessment. The relevant survey work, in the form of a full Bat Survey, was consequently prepared and submitted, and the Biodiversity/Tree Officer now has no objection, subject to conditional control in line with the recommendations of the survey work and a further condition requiring the installation of swallow nesting boxes. Conditions 9 – 11 have therefore been recommended accordingly to ensure compliance with LDP2 Policy 41 'Biodiversity'.

## **Developer Contributions**

- 48 No developer contributions in respect of LDP2 Policy 5 are required.

## **Economic Impact**

- 49 The majority of letters of objection highlighted that the proposed development may result in the over provision of such services in the village and an alternative use for the building should be explored. Within the letters of support received, many welcomed the use as a café and highlighted potential employment opportunities. The local opinion is therefore mixed with a combination of both support and objection towards the proposed use.
- 50 In this instance, the proposed use is considered to be in line with the relevant provisions of the LDP2 and there are no material considerations which prevent this use from being acceptable. Local competition between businesses and the overprovision of use classes are not material planning considerations.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 51 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout of the outdoor seating area.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 52 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 53 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**

- 54 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 comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 55 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

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

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

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

- 2 Prior to the commencement of the development, a Noise Management Plan (NMP) shall be submitted for the written approval of the Planning Authority. The plan shall include all sources of noise associated with the premise and the measures that will be put in place to minimise and/or control noise. The plan shall be reviewed on a regular basis or, following receipt of a justified complaint or at the request of the planning authority. Once the Noise Management Plan has been approved, it shall be fully implemented for the lifetime of the development to the satisfaction of the Council as Planning Authority.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 3 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 occupants of nearby premises and to ensure the provision of a satisfactory ventilation system for the premises.

- 4 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 the interests of road safety; to prevent a possible danger to road users by avoiding excessive glare or brightness.

- 5 Servicing of and deliveries to the premises shall be carried out between 0700 and 1900 Monday to Saturday only, with no servicing or deliveries permitted on Sundays.

Reason - In order to safeguard the neighbouring residential amenity in the area.

- 6 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 neighbouring residential amenity in the area.

- 7 No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason - In order to safeguard the neighbouring residential amenity in the area.

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

Reason - To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

- 9 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12) shall be fully adhered to, respected and undertaken as part of the construction phase of

development. Particular attention is drawn to the submitted Bat Survey and Assessment - Final Report, Heritage Environmental Ltd, July 2021.

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).

- 10 An updated bat survey will be required prior to works to the roof, if roof works have not commenced within 18 months of the date of the bat survey approved as part of this permission. The updated survey shall be submitted to the Council as Planning Authority for written agreement and works to the roof shall not commence until after such written agreement has been issued by the Council.

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 Prior to the completion or bringing into use of the building, whichever is the earlier, at least four swallow nest boxes shall be provided on the building, to the satisfaction of the Council as Planning Authority.

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

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

- 1 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)).
- 2 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.
- 3 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.

- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk) . Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.
- 6 The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
- 7 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.
- 8 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 Further information on the need for and level of provision of Changing Places Toilet Facilities can be found in section 41B of the Town and Country Planning (Scotland) Act 1997, the Town and Country Planning (Changing Places Toilet Facilities) (Scotland) Regulations 2020 and the associated Circular 1/2020: Changing Places Toilets Regulations.

- 11 The developer is advised to contact Sophie Nicol, Historic Environment Manager (tel 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
- 12 An inspection of the proposed development site did not raise any real concerns, although historical mapping indicates there was previously a nearby use which may have resulted in contamination in the vicinity of the site. The applicant is advised that, given historical uses of the wider area, there may be potential for contamination within the site. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or [es@pkc.gov.uk](mailto:es@pkc.gov.uk) for further advice.
- 13 The applicant is advised that the granting of planning permission does not guarantee right of access to the site. This should be agreed with the relevant landowner(s) prior to the commencement of the development.
- 14 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the layout of the external seating area.

Background Papers: 12 letters of representation  
Contact Officer: Sean Panton  
Date: 12 August 2021

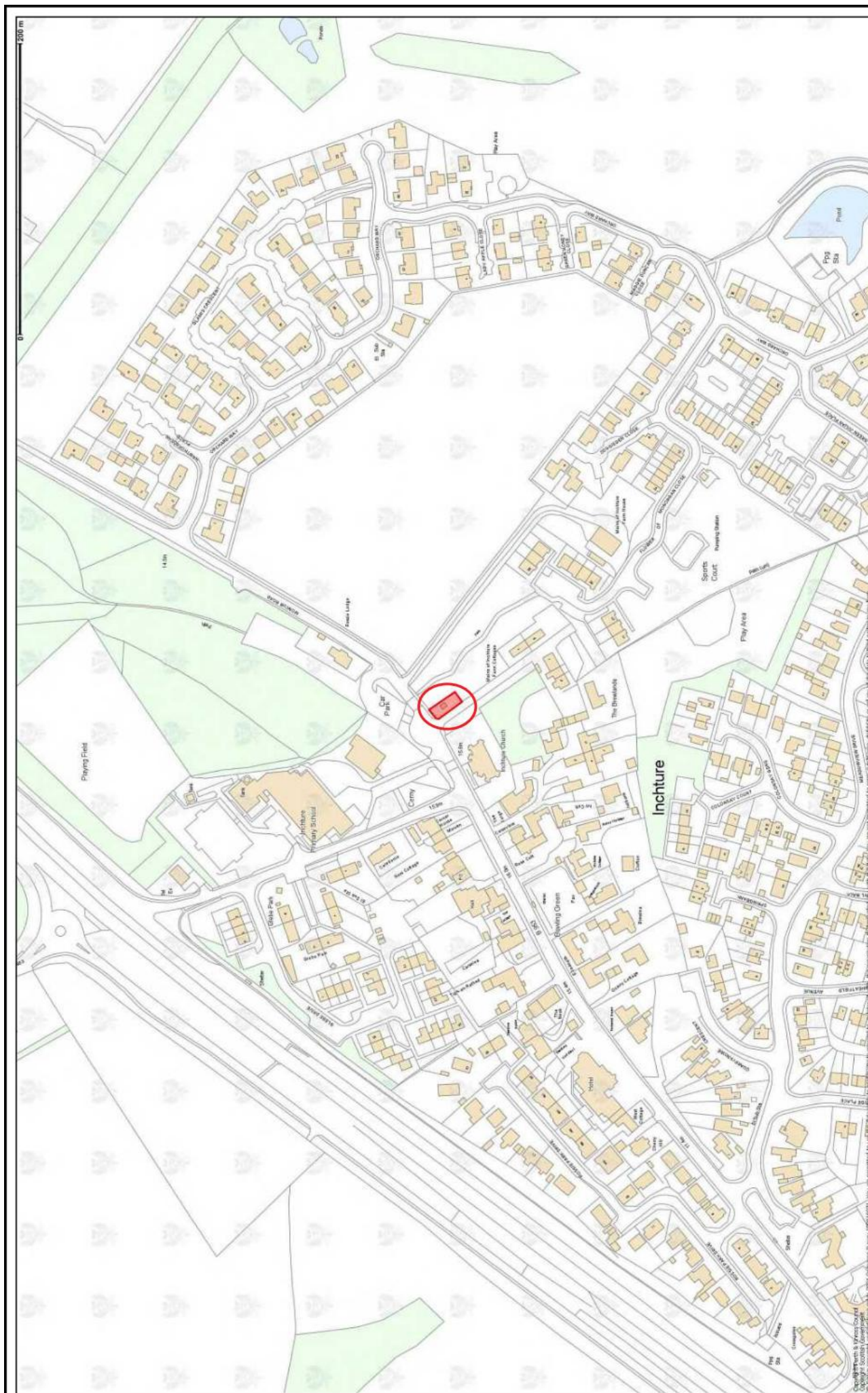
**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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21/00435/FLL

Change of use, alterations and extension from former telephone exchange to form coffee shop/snack bar (class 3) and associated works Former Telephone Exchange Moncur Road Inchnure



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