

Perth and Kinross Council
Planning & Placemaking Committee – 6 September 2023
Report of Handling by Head of Planning & Development
(Report No. 23/239)

PROPOSAL:	Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial, professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle).
LOCATION:	Perth West (MU70), Old Gallows Road, Perth

Ref. No [20/00667/IPM](#)
Ward No: P9 – Almond and Earn

Summary

This report provides an update in relation to National Planning Framework 4 (NPF4) on the above planning application related to 'Perth West'. That application received a 'minded to grant' determination, subject to a legal agreement being entered into, in order to secure developer contributions and further obligations, at the Planning and Development Management Committee of 1 June 2021.

The negotiation and drafting of an appropriate legal agreement process has been complex due the range of parties with a legitimate interest in the development. All outstanding matters have now been agreed however, the Decision Notice has yet to be issued and in the interim period the Scottish Government adopted NPF4 on 13 February 2023. It is a statutory requirement that proper regard is given to any material consideration (such as NPF4) which arises between the date of the Committee and the issue of the Decision Notice and the application must therefore be reconsidered by the Committee.

Accordingly, this report updates the committee on the relevant aspects of NPF4 in relation to the application and asks that an updated decision is taken.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 A decision was taken at the 1 June 2021 meeting of the Planning and Development Management Committee to approve the application in line with the recommendation set out in the Report (Appendix 1). However, as there was a requirement for a legal agreement to secure developer contributions

and further planning obligations, the decision could not be issued until that process had concluded.

- 2 In the intervening period [NPF4](#) has become part of the Development Plan and now requires to be assessed as part of the determination of this application. This report is to provide and update the position in relation to NPF4 and its impacts on the material planning considerations.

APPRAISAL

- 3 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 now comprises the [National Planning Framework 4 \(NPF4\)](#) and the [Perth and Kinross Local Development Plan 2019 \(LDP2\)](#). The relevant policy considerations update covered below focuses on NPF4 and how these impact on the recommendation, with the remaining considerations as per the previous report to this Committee (Appendix 1). The relevant NPF4 policies for this application are:

- Policy 1: Tackling the Climate and Nature Crisis.
- Policy 2: Climate Mitigation and Adaption.
- Policy 3: Biodiversity
- Policy 5: Soils
- Policy 6: Forestry and Woodland and Tees.
- Policy 7: Historic Assets and Places.
- Policy 8: Green Belts.
- Policy 11: Energy.
- Policy 13: Sustainable Travel
- Policy 14: Design Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods.
- Policy 16: Quality Homes.
- Policy 18: Infrastructure First.
- Policy 19: Heating and Cooling
- Policy 20: Blue and Green Infrastructure.
- Policy 22: Flood Risk and Water.
- Policy 23: Health and Safety.
- Policy 24: Digital Infrastructure.
- Policy 25: Community Wealth Building.
- Policy 26: Business and Industry.
- Policy 27: City, Town, Local and Commercial Centres.
- Policy 28: Retail.

National Planning Framework 4 (NPF4) - Policy Discussion

- 4 The spatial framework in Part 1 focusses on addressing climate change, nature recovery, inclusive growth, the wellbeing economy, and child poverty. These aspirations are detailed across three main national planning policy areas in Part 2, namely: Sustainable, Liveable and Productive Places.

- Sustainable Places focuses on the transition to net zero through the creation of nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change whilst protecting the environment.
- Liveable Places applies the principles of local living to development proposals for example homes should be better served by local facilities and services.
- Productive Places reaffirms the commitment to the Town Centre First Principle and encouraging investment in the right places.

5 The proposal has considerations across the three main policy areas and assessment of these is covered in more detail in subsequent sections.

Sustainable Places

6 Sustainable Places seeks to tackle the climate and nature crisis. The applicable policies are Policy 1: Tackling the Climate and Nature Crisis, which supports local living and compact urban growth. Policy 2: Climate Mitigation and Adaptation, encourages development in sustainable locations. In these respects, the proposals have adopted a 'Green Web' approach, which integrates existing and proposed planting and paths and seeks to enhance public amenity, active travel, and biodiversity. Furthermore, the 'Blue/Green Infrastructure Strategy' is considered innovative, and while largely incorporating and building on the existing key features it provides for an excellent structure for public amenity and biodiversity throughout the development. The incorporation of permeable car parks, driveways, and proposals for the greening of streets/active travel routes with tree planting with bioretention pits/planters is considered to align NPF4 policies 1 and 2. Furthermore, it is through detailed applications that compliance can be ensured.

7 In addition, the incorporation of roof gardens, where appropriate (e.g., school buildings) and the provision of water butts for all dwellings, schools, and community growing areas is recommended for detailed designs through condition 1. Policy 13: Sustainable Transport, promotes development that prioritise walking, wheeling, cycling and public transport and will be adhered to through the provision of conditions 20 – 22.

Landscaping

8 The Landscape Statement provides greater detail of the overall proposals. Particularly the extent of public open space equates to approximately 35% of the application site with large areas including a 'Heritage Park' and 'Woodland Park' with paths and around the proposed school and green corridors including copse and hedgerow edges with a view to creating a countryside aspect. Although not legally protected, Ancient Woodland sites are also important and an irreplaceable habitat. The report to Planning and Development Management Committee of 1 June 2021 20/00667/IPM stated that it was necessary to retain, enhance and secure mechanisms for the long term management of existing, native woodland. This will be protected through condition 40. In addition, a detailed woodland survey and long term Woodland

Management Plan should be submitted with any future, detailed planning application. Both condition 41 and 42 as set out in the previous report (Appendix 1) include the requirement for a Tree Protection Plan and other tree protection measures including a Construction Exclusion Zone (CEZ).

Biodiversity

- 9 The Tayside Local Biodiversity Action Plan (LBAP) seeks to enhance, restore, and extend coverage of ancient woodland. The EIA Report notes that there is ancient woodland to the south-east within what is known as West Lamberkine Wood. Consideration of opportunities to enhance, restore and extend coverage of ancient woodland is required, with focus on connectivity of habitats - which is key for biodiversity, particularly in a changing climate. The creation of green streets incorporating segregated walk, cycle and waterways is also proposed, as are community growing spaces, play, and pitch facilities. Therefore, the proposals are considered to be in accordance with NPF Policies 3,5, and, in particular, 6: Forestry, Woodland and Trees. In terms of Policies 3: Biodiversity and 5: Soils, the original report stated that as part of the EIA Report an Ecological and Forestry Appraisal supports the application and has been examined by NatureScot, RSPB and PKC's Biodiversity/Tree Officer. Given the scale of the proposed development, it is appropriate to consider meaningful biodiversity enhancements in the development design. PKC's Biodiversity/Tree Officer advises that the application provides an opportunity for biodiversity enhancement measures to be included into the detailed design and result in a biodiversity net gain, and has included appropriate examples. The proposed development is considered to meet the relevant policies as stated above, and this will be secured through conditions 46, 47, 48,49 and 50 set out in the earlier report.

Cultural Heritage

- 10 The EIA Report included a Cultural Heritage Assessment, with a Battlefield Conservation Plan and Archaeology Impact Assessment (AIA). These have been examined by Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT). The proposals see development indicated within the Tippermuir Battlefield site, recognised as being of national significance through its inclusion in the Inventory of Historic Battlefields. The key focus for HES was the need for a Battlefield Conservation Plan (BCP), to ensure the development takes full cognisance of the national designation and any development proposals are fully informed by an understanding of the asset and opportunities for positive outcomes.
- 11 Overall, HES agree with the findings of the EIA Report, in that there will be an impact on the Inventory Battlefield of Tippermuir and that these impacts will require mitigation. Furthermore, HES also recognise that the proposed development area is allocated within LDP2. In light of this, the preparation of the Battlefield Conservation Plan (BCP), together with the identification of mitigation and enhancement opportunities within the EIA Report is welcomed. Therefore, based on the creation of a Battlefield Heritage Park, the proposal is considered to comply with NPF4 Policy 7: Historic Assets and Places. The mitigation measures, BCP and other cultural heritage issues will be secured through conditions 35, 36, 37, 38 of the original report.

Low Carbon Development

- 12 The Council's desire is for a zero-carbon network to be achieved at as early a stage as possible. Given the New Build Heat Standard will require low carbon heat in all new builds from 2024, the option of gas or other fossil fuels is not likely to be appropriate. Thus, to ensure compliance with NPF4 Policy 11: Energy, any future detailed applications will require detailed energy reports, where true zero carbon developments will be the accepted baseline standard. Recommended condition 55 addresses this requirement to control both the Scottish Government's and Council's ambitions and targets for zero carbon developments.

Transport

- 13 It is considered that as the development serves a local and expanding retail need on the west side of Perth, and it would meet NPF Policy 28: Retail, by reducing travel distances and has been located and would be designed to encourage sustainable travel options (i.e., walking, bus, and EV). A Transport Assessment supports the application and has been examined by both Transport Scotland and PKC Transport Planning, neither of whom have raised any objections based on traffic volume, road capacity or safety. The following conditions are included in the original consent, and will address any transport issues and requirements: Conditions 1, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27 and 28. In light of this, the proposed development is in accordance with NPF4 Policy 13: Sustainable Travel, and Policy 18: Infrastructure First.

Liveable Places

- 14 Liveable Places applies the principle of local living. The applicable policies are Policy 11: Energy, Policy 13: Sustainable Travel and Policy 14: Design, Quality and Place which supports places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities. In addition, Policy 15: Local Living and 20 Minute Neighbourhoods, seeks to encourage, promote, and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling, or cycling or using sustainable transport options. Furthermore, Policy 16: Quality Homes, is also relevant. Overall, the proposal is considered to comply with Policy 14 of NPF4 at this stage of the planning process and allows the detailed design to evolve from this. The detailed design would be resolved through subsequent applications for the Approval of Matters Specified in Conditions (AMSC) (Condition 1), which, in turn, would be guided by the design and technical matters stipulated in other recommended planning conditions. Furthermore, conditions 20, 21, 22, 24, 29, 31, 32, 33, 39, 40, 44, 45 and 55 of the original report are also relevant in relation to Liveable Places.

Flooding and Drainage

- 15 As part of the EIA Report a Flood Risk Assessment, Drainage Strategy and Blue/Green Infrastructure Strategy has been submitted and assessed by

SEPA, Scottish Water, NatureScot, PKC Strategy and Housing and PKC Structures and Flooding. SEPA initially objected and sought additional information on drainage and blue/green infrastructure, NatureScot similarly objected. However, after discussion both subsequently removed their objections. It is recognised that these issues can be explored further and delivered at the detailed application stage (Condition 54). In light of this, the proposed development is considered to be in accordance with NPF Policy 22: Flood Risk and Water.

- 16 The updated blue/green infrastructure strategy refers to enhancements that are considered a range of possible SUDS options. The Blue/Green Infrastructure document provides useful schematic drawings of the location of SUDS measures and active travel opportunities on the innovation highway. The strategy does not, however, provide full details as to what is proposed for the drainage strategy of the site and further details will be required.
- 17 The production of such a detailed drainage framework at the AMSC stage will ensure the blue/green infrastructure can be developed within the context of an agreed approach for the sustainable management of surface water over the whole site. This approach will allow opportunities within the blue/green infrastructure to be realised, which SEPA have advocated.
- 18 Long-term maintenance of blue/green infrastructure should also be a detailed design stage consideration and inform provision chosen across the site. SEPA advise that the Council should be satisfied that appropriate arrangements have been made in this regard. Subject to condition 54 recommended in the original report, these aspects can be controlled. This being the case, the proposals are in accordance with NPF Policy 20: Blue and Green Infrastructure.
- 19 The Flood Risk Assessment (FRA) confirms that due to the topography of the site the flood risk to Perth and the city centre is minimal. To explain, the site slopes westwards and away from the city, as well as sitting at a lower level than the western edge of Perth. As such water flows to the west. The FRA confirms that the proposed SUDs basins are out with the functional floodplain, recommends a 5m buffer strip along watercourses and that SUDs basins should not encroach into this. PKC Structures and Flooding are content that this can be delivered and assessed at the detailed application stage. Subject to compliance with conditions 51, 52 and 53 of the original report, the proposal is considered to comply with NPR Policy 22: Flood Risk and Water.

Local Living

- 20 The development will improve future 'local living' by addressing the unmet and future demand/capacity for retail in the area, appreciating that there are currently no allocated sites. The proposal therefore meets the local need and in turn providing opportunity for sustainable transport modes and is in accordance with the relevant NPF4 policies Policy 13: Sustainable Travel, and Policy 28: Retail.

Productive Places

- 21 Productive Places supports development which attracts new investment, builds business confidence, and stimulates GDP, export growth and entrepreneurship, as well as facilitating future ways of working. The applicable policies within this section are Policy 26: Business and Industry, Policy 27: City, Town, Local and Commercial Centres and Policy 28: Retail, which seeks to encourage, promote, and facilitate retail investment in the most sustainable locations accessible by a range of sustainable transport modes. The policy states that there may be a need for further retail provision, and this should be first in existing city centres, within edge of centre areas or in commercial centres – if they are allocated as sites suitable for new retail development. It further states that new retail proposals will not be supported in out-of-centre locations, with some exceptions as stated in part c (i). This allows for proposals for small new scale neighbourhood retail development that contribute to local living (including where relevant 20-minute neighbourhoods), and/or, c (ii) contribute to the health and wellbeing of the local community. The application also contains employment land. NPF4 Policy 26 favours employment sites identified in Local Development Plans. As this is designated as a mixed use site where employment land is expected as part of the allocation, subject to compliance with conditions 1 and 2 of the original consent, the proposal is considered to comply with NPF4 Policy 26: Business and Industry, Policy 27: City, Town, Local and Commercial Centres and Policy 28: Retail.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 22 Following the recommendation of approval at the Planning & Development Management Committee on 1 June 2021, a Section 75 Legal Agreement has been in preparation, and is now nearing completion. The Section 75 will need to be completed and registered before the decision notice can be issued.

CONCLUSION

- 23 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 National Planning Framework 4 and there are material considerations that result in a recommendation to depart from the approved Perth & Kinross Local Development Plan 2 (2019).
- 24 In light of this, there is no change in the recommendation to approve this application, and no changes to any of the conditions or informatives as agreed by the Planning and Development Management Committee on the 1 June 2021.

Background Papers: Planning and Development Management Committee Report dated 1 June 2021 (Appendix 1)

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Date: 25 August 2023

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HEAD OF PLANNING & DEVELOPMENT

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