

Perth and Kinross Council
Planning and Placemaking Committee – 10 January 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 24/9)

PROPOSAL:	Residential development with associated access road, landscaping, SUDS, and associated works (MU27) (in principle)
LOCATION:	Land 170 Metres South-West of 8 Tayview, Luncarty

Ref. No: [23/00592/IPM](#)
Ward No: P5- Strathtay

Summary

This report recommends approval of the application, subject to conditions (which include for a S75 legal agreement or other suitable mechanism to control developer contributions and infrastructure), 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.

The proposal seeks Planning Permission in Principle (PPIP) for a residential development of 110 dwellinghouses and associated access, landscaping, SUDS, and other works. An indicative masterplan supporting the application indicates that vehicular access to the site would pass through the adjacent land, also allocated for residential development and which has already seen PPIP granted.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application site extends to 14.37 hectares and is part of the wider 'MU27: Luncarty South' site, which is allocated for residential and commercial development with the Perth and Kinross Local Development Plan 2 (2019).
2. The proposed development area currently comprises arable farmland, with scattered field trees and riverside woodland, all to the immediate south of Luncarty and within a landscape area characterised by NatureScot as 'Lowland River Valley'. The river Tay is a short distance beyond the eastern extent of the site. To the south and west is further low-lying agricultural land, also within MU27, whilst further west is the A9(T). The proposed development would result in the development of the farmland, but thereafter include new native woodland, tree planting, and meadow and wetland areas.
3. The proposed site is currently contained by three surrounding development areas (identified as Phases 3, 4 and 6 on an approved 'phasing plan' associated to

planning permission Ref:17/00847/IPM). This further application proposes that the development proposed therein be brought forward one phase, from the current Phase 5 to Phase 4. The existing Phase 4 would in turn move back and become Phase 5, allowing development north of the public road, which intersects the overall MU27 allocation (subject to the masterplan), to be developed first and then move south of it.

4. The Pre-Application Consultation (PAC) Report, submitted in support of the application, provides an overview of the steps taken by the applicant in undertaking pre-application consultation between them, the local community, and other interested parties. The submission of this PPIP follows on from that 12-week pre-application consultation period, which ran until 24th June 2022. As part of the consultation two in person public consultation events were held in Luncarty, at the Luncarty Church Hall; the first on the 28 April 2022, and the second on 31 May 2022. Both ran between 2:30pm and 6:30pm.
5. The application is also supported by an Environmental Impact Assessment Report (EIAR). The proposed properties are a mix of detached and semi-detached units ranging one-to-5-bedroom properties.

Pre-Application Advice

6. Pre application Reference: 21/00586/PREAPP. His advised that overall, the principle of residential development is supported, as it is located on an allocated site for residential use within LDP2.

NATIONAL POLICY AND GUIDANCE

7. The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish planning Policy, planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide, and a series of Circulars.

National Planning Framework 4

8. The National planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
9. The Council's assessment of this application has considered the policies of NPF4 and it is considered that the development proposal accords with the intentions of this document. The most relevant policies to the application are as follows:
 - Policy 1: Tackling the Climate and Nature Crisis.
 - Policy 2: Climate Mitigation and Adaptation.
 - Policy 3: Biodiversity.
 - Policy 4: Natural Places.
 - Policy 5: Soils.

- Policy 6: Forestry, Woodland and Trees
- Policy 7: Historic Assets and Places.
- Policy 12: Zero Waste.
- 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 21: Play, Recreation and Sport.
- Policy 22: Flood Risk and Management.

Planning Advice Notes

10. 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

11. 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

12. 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

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

DEVELOPMENT PLAN

14. The Development Plan for the area comprises NPF4 and the Perth and Kinross Local Development Plan 2 (2019)

Perth and Kinross Local Development Plan 2

15. 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 application site is allocated in LDP2 under MU 27. The Luncarty Settlement Summary states the site-specific developer requirements for the application site as being:

- A comprehensive Masterplan submitted at the time of any planning application.
- The open space/landscape buffer which abuts the river Tay must be defined by a Flood Risk Assessment and protected from built development.
- An updated full Transport Assessment.
- Enhancement of biodiversity and protection of riverbank habitats enhancing connectivity into the Green Network.
- Developer requirements for the enhancement of core paths and pedestrian connections into Luncarty and the wider network.
- Investigation of provision of a district heating system and combined heat and power infrastructure utilising renewable resources.
- Construction Method Statement to be provided for all aspects of the development to protect the watercourse; and
- A desk-based archaeological assessment of the site

16. The principal relevant policies are:

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 6: Settlement Boundaries
- Policy 14A: Open Space Retention and Provision: Existing Areas
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 36A: Waste Management
- Policy 36B Waste Management
- Policy 39: Landscape
- Policy 40A: Forestry, Woodland, and Trees: Forest and Woodland Strategy
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60A: Transport Standards and Accessibility Requirements: Existing Infrastructure

Developer Contributions and Affordable Housing Supplementary Guidance April 2020

17. 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.

18. SITE HISTORY

- **14/00009/PAN** The content of a Proposal of Application Notice (PAN) related to a residential development was agreed by PKC on 5 November 2014.
- **15/00419/SCRN** An EIA Screening Opinion for a mixed-use development was issued by PKC on 24 March 2015, indicating that an EIA was required.
- **15/00511/SCOP** An EIA Scoping Request for a residential development was agreed by PKC on 30 April 2015.
- **17/00847/IPM** Planning Permission in Principle was approved on 30 August 2019 for a mixed-use development comprising residential and employment land, infrastructure including roads, footpaths, landscaping, drainage, open space and associated works.
- **21/01908/SCRN** An EIA Screening Opinion for a proposed residential development was issued by PKC on 29 November 2021, indicating that an EIA was required.

- **22/00009/PAN** The content of a further PAN was agreed on 10 March 2022, relating to a residential development, access, landscaping, SUDS and associated works (allocated site MU27).
- **22/00727/SCOP** An EIA Scoping Request for a residential development was agreed by PKC on 26 May 2022
- **22/00869/IPM** A S42 application to modify condition 3 (occupation of dwellings) of permission 17/00847/IPM was approved on 22 February 2023. The MU27 allocation and associated site-specific requirements, as well as condition 3 of application 17/00847/IPM, recognise there is a need for an appropriate trigger to consider potential additional transport infrastructure requirements for the site.

CONSULTATIONS

19. As part of the planning application process the following bodies were consulted:

External

20. **SEPA** - No objection: a revised Flood Risk Assessment acknowledges that housing development is proposed above 20mAOD and is thus free from flood risk from the river Tay. Other comment sees SEPA welcome green buffers along the river Tay. Advice is also provided on SuDS and it is noted that foul drainage is to be connected to the public sewerage system. It is further noted that there may be dewatering during construction and advise on this provided.
21. **Historic Environment Scotland (HES)** - No objection: HES welcome the assessment of cultural heritage impact in the EIAR and are content that significant impacts are unlikely, with the mitigation proposed. However, more detailed analysis would be welcomed, such relating to the detail of landscaping works.
22. **Transport Scotland** - No comments. However, in response to a consultation on an earlier PPiP (17/00847/IPM) no objections were raised subject to the inclusion of conditions relating to the masterplan, site layout plan, new roads infrastructure requirements and proposed phasing plans.
23. **Luncarty, Redgorton and Moneydie Community Council** - No comments.
24. **Scottish Water** - No objection: Advise of current sufficient capacity in the Perth Water Treatment Works, but insufficient capacity at Perth Waste Water Treatment Works and that contact should be made with Scottish Water's Development Operations department to discuss phasing and delivery timescales to mitigate this. Also advise that records indicate that the proposed development falls within a drinking water abstraction catchment. However, the proposals are a sufficient distance from the intake, and thus there is low to medium risk to water quality. However, water quality protection measures must be implemented. Further advice is provided to the applicant on engagement with Scottish Water.

25. **NatureScot** - No objection. Conditions are recommended to mitigate impact on internationally important natural heritage interests. This reflects the location adjacent to The River Tay, which is part of the River Tay Special Area of Conservation (SAC), designated for its populations of: Atlantic salmon; otter; brook, river, and sea lamprey; and clearwater lochs. It is noted that Fresh Water Pearl Mussels (FWPM) are not currently a River Tay SAC qualifier; however, they are a protected species. It is an offence to intentionally or recklessly kill, injure take or disturb mussels, or to damage their habitat and a Species Protection Plan (SPP) should be produced to address impacts from any outfall to the mussel population.
26. **Perth and Kinross Heritage Trust (PKHT)** - No objection: PKHT confirm that there is archaeological potential, with a number of sites recorded nearby, as well as designated heritage assets (Scheduled Monuments, Listed Buildings, Gardens and Designed Landscapes) in the vicinity. A condition for a programme of archaeological work is recommended and will inform a mitigation strategy. The details of this should be agreed in a Written Scheme of Investigation (WSI) approved via condition.

Internal

27. **Environmental Health (Contaminated Land)** - No objection: reiterate the requirement for a contaminated land condition.
28. **Environmental Health (Noise, Odour)** - No objection: Advise there will be no significant noise or vibration impacts subject to a condition requiring a Noise Management Plan within the Construction Environmental Management Plan (CEMP) and an additional condition relating to fixed plant. Further advise that Air Quality can be protected via a condition requiring a Dust Management Plan within the CEMP. No significant post completion impacts on the Peth AQMA are anticipated.
29. **Transportation And Development** - No objection. However, advise that Condition 3 of 22/00869/IPM states that no more than 350 dwellinghouses 2029 and no more than 520 dwellings and 5 hectare of employment land must be constructed, and occupied, in advance of a scheme for new road infrastructure solutions. In this instance, it is recommended that a similar condition is included in any consent issued.
30. Access to the site will be from routes via areas already consented under applications 17/00847/IPM and 22/00869/IPM. The Transport Assessment advises of core paths to the north, east and south and it is proposed to connect with these paths. Indicative details have been provided, but as part of any MSC submissions the connections shall be clearly detailed, along with any enhancements to the core path. A planning condition is recommended to secure details regarding any obstruction, dissecting and re-routing of any core paths.

31. The phased implementation of a Public Transport Plan (PTP) should be carried out prior to the occupation of the 1st/50th/100th dwellings, in line with other similar developments. Furthermore, the location and standard of bus stops must be confirmed and delivered, including the incorporation of real-time bus information.
32. In line with application 17/00847/IPM, further assessment is required to identify a new road infrastructure solution to distribute traffic from the development via transport networks. Thus, a similar condition is recommended. Further advice on parking and cycle parking; and waste collection vehicle access, to be included in conditions is provided.
33. **Development Contributions Officer** - No objections. Advise of the Section 75 Agreement in place relating to the adjacent land (Ref: 17/00847/IPM) and that these obligations should be reflected in any consent.
34. Issues to address include compliance with the Affordable Housing Policy (25% of 110 units would be 27.5 units); and that Luncarty Primary School sees predicted capacity rate issues associated to the development and thus contributions towards education infrastructure are required.
35. The Transport Infrastructure Developer Contributions Supplementary Guidance also sees a requirement for a financial contribution towards the cost of delivering transport infrastructure improvements. The site falls within the identified Transport Infrastructure Supplementary Guidance boundary. Condition(s) to reflect this should be attached to any grant of planning permission.
36. **Community Waste Advisor - Environment Services** - No objections. Advise that the developer must contact the Community Waste Team to discuss waste collection requirements (access for vehicles and bin storage arrangements) as the site progresses. Advice on during construction arrangements are also provided.
37. **Biodiversity/Tree Officer** - No objections. Provides advice on the required information related to the SAC, Protected Species and Habitats Regulations Appraisal (HRA).
38. Further advise that more information is required in relation to trees: map plotting and an impact assessment associated to the development. A bat survey is also requested, along with a detailed landscaping plan and planting schedule.
39. Conclusions from the EIAR and requirements detailed in the LDP2, and PKCs Planning for Nature Supplementary Guidance should be used to create a Site Biodiversity Action Plan, required by condition.
40. **Community Greenspace** - No objections. Advise although a play area would not be required, a financial contribution towards the upkeep and future upgrade of existing play areas in Luncarty should be secured (110 units would see a

payment of £13,231.50 (uplifted with RPI) associated to the upkeep of the nearby NEAP).

41. Otherwise, a detailed layout plan including elevations, tree planting plan, and maintenance plan would be required before a figure can be estimated for the adoption of any open space by PKC. Advice on open space adoption and costs is also provided.
42. Finally advise that access along the core paths LUNC/100, LUNC/116, LUNC/117, LUNC/2 and rights of way 36/2 should not be obstructed or deterred.
43. **Development Plan Team** - No objections. Advise the principle of residential development is supported via the MU27 allocation in LDP2, subject to assessment against the site-specific developer requirements, and policies of the Development Plan.
44. It is noted that the indicative layout shows four connections to the other phases, two to the south and two to the east. A revised masterplan strategy layout is sought to include this link, and also to include more east west linkages from the developable area to the river core path (LUNC/2). It is recommended that a condition is included to this effect.
45. An updated District Heating Feasibility Study for the whole site is also required to be submitted in writing for the approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site.
46. The accompanying Design and Access Statement, or other document as agreed by the Council, should demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal. As a phase of the overall masterplan for MU27, many of the conditions of the 17/00847/IPM should also be added to this permission.
47. **Structures and Flooding** - No objections. Advise that there are no known watercourses running through the site. The river Tay runs to the east flowing from north to south. A Drainage Impact Assessment and a Masterplan Strategy show the existing site contours, the proposed development areas and two potential locations for SuDS features.
48. The indicated SuDS areas appear inadequate to attenuate anticipated volumes, without significant basin depths and should be addressed at the detailed design stage, controlled via a suitably worded condition.
49. There are two watercourses close by; the River Tay and the Schochie Burn to the north. As such the detailed design stage should see buildings suitably set back and landscaping or groundworks within the flood extent designed to ensure no loss of storage or impact on flood risk.

REPRESENTATIONS

50. Four objections and one submission in support of the application were received. The main issues raised within the representations are:
- Adverse effect on visual amenity.
 - Inappropriate housing density.
 - Inappropriate land use.
 - Loss of trees.
 - Out of character with the surrounding area.
 - Over development.
 - Issues of overlooking / loss of privacy.
 - Road safety issues.
 - Traffic congestion.
 - Loss of open space.
 - Impact on wildlife.
 - Impact on local footpath network.
51. The main point of support was that there is a need for new homes in the area.
52. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

53.

Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Submitted
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019.

Principle

55. The principle of residential development at the site and adjacent land is supported by the Development Plan through allocation in the LDP2 (MU27) for residential and commercial use. Furthermore, the remainder of MU27 saw PPIp

approved (17/00847/IPM) on 30 August 2019, with an implementation period of 20 years.

56. MU27 is contained within the defined Luncarty settlement boundary and is a planned urban expansion. The proposal is thus compliant with Policy 6: Settlement Boundaries and the principle of residential development is aligned with the Development Plan, subject to the site-specific developer requirements being met. Concerns have been raised in an objection over the use of the land for housing. However, given the LDP2 allocation and subsequent approved consents, the development of housing is accepted. In addition, the overall size of the application site and likely densities, as indicated in supporting information, will not result in the over development.

Design and Layout

57. As a PPIp, the proposals seek to establish the acceptability of the principle of residential development. However, precise details such as siting, layout, scale, height, design of buildings are not yet sought to be confirmed and would require to be controlled via conditions.
58. The information submitted, whilst illustrative, indicates a broadly acceptable development in planning terms. It provides information including where the residential areas will be located and how they would be accessed. An indicative masterplan shows that nearly 32% of the units with either 1 or 2 bedrooms, with a mix of both houses and flats. This is higher than the 10% required by Policy 25 of LDP2 and is welcomed. In addition, the requirement of LDP2 Policy 20, to have 25% of all dwellings to be 'affordable housing' is also identified. An objection considers the proposed density inappropriate. However, the proposals reflect densities in the residential areas of Luncarty and other similar contexts. There will be 5 different house sizes, providing a good mix and choice.
59. The development principles set out are considered acceptable, taking into cognisance required landscape mitigation while still allowing retention of control over further detailed design matters. An updated District Heating Feasibility Study for the whole site can be controlled via condition to assess the technical feasibility and financial viability of heat network/district heating for this site (Condition 24). The submitted Planning Policy, Design and Access Statement, accords with LDP2 Policy 2: Design Statements. Overall, the proposal is considered to demonstrate the ability to comply with LDP 2 Policy 1: Placemaking, subject to detailed design work, and NPF4 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes.
60. Detailed design issues would be confirmed through subsequent applications for the Approval of Matters Specified in Conditions (AMSC), via recommended conditions.

Landscape

61. LDP 2 Policy 39 states that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. In this respect the proposal would see the development of arable farmland through the introduction of new buildings, associated access, and services, as well as proposed areas of new native woodland, tree planting, meadow, and wetland. Although development will result in the loss of agricultural land this has been accepted via the allocation in LDP2, it is also proposed to provide open space in the northern and eastern areas. Furthermore, tree planting is proposed along the spine road and residential streets. Therefore, given the level of agricultural land adjacent to the application site and wider context of landscape features, the proposed developments the impact on the landscape character is accepted and mitigations are to be undertaken.
62. New tree planting will focus on native species, especially those that will thrive in the local conditions. There will be an emphasis on broad-leaved species that would contribute to biodiversity enhancement as well as local landscape character and visual amenity. All trees would be planted, and wildflower meadows seeded, at the first available opportunity in accordance with seasonal restrictions. Where possible, advanced planting would be undertaken to ensure the early establishment of new woodland areas. This will be covered by the inclusion of recommended Conditions 2, and 18. As such, it is considered that the proposed development is in accordance with LDP2 Policy 39: Landscape; LDP2 Policy 51: Soils, NPF4 Policies 3: Biodiversity, 4: Natural Places, 5: Soils, 6: Forestry, Woodland and Trees and 20: Blue and Green Infrastructure.

Residential Amenity

63. LDP2 Policy 17: Residential Areas, highlights that areas of residential and compatible uses inside settlement boundaries will see existing residential amenity protected and, where possible, improved. The proposed buildings would be of a scale consistent with that of existing built form within Luncarty and the isolated dwellings in the surrounding area. Also accounting for the fact that the site is allocated for residential land use in LDP2. The built form will vary to create a residential development which will enhance the residential amenity of Luncarty. Any potential for loss of privacy / overlooking as well as occupier and wider amenity can be addressed at the detailed planning application stages.
64. LDP2 Policy 56: Noise Pollution states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation. Noise impact issues has been assessed, particularly focusing on areas to the west of the site which are in close proximity to the A9 trunk road and the Perth to Inverness rail line.

65. It is anticipated that there will be some impact on residential amenity from noise but focused during the construction phase. This noise need not be excessive and will be no more than can be expected from development works common to this nature and size of proposal. However, given that the use of fixed plant is anticipated, and in order to protect residential amenity, condition 8 is recommended to require a Noise Impact Assessment. Restrictions on working hours are also to be controlled via condition 10.
66. LDP2 Policy 57: Air Quality states that the Council has a responsibility of improving air quality by seeking to prevent the creation of new pollution hotspots, and to prevent introduction of new human exposure where there could be existing poor air quality. Any proposed development that could be adverse, through exacerbation of existing air quality issues or introduction of new sources of pollution (including dust and/or odour), must provide appropriate mitigation measures. These will be included in a Construction Environment Management Plan (CEMP), which is covered by recommended condition 9.
67. A Dust Risk Assessment has been submitted concluding that, as a result of the proposed development, there is a medium risk of adverse impacts from dust. This being the case, any consent issued should include a condition that a Dust Management Plan must be included in the CEMP. Subject to such a CEMP, the development is not expected to have an adverse effect on local air quality or any of Perth's Air Quality Monitoring Areas (AQMA). The proposed development is, therefore, considered in accordance with LDP2 Policies 56: Noise Pollution and 57: Air Quality.

Visual Amenity

68. Matters relating from the detailed design/layout and resultant visual impact will be fully assessed via subsequent MSC applications. However, the principle of the proposal is considered to comply with LDP2 Policy 39. Concerns have been raised in representations that the proposed development will lead to a loss of visual amenity. However, recommended condition 2 will address the site-specific requirements for landscape framework provision, enhancement of biodiversity and compensatory planting for any felled trees – all to ensure appropriate visual amenity.

Roads and Access

69. LDP2 Policy 15: Public Access states that development proposals that would have an adverse impact upon the integrity of any (including proposed) core path, disused railway line, asserted right of way or other well-used route and connectivity proposals identified in the Regional Transport Strategy and Delivery Plan will not be permitted. Although, it is recognised that the proposed development may lead to an increase in traffic congestion, this would be no more than could be expected from a development of this size, and it is anticipated that this will be accommodated by the existing roads network and able to be mitigated by sustainable transport options for various journeys.

70. In this instance, the site is currently accessed off the B9099, via Scarth Road and a minor private road. The proposals have been designed not to impact the core path which runs adjacent. As part of any detailed application all accesses shall be clearly detailed, along with any enhancements to the core path. It is noted that vehicular access, will involve dissecting the core path network, the detail of which shall also be provided with any planning submission. Condition 5 is recommended to ensure that core paths are not adversely affected.
71. A path network for active travel, within the site, for walking, cycling, and wheeling has yet to be fully defined but will be required at MSC stage. This will ensure that there is no adverse impact on the local footpath network, but likely enhancement. The application highlights that parts of Fairview have footways but that sections of Scarth Road, which do not. The junction improvement works identified in application 17/00847/IPM, will provide connectivity to the site from the B9099.
72. LDP2 Policy 60A: Existing Infrastructure, sees existing transport infrastructure identified and encouragement given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.
73. LDP2 Policy 60B: New Development Proposals, states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular, sustainable modes: walking, cycling and public transport should be considered, prior to private car journeys.
74. In this instance, the submitted Transport Statement highlights the need for local bus services to connect to the development, as a result a Public Transport Plan is required. Developer Contributions are also required to provide transport infrastructure improvements. Routes to and from the development will also need to be bus/coach suitable, confirmed via swept path analysis, and areas are to be identified for the uplift/set down of passengers/school pupils and where bus stops/shelter infrastructure can be provided. Implementation of the Public Transport Plan (PTP) will be carried out prior to the occupation of dwellings (1st house, 50th house, 100th house) and covered by recommended Condition 17.
75. In line with permission 17/00847/IPM, a further assessment shall take place to identify a road infrastructure solution to distribute traffic from the development via transport networks. Condition 20 is recommended on a similar format pro rata. Travel Plan Framework information is acceptable and sets out means of delivery. This will be developed further as part of any detailed planning application submission.
76. Overall, the proposed development does not raise any insurmountable issues, subject to conditions relating to the masterplan, site layout, scale, access, core paths, and a Construction Traffic Management Plan. On this basis and subject to the recommended conditions, the proposed development can comply with LDP2 Policies 15, 60A and 60B; and NPF4 Policies 13: Sustainable Travel, 14: Design Quality and Place, 18: Infrastructure First, and 21: Play, Recreation and Sport.

Drainage and Flooding

77. LDP2 Policy 52: New Development and Flooding, states that the Council supports the actions and objectives to avoid increased, reduce overall, and more generally manage flood risk in alignment with SEPA Strategies and Plans.
78. LDP2 Policy 53A: Water Environment, requires that any development should protect and where practical improve the water environment (ground and surface water).
79. LDP2 Policy 53B: Foul Drainage, asks that foul drainage from all developments within and close to settlements should connect to the public sewer.
80. LDP2 Policy 53C: Surface Water Drainage, requires Sustainable Urban Drainage Systems (SUDS), including relevant temporary measures at the construction phase. Matters relating to SUDS are covered in recommended Conditions 12 and 27.
81. In this instance, the proposed development sits above a level at threat of river flooding. The mitigation measures identified in the Environmental Impact Assessment Report (EIAR) will ensure that water quality standards are met and comply with SEPA's requirements. This has been covered by Condition 14.
82. In terms of construction phase surface water, a Construction Environment Management Plan (CEMP) should be submitted at the detailed application stage. This should include a Pollution Prevention Plan and further information regarding the flood history of the river Tay. In addition, final layouts should see buildings set back sufficiently from the Schochie Burn. In light of the above, the proposed development is considered to accord with LDP2 policies 52, 53A, 53B, 53C; and NPF4 policies 14: Design, Quality and Place, 16: Quality Homes, 18: Infrastructure First, and 22: Flood Risk Management.

Waste Collection

83. The Council's Community Waste Advisor is satisfied with the proposed waste management arrangements but asks that further discussions on detail should take place. Informative notes are recommended to this effect. Subject to these issues the proposed development is in accordance with LDP2 Policies 36A, 36B: Waste Management, and NPF4 Policy 12: Zero Waste.

Natural Heritage and Biodiversity

84. LDP2 Policy 40: Forestry, Woodland, and Trees states that Tree Surveys, undertaken by a suitably qualified professional, should accompany all applications for planning permission where their sites contain trees and that there is a presumption in favour of protecting woodland resources.

85. A Tree Survey has been submitted, but no impact assessment on the potential adverse impact on trees. Concerns have been raised in representations that the proposed development will result in an unacceptable loss of trees. However, whilst there are likely to be trees felled, mitigation, in the form of tree and shrub planting, will ensure that the overall tree loss is appropriate.
86. Therefore, any consent issued will include a condition that such an Impact Assessment is submitted (Condition 18). Further conditions will require a detailed landscape plan and planting schedule (Condition 2). This future landscaping should see a predominance towards native Scottish trees and hedgerows and also include fruit bearing trees for biodiversity purposes. Furthermore, any existing mature trees located within 30m of the site should be surveyed for bats. (Condition 19). Subject to these detailed matters the proposed development is likely to be in accordance with LDP2 Policy 40: Forestry, Woodland, and Tress, and NPF4 Policy 6: Forestry, Woodland, and Tress.
87. LDP2 Policy 41: Biodiversity states that The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not. All whilst taking into account the ecosystems and natural processes in the area. Issues relating to the impact on, and protection of wildlife and habitats are controlled via recommended Conditions 2,13,14,15,16 and 19.
88. A bat survey must be submitted with any detailed planning application, in line with Condition 19. Furthermore, an environmental impact assessment report is required with any detailed planning application, to include all the relevant impact assessments for habitats, species, and existing trees on site. The conclusions of the Ecological Conservation Impact Assessment (EclA), in addition to PKC Planning for Nature Supplementary Guidance, will provide guidance to form the basis of a Site Biodiversity Action Plan. Subject to the addition of suitable worded conditions, the proposed development is considered in accordance with LDP2 Policy 41: Biodiversity, and NPF4 Policy 3: Biodiversity.
89. LDP2 Policy 42: Green Infrastructure, states that The Council will require all new development to contribute to green infrastructure by:
 - (a) creating new multifunctional green infrastructure,
 - (b) incorporating high standards of environmental design,
 - (c) ensuring that development does not lead to the fragmentation of existing green and blue networks, and
 - (d) the protection, enhancement, and management of existing green infrastructure.
90. In this instance, the proposed development indicates open space within central parts of the site, incorporating formal avenue-style tree planting and more natural copses of trees. This would contribute towards the extension of green infrastructure through the and site enhance the character / setting of the proposed dwellings. Mitigation, in relation to the operational period, primarily relates to the gradual establishment of the proposed native tree planting and

habitat creation. To ensure that appropriate planting is delivered, Condition 2(vi) is recommended.

91. These embedded landscape design / biodiversity enhancements would provide new green infrastructure, which would also benefit the surrounding area. Therefore, the proposed development principles are considered to be in accordance with LDP2 Policy 42: Green Infrastructure.
92. LDP2 Policy 47: River Tay Catchment Area, states that The Council will seek to protect and enhance the nature conservation interests within the River Tay Catchment Area.
93. In this respect surface water drainage systems will be designed to provide treatment to maintain water quality. Given otters were surveyed during the EIA process, appropriate mitigation is required as recommended in the EIAR – with protected species surveys recommended via Conditions 13 and 14. Any consent should include a condition that a Construction Environmental Management Plan (CEMP) is submitted, to avoid risk of adverse impact on the river Tay SAC (Condition 9). Subject to this the proposed development is considered in accordance with LDP2 Policy 47: River Tay Catchment Area, and NPF4 Policy 3: Biodiversity and Policy 4: Natural Places.
94. LDP2 Policy 51: Soils states that The Council seeks to protect soils from damage such as erosion or compaction.
95. In this instance, the application site is currently largely agricultural land which is allocated for housing in the adopted LDP. During construction subsoil and topsoil would be separated and retained in order to maximise the quality of subsequent reinstatement works. The soils would be appropriately stored, to avoid mixing and preserve their structure.
96. Soils would subsequently be re-graded to blend with the surrounding landform. The re-spreading of stored subsoils would be focused across areas of proposed wildflower meadow, where lower fertility soils would prevent grasses from outcompeting the slower establishing wildflowers. The re-spreading of higher fertility topsoil would be focused across areas of tree planting and garden areas (Condition 6). Subject to this, the proposed development would be in accordance with Policy 51: Soils, and NPF Policy 5: Soils.

Developer Contributions

97. PKCs Developer Obligations Officer advises of requirements in relation to affordable housing (25% of overall dwellings); primary education infrastructure; open space, play area upkeep and maintenance; and maintenance of core path connections. A Section 75 legal agreement will be required at the detailed application stage, to secure these obligations and infrastructure delivery. Conditions are recommended to ensure compliance with LDP2 Policy 5 – Infrastructure Contributions, and the associated Supplementary Guidance. Recommended conditions 28, 29 and 30 will cover the required contributions to

affordable housing, primary education infrastructure and transport infrastructure respectively.

Economic Impact

98. The development of dwellinghouses at this location will provide jobs directly and indirectly during construction and, afterwards, have a positive impact through homeowners spending on goods and services in the local economy and beyond.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

99. A Section 75 legal agreement will be required at the detailed stage of the planning process, to secure the relevant obligations and infrastructure delivery.

DIRECTION BY SCOTTISH MINISTERS

100. 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

101. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019), subject to conditions and a legal agreement. Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

General

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:

- (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
- (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) a detailed phasing plan, commensurate with the phasing plan agreed as part of the wider MU27 allocation
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point;
 - (iii) the siting, design, height and external materials of all buildings or structures;
 - (iv) the details of all roads, footpaths, cycleways, core path connections throughout the development;
 - (v) details of any screen walls/fencing to be provided (including any acoustic barriers);
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
 - (vi) details of all landscaping, structure planting and screening associated with the development of each site;
 - (vii) the lighting of all streets and footpaths;
 - (viii) the layout of play areas and the equipment to be installed;
 - (ix) full details of the proposed means of disposal of foul and surface water from the development;
 - (x) details of car charging points to be provided within the development; and
 - (xi) A minimum 40% of dwellings shall incorporate swift bricks and bat roost bricks at eaves height.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of The Planning etc. (Scotland) Act 2006.

3. As part of any application for Approval of Matters Specified in Conditions, as set out in Condition 2(i), a phasing strategy for the overall allocation (supported by appropriate plans) shall be submitted to and approved in writing by the Planning Authority. The phasing strategy shall have regard to the requirements of Condition 3 and include and demonstrate the following details:

- (i) The timing and number of dwellings to be developed in this phase shall not exceed 110 dwellinghouses/units, and how their delivery relates to the development of housing numbers associated to the overall MU27 allocation;
- (ii) The timing of delivery of infrastructure (including roads/footways and other access requirements associated to the overall MU27 allocation), open space and landscaping.

Reason: The application is for planning permission in principle only at this stage and an appropriate level of development, layout and design shall be determined through applications for the Approval of Matters Specified in Conditions

Public Access

4. Any existing right of way or core path within or adjacent to the proposed development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of sustainable transportation.

5. Prior to the commencement of development, a revised Masterplan Strategy Layout shall be submitted to and approved by Perth and Kinross as Planning Authority, showing a link to the non-core path at the cul de sac 25-35 Hatton Road which would improve connectivity and provide a key linkage to nursery and the primary school, and also to include more east west linkages from the developable area to the river core path (LUNC/2).

Reason: To ensure that this applicant's masterplan strategy is fully in line with the masterplan strategy for application 17/00847/IPM, in accordance with LDP2 allocation MU27.

Soils

6. Prior to works commencing on site, a soil re-use and management plan shall be submitted to and approved in writing by Perth and Kinross Council as Planning Authority, this Plan will include details of the storage of all soils and their appropriate re-use in future phases.

Reason: To protect soils from damage such as erosion or compaction, in accordance with LDP2 Policy 51: Soils and NPF4 Policy 5.

Archaeology

7. 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 during each phase 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: In the interest of protecting archaeological interest within the site.

Residential Amenity

8. A noise assessment shall be submitted to demonstrate acceptable internal noise levels of 35 dB within all dwellings taking into account mitigation from any acoustic barriers or other such mitigation proposed.

Reason: In the interests of residential amenity.

9. Prior to the commencement of development of each phase an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

10. The times of construction should be limited to Monday to Friday 07.00 to 19.00, Saturday 08.00 to 13.00 with no noise generating work on a Sunday.

Reason: In the interests of residential amenity.

Rail Safety

11. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

12. All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. Any Sustainable Urban Drainage Scheme shall not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. Details of the design and construction of any drainage scheme

shall be submitted to the Planning Authority for approval before development is commenced. The development shall be carried out in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway cutting and the safety of the rail network.

Trees and Biodiversity

13. A detailed Protected Species Survey, including breeding birds and ecological surveys, shall be submitted as part of any application for approval of Matters Specified by Condition, submitted for approval under Condition 18 of this permission. The surveys shall include appropriate mitigation to protect identified species.

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).

14. The conclusions and recommended action points within the hereby approved supporting Environmental Impact Assessment (EIA) 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.

15. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st 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 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).

16. A scheme detailing measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be submitted for the written approval of the Planning Authority. 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. Thereafter, the approved scheme shall be implemented for the duration of the construction works of the development hereby approved.

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

17. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting and the duration of the plan.

Reason: to be consistent with PAN 75 Planning for Transport.

18. No work shall start on the relevant parts of the site unless the trees to be retained as identified in the submitted surveys have been protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). The details of the protective fencing and its location shall be first submitted to and agreed in writing by the Planning Authority.

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

19. An updated bat survey will be required prior to the commencement of works, if works have not commenced within 24 months of the date of the bat survey approved as part of this permission. The updated survey shall include all trees and structures within and around the application site and shall be submitted to the Council as Planning Authority for written agreement and works shall not commence until after such written agreement has been issued by the Council.

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

Roads and Access

20. The maximum number of dwellings permitted via this application to be occupied by 2029 is 59 dwellings. Furthermore, no more than 88 dwellings, as may be approved by Matters Specified in Conditions application(s), shall be occupied in advance of a scheme for new transport infrastructure solutions to distribute and/or reduce traffic from further development via transport networks, has been submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority. The solution may be a vehicular connection to the Cross Tay Link Road (CTLR) or an alternative measure. The submitted scheme shall be supported by a new Transport Assessment (TA) with traffic modelling informed using observed traffic generation data from a minimum of 250 occupied residential units across the wider MU27 site and include the timing for the delivery for the infrastructure improvements.

Reason: In compliance with the allocation MU27 of the Perth and Kinross Local Development Plan 2 (2019); in the interests of local and trunk road traffic safety; and enhancing connectivity and integration with Luncarty and the wider area, all in the interests of good placemaking

21. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'Matters Specified in Condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
- (i) the details of all roads, footpaths, cycleways, core path connections throughout the development and connecting to existing infrastructure
 - (ii) the lighting of all streets and footpaths
 - (iii) full details of the proposed means of disposal of foul, surface, and roads water from the development; and
 - (iv) details of car charging points to be provided within the development.

Reason: This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

22. Details of the lighting within the site shall be submitted for the approval of the Planning Authority, in consultation with Transport Scotland, as the Trunk Roads Authority. Thereafter, the development shall be completed in accordance with the approved scheme.

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

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

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

24. An updated District Heating Feasibility Study for the whole site shall be submitted to, and for the written approval of the Planning Authority to assess the technical feasibility and financial viability of heat network/district heating for this site, identifying all available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure.

The accompanying Design and Access Statement or other document as agreed by the Council should show/demonstrate how the findings of the feasibility study has been incorporated into the finalised design and layout of the proposal.

Reason: To identify future district heating opportunities for the development.

25. Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Scheme (TMS) which shall include the following:
- a) restriction of construction traffic to approved routes 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) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) 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;
 - f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - g) 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;
 - h) details of information signs to inform other road users of construction traffic;
 - i) arrangements to ensure that access for emergency service vehicles are not impeded;
 - j) monitoring, reporting and implementation arrangements; and
 - k) arrangements for dealing with non-compliance.

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

Reason: In the interests of road safety.

26. Prior to the commencement of development mitigation measures for the full length of Scarth Road are to be submitted and agreed to the satisfaction of the Planning Authority to accommodate additional traffic generation.

Reason: In the interests of road safety and residential amenity.

Drainage and Flooding

27. As part of an application for the Approval of Matters Specified in Condition, full drainage calculations and the final layout and depth of the proposed SUDS ponds and associated infrastructure to be agreed in writing with the Council as Planning Authority, in consultation with Perth and Kinross Council Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of development.

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

Contributions

28. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to affordable housing.

Reason: To ensure that the development approved makes a contribution towards provision of affordable housing, in accordance with Development Plan policy and Supplementary Guidance.

29. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to primary education infrastructure.

Reason: To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan policy and Supplementary Guidance.

30. The development shall be in accordance with the requirements of Development Plan policy and Perth & Kinross Council's Supplementary Guidance in relation to transport infrastructure.

Reason: To ensure that the development approved makes a contribution towards improvements of transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.

Justification

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

Procedural Notes

The existing Section 75 tied to planning permission 17/00847/IPM is required to be updated and/or modified as the agreement does not have a "future proofing" clause to accommodate for subsequent changes to the development, covering

Section 42 applications or renewal of permission and other related planning changes.

Consent shall not be issued until the Section 75 Agreement has been modified, signed and registered to take account of this application. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed and could be ultimately recommended for refusal under delegated powers.

Informatives

1. The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken out with the application site. These works themselves may require the submission of a planning application.
2. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
3. 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 Road Construction Consent (RCC) 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 Environment Protection Agency. Please note that a fee is chargeable for the processing of RCC applications.
4. The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, Pullar House, Perth.
5. 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.
6. The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site

comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk

7. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
8. 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.
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 Council shall be immediately notified in writing if any ground contamination is found during construction of the development, and thereafter a scheme to deal with the contamination shall be submitted to, and agreed in writing by, the Council as Planning Authority.
11. The applicant should be aware that any proposal for noise or vibration sensitive use adjacent to the railway may result in neighbour issues arising. Every endeavour should be made by the applicant in relation to adequate protection of the uses contained within the site.
12. The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.
13. Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.
14. Buildings should be situated at least 2 metres from Network Rail's boundary. The applicant must ensure that the construction and subsequent maintenance of proposed buildings can be carried out without adversely affecting the safety of, or encroaching upon, Network Rail's adjacent land.
15. Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

16. Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
17. The developer is advised to contact Sophie Nicol, Archaeologist to discuss terms of reference for work required Tel 01738 477027.
18. For guidance on cycle paths please see Sustrans Design Manual Handbook for cycle-friendly design (drawings on P21-22).
19. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
20. Any structures & all walls/embankments that act singly or together to support a carriageway or footpath & retain over 1.5m fill will require Technical Approval.
21. 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.
22. 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. In accordance with 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.
23. 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.

Background Papers: 4 letters of representation

Contact Officer: Alan Atkins

Date: 29.11.23

DAVID LITTLEJOHN
STRATEGIC LEAD - ECONOMY, DEVELOPMENT AND PLANNING

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