

Perth and Kinross Council
Planning & Development Management Committee – 20 October 2021

Report of Handling by Head of Planning & Development (Report No. 21/188)

PROPOSAL: Proposed employment/business park (use classes 4, 5 and 6) and associated works (LDP site E3) (in principle)

LOCATION: Land 200 metres north of Thomson Landscapes, Inchcape Place, Perth

Ref. No: [21/00752/IPM](#)

Ward No: P12 – Perth City Centre

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to approximately 4 hectares (ha) and comprises undeveloped greenspace on the edge of an area of existing industrial/employment land. It contains young trees and scrub, with informal paths. The location is immediately north of the existing Perth “Food and Drink Park” in North Muirton Industrial Estate, with vehicle access from Bute Drive/Arran Road, via the A912 (Dunkeld Road) with access beyond to the A9(T).
- 2 To the immediate west is the Highland Mainline Railway, whilst to the north and north-east are Flood embankments associated to the River Tay. Active travel networks, including Core Paths (NMUR/02 and NMUR/104) and National Cycle Network Route (NCR77) are also in close proximity. The site includes the majority of the Local Development Plan 2 (LDP2) allocation known as ‘E3’ (18.3ha), which is identified for employment uses.
- 3 Planning Permission in Principle (PPP) is sought to develop the site for Class 4 (business), Class 5 (general industrial) and Class 6 (storage or distribution) uses, along with related access, landscaping, drainage and other infrastructure. As required by the site-specific requirements of its allocation in LDP2, a Flood Risk Assessment has been submitted, along with peripheral landscape proposals.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 The proposals are of a type listed within Schedule 2 of the EIA (2017) Regulations and has been subject of EIA screening. Having considered the

proposal's characteristics, location and likely significant environmental effects, the Planning Authority adopted an opinion that the proposals constituted EIA development. An EIA Report (EIAR) has been prepared and supports the application, with an assessment of the report's findings and significant environmental effects provided below.

Pre-Application Consultation

- 5 The proposals are classed as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant was required to undertake formal pre-application consultation with the local community, a Report on this supports the application.

National Policy and Guidance

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

National Planning Framework 2014

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

The Scottish Planning Policy 2014 (SSP) (Revised December 2020)

- 8 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 9 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291.

Planning Advice Notes

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

- PAN 1/2011 Planning and Noise
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage.

Creating Places 2013

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 considered to be 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 the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

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

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

- 16 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application;
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 3: A First Choice for Investment
 - Policy 8: Green Networks
 - Policy 9: Managing TAYplans Assets
 - Policy 10: Connecting People, Places and Markets.

Perth and Kinross Local Development Plan 2

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

The principal relevant policies are, in summary;

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 4: Perth City Transport and Active Travel
- Policy 5: Infrastructure Contributions
- Policy 7: Employment and Mixed Used Areas
- Policy 15: Public Access
- Policy 23: Delivery of Development Sites
- Policy 26: Scheduled Monuments and Archaeology
- Policy 29: Gardens and Designed Landscapes
- Policy 32: Embedding Low and Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating and Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 60: Transport Standards and Accessibility Requirements.

LDP2 Allocation

E3 – Arran Road 18.3ha Employment uses (core)

Site-Specific Developer Requirements

- 18 A Flood Risk Assessment is required and areas protected by the Flood Protection Schemes should be subject to appropriate mitigation measures including: water resistance, and water resilience measures; and evacuation procedures.
- 19 Landscape proposals to reduce the visual impact of development on any neighbouring residential properties.

Other Policies

- 20 Developer Contributions and Affordable Housing Supplementary Guidance April 2020.

Site History

- 21 [17/00010/PAN](#) A Proposal of Application Notice (PoAN) for proposed employment/business park uses (use classes 4, 5 and 6) was accepted in November 2017.
- 22 [20/00612/SCRN](#) An EIA Screening Opinion advising that EIA was required was issued in July 2020, relating to a proposed 4ha extension of the existing Perth Food and Drink Park.
- 23 [20/00009/PAN](#) A Proposal of Application Notice (PoAN) for proposed employment/business park uses (use classes 4, 5 and 6) was accepted in November 2020.
- 24 [20/01778/SCOP](#) An EIA Scoping Opinion was issued in December 2020, following on from the above Screening Opinion, relating to a proposed 4 hectare (ha) extension to the existing Perth Food and Drink Park.
- 25 [21/00754/FLL](#) Detailed Planning Application for the formation of a road, roundabout, SUDS pond, landscaping and associated works was validated in July 2021, this is currently under consideration.

CONSULTATIONS

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

External

- 27 **Historic Environment Scotland (HES):** Advise they have no comments.
- 28 **Scottish Environment Protection Agency (SEPA):** No objection. Detailed comments are provided on: drainage, air quality, flood risk and invasive non-

native species, although all considered to not conflict with the principle of the development.

- 29 **Perth and Kinross Heritage Trust (PKHT):** No objection. Recommend a standard archaeological condition.
- 30 **North Inch and Muirton Community Council:** No objection or comments.
- 31 **Network Rail:** No objection. Confirm the proposals will have no impact on their assets.
- 32 **Scottish Water:** No objection. Advise current water and wastewater capacity is available at the Perth Water Treatment Works and Perth City Wastewater Treatment Works.
- 33 **NatureScot:** No objection. Confirm agreement with the conclusion of the Habitats Regulation Appraisal and that no Appropriate Assessment is required.
- 34 **North Muirton Community Council:** No comments.

Internal

- 35 **Structures and Flooding:** No objection. Satisfied with the supporting Flood Risk Assessment provided and content further detail can be provided on flood risk and surface water drainage at the Matters Specified in Conditions stages.
- 36 **Biodiversity/Tree Officer:** No objection. Agree with conclusions of the Habitat Regulations Assessment. Confirm that updated landscaping plans provide sufficient compensatory planting along the boundaries, to ensure acceptable net biodiversity gain is achieved.
- 37 **Planning and Housing Strategy:** No comments.
- 38 **Community Greenspace:** No objection. Advise that the Core Path: NMUR/104 must not be obstructed and planting should maintain sufficient space from public path to avoid encroachment.
- 39 **Commercial Waste Team:** No objection. Advice on minimum loading and storage area standards provided.
- 40 **Environmental Health (Contaminated Land):** No objection. Content with contamination findings, concluding no exceedance of the intended commercial land uses proposed.
- 41 **Environmental Health (Noise Odour):** No objection. Satisfied that the EIAR assessment is appropriate, recommending suspensive conditions to control the detail from construction activity, and thereafter operational noise and lighting from the development.

- 42 **Transport Planning:** No objection. Recommended a suspensive condition to ensure roads construction consent matters are fully addressed, including technical approval for street lighting.
- 43 **Development Contributions Officer:** No objection. Advise a suspensive condition to be added to ensure each Approval of Matters Specified in Conditions permission make appropriate transport infrastructure contributions.

Representations

- 44 No representations have been received.

ADDITIONAL STATEMENTS

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Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Submitted
Appropriate Assessment	The submitted HRA concludes no Appropriate Assessment required in this situation, which has been endorsed by Nature Scot and accepted by the Planning Authority.
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Flood risk assessment Submitted

APPRAISAL

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

Principle

- 47 The site is within the Perth settlement boundary and is allocated in LDP2 as part of site E3, identified for employment uses. This allocation is intended to support the growth and expansion of the existing Food and Drink Park and wider Muirton employment area. Accounting for this, the location and existing surrounding uses, the principle of the proposed development is considered acceptable. Particularly Class 4, 5 and 6 uses are compatible with existing facilities at North Muirton/Arran Road and will facilitate an identified expansion to provide land for more employment generation for the city of Perth and the wider area.

Design and Layout

- 48 The supporting high-level indicative design shows plots/development parcels off the access road, and this arrangement is considered to generally respect the character and amenity of the existing Food and Drink Park/employment area and its surroundings. The detail however will require to be fully assessed via Approval of Matters Specified in Conditions (AMSC) applications. Overall, this indicative design and layout, with an associated landscape framework is not considered to conflict with LDP2 Policy 1.

Landscape and Visual Amenity

- 49 LDP2 Policies, 39: Landscape; 40A: Forestry, Woodland and Trees - Forest and Woodland Strategy; 40B: Forestry, Woodland and Trees - Trees, Woodland and Development; and 42: Green Infrastructure, are all relevant in considering landscape and visual amenity. Peripheral and structural planting around the edges of the site, in and around the identified SUDs corridor and principal road access have been included in the application.
- 50 It is considered that the proposed development is a logical and natural extension of the existing employment area into a definable site beyond the original Perth Food and Drink Park, as such the proposals are considered to remain consistent with the terms of LDP2 Policy.

Residential Amenity

- 51 LDP2 Policies 1 and 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of potential light and noise impacts. In this regard the site is over 400 metres from the nearest residential property, with Environmental Health raising no concerns over the potential for adverse noise and lighting impact on residential properties. Subject to the analysis of the detail proposed in AMSC applications, and construction control via timings and a Construction Environment Management Plan (CEMP) (Condition 6), the proposals are considered to comply with LDP2 Policy, with no unacceptable impact on the amenity of residential properties.

Roads and Access

- 52 LDP2 Policy 60 requires that local road networks and accessibility requirements are sufficient and capable of absorbing traffic generated by development, and that satisfactory access is provided.
- 53 Overall, the site is very well connected to the immediate and wider area; in terms of both vehicular and sustainable transport modes. Vehicular access via the A912 and Inveralmond Roundabout onto the A9(T). Pedestrian, cycling and other sustainable links exist in the immediate vicinity, which the proposed development will connect with and provide future employees with multi-modal transport choices. These connections include green corridor links along the River Tay, into the centre of Perth when travelling east or Bertha Park and Almond Valley Village to the west.

- 54 LDP2 Policy 15 concerns public access; including core paths/rights of way and seeks that development proposals do not have an adverse impact. The required continuation of access to core path was identified by PKC's Community Greenspace Team and can be suitably controlled via a suspensive condition and the associated submission of AMSC applications.
- 55 Subject to detailing through the required AMSC submissions, the proposals are considered to remain in accordance with LDP2 Policy 60 and 15.

Drainage and Flooding

- 56 LDP2 Policy 52 states a presumption against proposals on a functional flood plain or areas where there is a significant probability of flooding from any source, or where a proposal would increase the probability of flooding elsewhere. LDP2 Policy 53 further requires all new development to employ appropriate SUDS measures.
- 57 A Flood Risk Assessment (FRA) has been submitted, and forms part of the EIA Report. The FRA has been examined by SEPA and the Council's Structures and Flooding team, neither of whom object. Further detail has been requested via Condition 9 on drainage with any forthcoming detailed application for the site. In this respect the proposals are considered to proportionately satisfy LDP2 Policy 52 and 53 at this stage.

Land Quality (Contaminated Land)

- 58 The proposal has been reviewed by the Council's Land Quality Officer, with no issues identified and therefore are considered to comply with LDP2 Policy 58 – Contaminated and Unstable Land.

Energy and Low Carbon Technology

- 59 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% of its required building standard energy requirements through renewable technologies. This can be controlled via a suspensive condition, with detailed assessment via AMSC applications (Condition 14).

Waste Collection

- 60 No high-level issues have been identified, with conditional control (Condition 15) applied that will see AMSC applications consider and set out delivery of detailed loading and access arrangements.

Conservation Considerations

- 61 In relation to relevant cultural heritage policy considerations, LDP2 Policies 26 and 29 relate to above and below ground, conservation considerations. These matters have seen HES and PKHT consulted. HES advise that there is no nationally significant impacts anticipated. However, the location is considered to have archaeological potential, being on the periphery of key cultural heritage locations. To ensure no adverse impact on qualifying interests, PKHT

recommend that a programme of archaeological work is undertaken (Condition 13). The proposals are considered to remain compliant with Policy 26 and 29 of LDP2.

Natural Heritage and Biodiversity

- 62 Natural heritage and biodiversity considerations see LDP2 Policies 38, 40 and 41 directly apply. The HRA concluded that there would be no direct impact on the qualifying interests of the TAY SAC, a position which was agreed by both NatureScot and the PKC Biodiversity Officer. Additional compensatory planting was sought and included in a 'landscaping plan' update, to ensure an enhanced landscape and biodiversity corridor on the northern boundary. Additional appropriate planting opportunities can be explored via suspensive landscaping condition (Condition 11) applied to any decision and then set out in subsequent AMSC submissions.
- 63 Considering the supporting information, associated recommended conditions and future control via AMSC applications, the proposals are considered to comply with LDP2 Policies 38, 40 and 41.

Developer Contributions

- 64 In relation to contribution requirements of LDP2, Policy 5 directly applies. The Council's Development Contributions Officer has confirmed that, in line with the Developer Contributions Supplementary Guidance, the proposed development parcels coming forward would require contributions for transport infrastructure associated to the local road network. This element is proposed to be secured via suspensive Condition 16, relative to the submission of AMSC applications, as the detail will determine the contributions required.

Economic Impact

- 65 During the construction period, jobs will be created, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, direct employment opportunities and services in the area will be created and augmented by new employment facilities at this location.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 66 None required at the PPP application stage. Condition 15 highlights that a transport infrastructure contribution may be required through assessment of the AMSC applications.

DIRECTION BY SCOTTISH MINISTERS

- 67 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

- 68 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 69 Accordingly, the proposal is recommended for approval. This is subject to a direction to extend the statutory period for the submission of Approval of Matters Specified in Conditions applications from 3 years to 6 years, to reflect the extended nature of the project timeline. This will allow the primary road, boundary landscaping and drainage to be delivered, alongside marketing of the site and the detailed designs to come forward by individual developers for each plot, and the following planning conditions.

RECOMMENDATION

A Approve

Direction Conditions and Reasons for Recommendation

Direction

Perth and Kinross Council direct that sub-sections (2)(a)(i) and (3) of Section 59 of the Town and Country Planning (Scotland) Act 1997 apply as respects the Planning Permission in Principle (21/00752/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 6 years. All applications for Approval of Matters Specified in Conditions shall therefore be made not later than 6 years from the date of this permission or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed at appeal.

Reason: To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 21 of the Planning etc. (Scotland) Act 2006. This is an application in principle which in view of the speculative nature of the proposed development in the current economic climate, this extended period remains appropriate.

General

1. Plans and particulars of the matters set out in the subsequent conditions shall be submitted for consideration and approval by the Planning Authority as specified below and the development shall be carried out in accordance with those approvals.

Reason: To ensure that the matters referred to are given full consideration and accord with the requirements of Regulations 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

2. No works in connection with the development site hereby approved shall take place unless 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 'approval of matters specified by condition') have been submitted to and approved in writing by the Planning Authority for each application for the approval of matters specified. The specified matters include:
- (i) details of any cut and fill operations required;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of any development parcel, 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, and cycleways within the identified Employment land;
 - (v) details of any screen walls/fencing and external lighting to be provided;
 - (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means; and
 - (vii) details of all landscaping, planting, and screening associated with the development parcels of the identified Employment land;
 - (viii) full details of the proposed means of disposal of foul and surface water from each development parcel/s of the identified Employment land;

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. In pursuance of Condition 2 (iv), each application for Approval of Matters Specified by Condition application shall ensure the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority. All matters regarding: access, car parking, public transport facilities, walking and cycling facilities, the road layout, design and specification (including the disposal of surface water) shall be in accordance with the standards required by the Council as Roads Authority (as detailed in the National Roads Development Guide) and to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

4. In pursuance of Condition 3, no part of the development for the Approval of Matters Specified by Condition shall be occupied and operational until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To promote sustainable travel modes.

5. In association with Conditions 3 and 6, each Approval of Matters Specified by Condition (AMSC) application shall ensure Core path NMUR/104 is not obstructed, either during construction or on completion.

Reason: In the interests of ensuring continued public access and encouraging sustainable means of travel.

Construction and Amenity

6. Alongside each application for Approval of Matters Specified by Condition (AMSC) and prior to commencement of the associated phase of development, a Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction shall be submitted for the written agreement of the Council as Planning Authority. The CEMP shall include A Dust Management Plan (DMP), a Noise Management Plan (NMP) which should include procedures/mitigation measures to control/reduce the impact from all activities during the construction phase that have the potential to produce noise and dust emissions and Construction Traffic Management Plan (CTMP). The DMP shall include dust monitoring, in line with IAQM guidance. The DMP and NMP and mitigations as agreed, shall be fully implemented for the duration of the construction phase.

Reason: In the interest of protecting environmental quality visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.

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

Reason: In the interest of protecting environmental quality and neighbouring amenity.

8. All external lighting included within each Approval of Matters Specified by Conditions (AMSC) application in pursuance of Condition 2 (v), shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interest of protecting environmental quality and neighbouring amenity.

Drainage

9. As part of any application for Approval of Matters Specified by Condition (AMSC) application and prior to the installation of any drainage works on each subsequent phase of the approved development, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason: In the interests of proper site drainage and flood risk.

Landscape and Biodiversity

10. No development shall commence until the peripheral compensatory planting as agreed has been carried out in accordance with the approved scheme and completed during the planting season immediately following the commencement of the development on that part of the site, or such date as may be agreed in writing with the Planning Authority.

Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, has been severely damaged or is becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of satisfactory schemes of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

11. As part of each application for Approval of Matters Specified by Condition (AMSC) sought under Condition 2 (vii), a detailed landscaping and planting scheme for the site shall be submitted for the approval of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard-landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: To ensure a satisfactory standard of local environmental quality.

12. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by

edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

Heritage

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

Reason: To safeguard and record archaeology in the area.

Energy statement

14. In support of each application for Approval of Matters Specified by Condition (AMSC), a detailed Energy Statement identifying compliance with the Perth & Kinross Local Development Plan 2019 (LDP2) Policy 32 shall be submitted to, and approved in writing by, the Planning Authority. The statement as agreed thereafter be adhered to, implemented and operational, prior to bringing into the use of the approved phase of development

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability.

Waste and Recycling

15. In support of each application for the Approval of Matters Specified by Condition (AMSC), a waste management plan shall be submitted to, and approved in writing by, the Council as Planning Authority, in consultation with Perth and Kinross Council Commercial Waste Team.

Reason: To ensure that the development has appropriately addressed waste and recycling requirements with a necessary duty of care.

Developer Contributions

16. As part of each application for the Approval of Matters Specified by Condition (AMSC), the development shall be reviewed and required to accord with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line

with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2019 (LDP2) with regards to Transport Infrastructure.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None required.

D INFORMATIVES

1. Notice of the start of development: The person carrying out the development must give advance notice in writing to the Planning Authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the Planning Authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
2. As soon as practicable after the development or developments are complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. Display of notice: A notice must be displayed on or near the site while work is carried out. The Planning Authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
4. For information, foul flows only will be allowed to discharge to the public system. The Developer should arrange to dispose of surface water privately, to the satisfaction of the statutory Drainage Authority.
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 consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
6. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. Please send the required

information to us at developmentmanagement@pkc.gov.uk. Please be aware that the Council has two months to consider the information (or four months in the case of a Major planning permission). You should therefore submit the required information more than two months (or four months) before your permission expires. We cannot guarantee that submissions made within two months (or four months) of the expiry date of your permission will be able to be dealt with before your permission lapses.

7. The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works.
9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
10. Applicants are advised to refer to the Council's Community Waste Adviser memo dated 04 June 2021 in relation to guidance and requirements.
11. Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed out with the limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

1. The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
2. The application submitted an EIA report dated April 2021. The public had opportunity to participate in the decision-making process through notification of the EIA information, which was undertaken for premises on neighbouring land and publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA information was also available for public inspection online.

3. The EIA provides a baseline position, the information gathered to consider the likely significant effects on the environment and details of environmental mitigation and monitoring that are to be incorporated into the current proposal, scoping out least significant elements, consistent with scoping opinion recommendations.
4. The Planning Authority is satisfied that the EIA Report is up-to-date, complies with Regulation 5 and is therefore suitable for determination of the planning application.
5. The Planning Authority has considered the EIA Report associated supporting environmental information, and recommendations from the consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision set out in the suite of planning conditions.
6. In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions as set out herein, the proposed amendments are acceptable and can be approved.

Background Papers: 0 letters of representation
Contact Officer: Callum Petrie
Date: 7 October 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

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