

Perth and Kinross Council
Planning and Placemaking Committee – 13 December 2023
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 23/350)

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| PROPOSAL: | Erection of 210 dwellinghouses, formation of landscaping, SUDS, and associated works (approval of matters specified in conditions of 16/02127/IPM) (phase 2A) |
| LOCATION: | Scone North, Scone |

Ref. No: [22/02223/AMM](#)
Ward No: P2- Strathmore

Summary

This report recommends approval of a Matters Specified in Conditions (AMSC) application related to Phase 2A of the 'Scone North' development. The application proposes details for the development of 210 dwellings within that phase, together with associated landscaping, SUDS, and other works. This Report concludes that the proposal is consistent with the Development Plan, the existing Planning Permission in Principle (PPP) consent (Ref: 16/02127/IPM) and other relevant material planning considerations.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site extends to c.11.9 hectares and is situated on the north side of Scone. It forms part of wider 'Scone North' development area, which is identified within the Local Development Plan 2 (LDP2) as H29 a residential led (up to 700 dwellings) urban expansion. Planning Permission in Principle (PPP) Ref: 16/02127/IPM and an associated Section 75 legal agreement relates, with further detailed permissions for other phases.
- 2 The site slopes upward in a generally north-easterly direction and sees farmland to the north, that also forms part of the wider Scone North site. To the east and west are areas of woodland, again with farmland beyond. To the south-west is the completed Phase 1A, whilst to the south is Phase 1B, which is currently being developed with housing and sees a number of occupations and other properties under construction. There are older established residential areas beyond Phase 1B and to the south-east.
- 3 A Core Path (SCON/13) runs along the southern edge of the site, in an east-west direction, then connecting with SCON/12 at Highfield Road. That section then turns north from Highfield Road and along the application site's eastern boundary, toward Brooniehill Plantation and Muirward Wood.

- 4 Vehicular access will be from Harper Way and through the previous phases of the development, with two points of connection to that internal road network. Various points of pedestrian access will be provided, including to Spoutwells Drive to the south through Phase 1B; to the core path and Highfield Road; and to future phases of the Scone North development to the north and east.
- 5 The site will be laid out around a legible street hierarchy, with a primary route supplemented by secondary and tertiary streets. The majority of the houses are oriented to face a road or areas of open space. The area along the majority of the southern boundary, from the western side, will be landscaped and incorporate SUDS and associated pond/basin. The site will be intersected by two green corridors, running north south and connecting through the future phases of the development to Muirward Wood. The trees to the eastern boundary are part of a commercial plantation and will be removed and replaced by more varied and biodiverse planting more appropriate to a residential setting.
- 6 Of the 210 residential units proposed, 153 will be for sale and 64 affordable homes. These dwellings comprise a mix of detached and semi-detached bungalows and two-storey houses. The numbers and tenure mix are:
 - 6x one-bedroom semi-detached bungalows;
 - 18x two-bedroom semi-detached bungalows;
 - 2x three-bedroom semi-detached bungalows;
 - 7x three-bedroom detached bungalows;
 - 2x four-bedroom detached bungalows;
 - 46x two-bedroom semi-detached villas;
 - 72x three-bedroom semi-detached villas;
 - 3x three-bedroom detached villas;
 - 37x four-bedroom detached villas; and
 - 17x five-bedroom detached villas.
- 7 All will have access to a private external amenity area and be finished with smooth white or pale render, with a taupe Fyfestone basecourse and grey or brown roof tiles.

Environmental Impact Assessment (EIA)

- 8 The impact of the wider development site was screened for EIA (16/00762/SCRN) and it was determined that the proposal does constitute EIA development. As such an EIA Report was submitted as part of the application for planning permission in principle.

Pre-Application Consultation

- 9 Pre application Reference: [15/00017/PAN](#)

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework 4

- 11 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 12 NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

- Policy 1: Tackling the Climate and Nature Crisis
- Policy 2: Climate Mitigation and Adaptation
- Policy 3: Biodiversity
- Policy 6: Forestry, Woodland, and Trees
- Policy 7: Historic Assets and Places
- Policy 13: Sustainable Transport
- Policy 14: Design, Quality and Place
- Policy 15: Local Living and 20 Minute Neighbourhoods
- Policy 16: Quality Homes
- Policy 18: Infrastructure First
- Policy 20: Blue and Green Infrastructure
- Policy 21: Play, Recreation and Sport
- Policy 22: Flood Risk and Water Management

Planning Advice Notes

- 13 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

Creating Places 2013

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

Designing Streets 2010

- 15 Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 17 The Development Plan for the area comprises NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

Perth and Kinross Local Development Plan 2

- 18 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 1A: Placemaking
- Policy 1B: Placemaking
- Policy 1D: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14B: Open Space Retention and Provision: Open Space within New Developments
- Policy 15: Public Access
- Policy 20: Affordable Housing
- Policy 25: Housing Mix

- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Supplementary Guidance

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Open Space Provision for New Developments (adopted in 2021)
- Supplementary Guidance - Placemaking (adopted in 2020)

Non-Statutory Guidance

19

- Planning Guidance - Delivery of Development Sites
- Planning Guidance - Planning & Biodiversity

Site History

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[15/00017/PAN](#) On 8 December 2015 PKC agreed a Proposal of Application Notice for Residential development and associated infrastructure, access, landscaping, SUDS, and open space.

21

[16/00762/SCRN](#) On 2 May 2016 an EIA screening opinion was issued by PKC advising that residential development at Scone North was EIA development.

22

[16/00995/SCOP](#) On 11 July 2016 a Scoping Opinion was issued by PKC for an EIA Report associated to a residential development at Scone North and

associated infrastructure, access, landscaping, drainage, SUDS, and open space.

- 23 [16/02127/IPM](#) Planning Permission in Principle was approved on 18 April 2018 for Scone North's residential development with open space, landscaping, drainage and associated infrastructure (in principle).
- 24 [18/00758/ADV](#) Advertisement Consent was approved on 22 June 2018 for display of signs.
- 25 [18/00759/ADV](#) Advertisement Consent was approved on 22 June 2018 for display of signs.
- 26 [18/02231/AMM](#) Approval of Matters Specified in Conditions related to 16/02127/IPM was approved on 30 August 2019, allowing for the erection of 42 dwellinghouses, landscaping and associated works (Phase 1a)
- 27 [19/01478/ADV](#) Advertisement Consent was approved on 5 November 2019 for the display of a sign.
- 28 [20/00382/FLL](#) Full Planning Permission was approved on 8 July 2020 for the erection of 5 dwellinghouses (revised design - change of house types at plots 28, 29, 33, 34 and 35) within Phase 1a.
- 29 [20/01416/FLL](#) Full Planning Permission was approved on 18 November 2020 for the erection of a dwellinghouse and marketing suite (revised design - plot 3) within Phase 1a.
- 30 [20/01614/ADV](#) Advertisement Consent was approved on 2 December 2020 for display of a sign.
- 31 [20/01752/FLL](#) Full Planning Permission was approved on 12 July 2021 for Erection of 2 dwellinghouse (revised design - change of house types - plots 26 and 27) within Phase 1a.
- 32 [20/01962/FLL](#) Full Planning Permission was approved on 31 March 2021 for the formation of access tracks.
- 33 [21/00484/FLL](#) Full Planning Permission was approved on 12 July 2021 for the erection of a dwellinghouse and garage (change of house type at plot 41) within Phase 1a.
- 34 [21/00609/AMM](#) Approval of Matters Specified in Conditions related to 16/02127/IPM was approved on 24 September 2021 for the erection of 58 dwellinghouses and 3 detached garages, landscaping, and associated works (Phase 1b)
- 35 [21/02147/FLL](#) Full Planning Permission was approved on 1 February 2022 for erection of a dwellinghouse (revised design - plot 39) within Phase 1a.

- 36 [21/02196/FLL](#) Full Planning Permission was approved on 9 February 2022 for Erection of 9 dwellinghouses (revised design - plots 45, 46, 51, 93, 95, 96, 98, 101 and 104) within Phase 1b.
- 37 [22/00742/FLL](#) Full Planning Permission was approved on 10 June 2022 for the erection of 6 dwellinghouses and associated works (revised design - change of house type to include sunrooms for plots 57, 60-61 and 75-77) within Phase 1b.

CONSULTATIONS

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

External

Scottish Water

- 39 No objections. Advise there is currently sufficient capacity to service the proposed development at Perth Water Treatment Works and Scone Wastewater Treatment Works.

Historic Environment Scotland

- 40 No comments.

Scottish Environment Protection Agency (SEPA)

- 41 No objection, following clarifications and further information.

Perth Scone Airport

- 42 No comments.

Perth And Kinross Heritage Trust (PKHT)

- 43 No objection. Advise the proposed development area does not raise any significant issues and no archaeological mitigation is required.

NatureScot

- 44 No comments.

Transport Scotland

- 45 No objections.

Scone And District Community Council

46 Object on the following grounds:

- Bin collection arrangements.
- Flood risk.
- Height, scale, massing, design, density, and layout.
- Impact on archaeology.
- Impact on nature conservation.
- Loss of trees.
- Impact on services.
- Road safety.
- Air Quality.

Internal

Structures And Flooding

47 No objection, subject to conditions requiring the submission of detailed information on the proposed SUDS.

Environmental Health (Contaminated Land)

48 No objection. Advise that a standard condition is required.

Transportation and Development

49 No objection, subject to conditions requiring bus stop infrastructure and a Construction Traffic Management Plan (CTMP) as part of the required CEMP.

Development Contributions Officer

50 No objection. Advise that associated matters are controlled via the existing S.75 for the wider development.

Community Waste Advisor - Environment Service

51 No objection, subject to an advisory note that during construction waste vehicles may not be able to enter the site and that the developer should contact the Community Waste Team to discuss bin collection as the site progresses.

Community Greenspace

52 No objection. Advise a condition is required to ensure that future tree planting on eastern edge is a suitable variety of species and heights.

Environmental Health (Noise Odour)

53 No comments.

Biodiversity/Tree Officer

No objections, subject to conditions on biodiversity and tree retention and protection.

Representations

54 Twelve objections were received, the main issues raised are:

- Loss of trees
- Capacity issues for local schools and services
- Flood risk
- Impact on the core path
- Impact on visual amenity
- The density is too high.
- Road safety
- Air quality

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

ADDITIONAL STATEMENTS

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| Screening Opinion | EIA Not Required |
| Environmental Impact Assessment (EIA): Environmental Report | Not Required (submitted as part of IPM) |
| Appropriate Assessment under Habitats Regulations | AA Not Required |
| Design Statement or Design and Access Statement | Submitted |
| Report on Impact or Potential Impact eg Flood Risk Assessment | <ul style="list-style-type: none">• Archaeological Evaluation• Affordable Housing Scheme Report• Air Quality Assessment• Arboricultural Impact Assessment• Biodiversity Action Plan• Phase 1 Contamination Report• Transport Assessment• Design Statement• Ecological Impact Assessment• Groundwater Report• Flood Risk Assessment• Green Travel Plan• Bat Activity Survey• Statement of Community Benefit |

APPRAISAL

57 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. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

58 The principle of the proposal has been established through the site's allocation as H29 in LDP2 for a residential development. Planning permission in principle (PPP) has also been granted for the development of the site for residential use, reflective of that LDP2 allocation.

59 In addition detailed planning permissions for 100 houses have already been granted: Phases 1A and 1B. Phase 1A is complete and the development of 1B is ongoing.

60 The PPP sets a threshold of 167 residential units that can be occupied in advance of the CTRLR being operational. It is not currently projected that this threshold will be exceeded and this discussed in further detail in the Roads and Access section below.

61 The principle of the development is thus considered acceptable, provided the proposals are compatible with the PPP and relevant policies of the development plan. As is assessed below.

Design and Layout

62 Policy 14: Design, Quality and Place, Policy 15: Local Living and 20 Minute Neighbourhoods and Policy 16: Quality Homes of NPF4 are relevant; as are LDP2 Policy 1: Placemaking, Policy 14B: Open Space within New Developments, Policy 17: Residential Areas, Policy 25: Housing Mix and Policy 42: Green Infrastructure.

63 The layout broadly complies with the principles of the approved masterplan and seeks to provide a logical movement pattern, with emphasis on creating permeability through the site. The primary road passing through the site is now proposed to connect to the future phases to the east at the north-east corner of Phase 2A, as opposed to the previously indicated south-east corner shown in the masterplan. This is to reflect the likely location of a new school site and playing fields, so as to avoid traffic having to take a more elongated route through the residential parts of the development to reach these facilities.

- 64 The proposed layout provides an appropriate network of streets and open spaces, with the majority of the houses oriented to overlook these areas. The areas along the southern boundary of the site will be landscaped and include SUDS. The proposal provides a legible environment which connects the new housing effectively to the existing residential areas with an appropriate urban density.
- 65 The heights of the proposed units reflect heights both in terms of the older existing residential areas to the south and that currently under construction in Phases 1a and B. Proposed site levels and sections have been assessed and are considered satisfactory.
- 66 Additional gable windows have been incorporated in some properties located at key viewpoints and overlooking areas of open space, which adds interest to the elevation and provides further opportunity for natural surveillance of public spaces. Each house has a private garden to the rear, providing adequate private amenity space.
- 67 A Local Equipped Area for Play (LEAP) is integrated into the open space with nearby homes orientated to provide passive surveillance.
- 68 The use of render and Fyfestone basecourse is considered appropriate and providing an appropriate fit with the adjacent residential development, which is of similar finishes. The variation of finishes, with white or pale render and grey or brown roofs will add visual interest and will help to provide legibility and definition within the streetscape.
- 69 Overall, the proposed layout, design, heights, and materials are considered to comply with the Council's placemaking policies, providing a logical and coherent structure and hierarchy of streets, buildings and open space. This also appropriately considers the surrounding landscape character and amenity of the area. The proposals therefore are considered to accord with the terms of both the PPP and the relevant NPF4 and LDP2 policies.

Landscape and Visual Amenity

- 70 NPF4 Policies 6: Forestry, Woodland and Trees; Policy 20: Blue and Green Infrastructure and Policy 21: Play Recreation and Sport and LDP2 Policies 39: Landscape; 40B: Forestry, Woodland and Trees - Trees, Woodland and Development; and 42: Green Infrastructure, are all relevant in considering landscape and visual amenity. In association, several conditions attached to the PPP application also apply.
- 71 The site is split into three sections by two distinct linear groups of trees. Mature mixed woodland also bounds the site to the east and west, with those to the east being within the site boundary. An Arboricultural Assessment (AA) has been carried out to evaluate the condition of the trees within the site.

- 72 The AA discusses that all of the trees in the western linear group and within the site are categorised 'A', meaning that they are particularly good examples of their species and have an estimated remaining life expectancy of 40 years. It is proposed that one of these trees will be felled to accommodate the development, others being retained and protected during construction (Condition 7). In addition, a further three category 'B' trees (trees of moderate quality with a life expectancy of at least 20 years) will be removed. Other trees to be removed are category 'U' (in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years). Otherwise, it is proposed that the plantation woodland to the east of the site is harvested, and the area replanted with native trees of species and scale that are more appropriate to a residential area. The trees making up this plantation are categorised C, being of low quality with an estimated remaining life expectancy of at least 10 years. In this context the proposed extent of the loss of the woodland is considered acceptable, subject to compensatory planting.
- 73 In relation to compensatory planting, the submitted landscape plan proposes a significant number of new trees to provide amenity to streets and open spaces. This includes the tree planting of the plantation area to be felled, at a density of 1600 trees/ha.
- 74 The open space and landscaping proposed is commensurate with the vision set out in the PPP masterplan. The setting of the core paths along the southern and eastern boundaries will be enhanced by this landscaping and supplementary planting, creating a pleasant environment for users. The SUDS infrastructure (pond and basins) will be integrated into the landscaped areas to provide amenity and biodiversity opportunities.
- 75 Community Greenspace consider the open space and landscaping proposals are acceptable, subject to conditions on tree protection and landscape establishment (Condition 7 and 8). Overall, the open space allocation, play area specification, location and landscaping design and species choice are all considered satisfactory and in accordance with the Council's Supplementary Guidance: Open Space Provision for New Developments.
- 76 In terms of landscape and visual amenity, the proposals address the relevant policies of NPF4 and LDP2, and associated PPP conditions.

Residential Amenity

- 77 Residential amenity requires to be considered under NPF4 Policy 16: Quality Homes and LDP2 Policy 1: Placemaking and Policy 17: Residential Areas.

Privacy, Daylight and Overshadowing

- 78 The location of the proposed dwellinghouses, relevant to both themselves and existing/approved residential properties is such that there will be no unacceptable loss of privacy or daylight or overshadowing.

Noise

- 79 The noise impact assessment undertaken for the PPP demonstrated that this area of the development site would meet target criteria, for both external and internal amenity areas without the need for any noise mitigation measures, due to the distance it will be from the Cross Tay Link Road (CTLR). As a result, there was no requirement for further noise assessment to be conducted for this phase.
- 80 As with previously approved phases, a Construction Environment Management Plan (CEMP) will ensure that noise and amenity impact for the construction period will be appropriately managed, and no further measures are needed. These measures are considered to be appropriate to mitigate adverse impacts on nearby residents.

Air Quality

- 81 Air Quality was considered as part of the wider PPP and again for this phase of development. While the development will generate additional traffic on the local road network, the air quality effects of the additional housing included in this phase are not considered to be significant. As future phases of development come forward, they will be required to consider the cumulative impacts of the development at that point as well as any implications, positive or negative, as a result of the operation of the CTLR.

Contaminated Land

- 82 Site Investigation Reports and associated information have been submitted and suggests that ground gas and drinking water investigations are still ongoing, as a result it is appropriate to impose a condition (Condition 9) to ensure that this work is completed and any recommendations implemented.

Waste

- 83 The PPP seeks to ensure appropriate waste and recycling provision is identified and secured as part of MSC applications. In this regard there is considered to be adequate provision proposed to accommodate requirements, satisfying the conditional terms of the PPP.

Roads and Access

- 84 A Transport Assessment has also been submitted to assess the impacts of the development which could be accommodated before an early 2025 opening of the CTLR and, and the alternative scenario should the opening of the CTLR be delayed until Spring 2026.
- 85 The PPP includes two conditions restricting the number of houses that can be occupied, until certain trigger points are met in the construction of the CTLR.

- 86 The first of these is that no more than 100 houses should be occupied before the CTLR has become a 'committed project', this requirement has been met and the restriction is no longer applicable.
- 87 The second limitation is that no more than 167 houses can be occupied until the CTLR is 'operational'. At the time of writing there are detailed approvals in place for 100 houses and the current application will increase this to beyond the threshold – to 310. However, this should be considered in the context that the CTLR is programmed to be operational in February 2025. To better understand the situation the developer has provided information on projected completion rates. This indicates that there is likely to be an estimated 122 occupations at Scone North in February 2025. Thus, even if market conditions improve significantly and/or there are delays to the CTLR, there is tolerance within the schedule to accommodate likely completions within the 167-house threshold.
- 88 Notwithstanding the 167-unit threshold will remain in place and enforceable, thereby preventing any additional properties from being occupied prior to the CTLR becoming operational.
- 89 Transportation and Development colleagues confirm they are satisfied with this situation and have no objections to the proposals, subject to a condition (Condition 5) requiring two bus stops be provided within the development site and the ongoing requirement for a Construction Traffic Management Plan (Condition 3).

Drainage and Flooding

- 90 A number of objections received relate to concerns regarding flood water, surface water and potential impacts on springs. A Flood Risk Assessment, including an addendum, Drainage Strategy Report, and Groundwater Report have been submitted in support of the application.
- 91 In terms of flood risk, the Cramock Burns functional flood plain has been redefined, reflecting updated catchment information, modelling software, and the latest climate change forecast.
- 92 This flood plain does not impact on the proposed development site, other than the eastern access road to/from Phase 1B. Discussions were held with SEPA and the Council's Flooding and Structures team, which resulted in agreement being reached on the inclusion of a flood relief basin and associated culvert to manage flood risk to that section of road. Such that flows were conveyed downstream in a controlled manner.
- 93 A series of blockage scenarios were modelled out and measures included to manage overland flood routes and mitigate flood risk to properties.
- 94 The drainage strategy report provides information on drainage arrangements. Surface water management has been split into 3 drainage areas, that drain to an

associated SUDS pond or basin. The discharge rate from the SUDS pond/basin, into the Cramock Burn, will be limited to 7.1l/s for Area 1 and 43.5l/s for Areas 2 and 3, which is acceptable.

- 95 PKC Flooding and Structures have no overall concerns regarding the general layout and supporting design calculations. However, a condition should be included that requires the submission of the full detailed drainage design, for further written agreement of PKC prior to the commencement of the proposed development (Conditions 10 and 11).
- 96 PKC's Flooding and Structures team and SEPA have both considered the submitted finalised surface water and drainage information and are satisfied that the proposed mitigation measures are appropriate.
- 97 Overall, the proposal complies with NPF4 Policy 22: Flood Risk and Water Management and LDP2 Policy 52: New Development and Flooding and Policy 53: Water Environment and Drainage.

Archaeology and Conservation Considerations

- 98 NPF4 Policy 7: Historic Assets and Places; LDP2 Policies 26B: Archaeology and 29: Gardens and Designed Landscapes and conditions attached to the PPP application apply.
- 99 Proportionate archaeological trenching and investigation has been undertaken, with findings reported back to Perth and Kinross Heritage Trust (PKHT). No further archaeological investigation or survey work is considered necessary, within this phase. HES have also confirmed that the proposals do not conflict with or cause adverse impact on the Historic and Designed Landscape of Scone Palace.

Natural Heritage and Biodiversity

- 100 In relation to natural heritage and biodiversity, NPF4 Policies 1: Tackling the Climate and Nature Crisis, 2: Climate Mitigation and Adaptation 3: Biodiversity and 20: Blue and Green Infrastructure. In addition, LDP2 Policies 38, 40 and 41 directly apply. In association several conditions attached to the PPP applications cover these issues.
- 101 A detailed review of the biodiversity commitments set out in the PPP saw a Biodiversity Action Plan (BAP) produced for this phase. This, alongside the updated CEMP, is deemed acceptable and proportionate to identify and where appropriate, mitigate and enhance biodiversity features and opportunities to this site, mindful of the wider PPP site area.

Developer Contributions

- 102 A Section 75 legal agreement covers the 16/02127/IPM permission to ensure necessary infrastructure is delivered, including:
- Community Facility Delivery
 - Contribution towards Sports Facilities, including provision towards Sports pitches and pavilion.
 - Open Space Provision and Maintenance
 - Compensatory Tree Planting
 - Public Transport Improvement
 - Affordable Housing
 - Structure Planting Delivery
- 103 The legal agreement in place adequately secures these elements and no further changes are required.
- 104 With specific regard to affordable housing, as previously agreed, the affordable housing requirement for Phase 1 is to be provided within Phase 2. As this application is for Phase 2a and the development of 210 units, 25% of which would equate to 52 affordable units. As mentioned above the proposals include for 64 AH units (i.e. an overprovision of 12). These 12 would be the first tranche of the deferred Phase 1 requirement and leave the remaining affordable units to be provided within later Phase 2 proposals.

Economic Impact

- 98 During the construction period, jobs will be created and sustained, supporting indirect employment and revenue that this volume of construction activity will generate from employees spending on local goods and services. Longer term, additional residents to the area will support existing local employment and services in the area.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 99 A legal agreement is in place for the PPP Ref: 16/02127/IPM, to secure infrastructure and/or contributions required across the associated development phases.

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). 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 planning application subject to the following conditions:

Conditions and Reasons for Recommendation

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

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

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

3. The Construction Environment Management Plan (CEMP) submitted to satisfy Condition 19 of planning permission 16/02127/IPM shall be implemented concurrent with the development. The CEMP will remain a dynamic document throughout the duration of construction and until the completion of development. The CEMP can be amended as necessary to meet best practice in terms of environment or ecology. Any amended document shall be submitted to the Planning Authority as soon as reasonably practicable citing the relevant amendment and appropriate guidance.

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

4. Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to

facilitate the development and/or any works proposed to the right of way/core paths (SCON/12 and SCON/13) as part of the development (including timings and resurfacing works post completion) shall be submitted for the written approval of the Council as Planning Authority. The plan as approved shall thereafter be implemented in accordance with the timing identified in the plan.

Reason: To ensure that public access is maintained at all reasonable times, to the local path network.

5. Prior to commencement of any hereby approved development, a detailed design showing the location of bus stops shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority, taking into account the requirement to provide a haldo pillar with a live power supply and a hard standing area, suitable for the provision of a three bay bus shelter in future. The applicant shall detail the timing of the delivery of the hardstanding and haldo pillars. The hardstanding area and haldo pillar with a live power supply, as approved in writing, shall be implemented in accordance with the approved details to the satisfaction of the Council as Planning Authority and undertaken at the dates agreed with the Planning Authority.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

6. All road gullies within 500m of a waterbody or Sustainable Urban Drainage (SUDS) pond shall have wildlife kerbs installed adjacent to the gully.

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).

7. All trees identified for retention and any peripheral trees bounding the site, which may be affected by any element of the approved development and its associated construction, (including land within the blue site area) shall be protected in full accordance with BS 5837: 2012 'Trees in relation to design, demolition and construction'.

Reason: In the interest of tree protection in the interests of biodiversity and amenity of the area.

8. The detailed landscaping and planting proposal specifications as hereby approved shall be undertaken and delivered commensurate with the residential development elements and thereafter maintained to the satisfaction of the Council as planning authority. Any planting failing to become established within

five years shall be replaced in the following planting season with others of similar sizes and species to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of satisfying placemaking policy criteria of the adopted LDP.

9. Prior to the commencement of the development hereby approved, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify.
- i) the nature, extent and type(s) of contamination on the site
 - ii) measures to treat/remove contamination to ensure the site is fit for the use proposed
 - iii) measures to deal with contamination during construction works
 - iv) condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason: In order to deal with any potential contamination of the site as a result of its former use.

10. The hereby approved development shall not commence until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

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

11. Storm water drainage from all paved surfaces, including the access, shall be disposed of by means of suitable Sustainable Urban Drainage Systems to meet the requirements of best management practices.

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

12. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

4. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984, they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
6. 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.
7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.
8. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste, including construction phasing.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. There is a continued requirement for a Section 75 legal obligation associated with Planning Permission in Principle 16/02127/IPM, relating to:
 - Community Facility delivery
 - Contribution towards Sports Facilities, including provision towards Sportspitches and pavilion
 - Open Space provision and maintenance
 - Compensatory Tree planting
 - Public Transport movement
 - Affordable Housing
 - Structure Planting delivery.

A copy is available to view on the Council's Public Access portal.

11. The occupation threshold of 167 residential units prior to the CTRLR becoming operational, associated with Planning Permission in Principle 16/02127/IPM, remains applicable and enforceable against that permission.
12. The applicant is advised to refer to Perth & Kinross Council's Flood Risk and Flood Risk Assessments Supplementary Guidance, and the CIRIA SuDS manual as it contains advice relevant to your development.

Note for future Phase 2B: Due to the topography of Phase 2B cut off drains along the northern boundary of the development site should be considered in the drainage strategy.

Background Papers: 12 letters of representation
Date: 1 December 2023

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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