



Securing the future... • *Improving services*
• *Enhancing quality of life* • *Making the best use of public resources*

Council Building
2 High Street
Perth
PH1 5PH

28/08/2023

A hybrid meeting of the **Planning and Placemaking Committee** will be held in the **Council Chamber** on **Wednesday, 06 September 2023** at **09:30**.

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

THOMAS GLEN
Chief Executive

Those attending the meeting are requested to ensure that all notifications are silent on their device and other devices are in silent mode.

Please note that the meeting will be broadcast online and recorded. The recording will be publicly available on the Council's website following the meeting.

Members:

Councillor Ian Massie (Convener)
Councillor Grant Stewart (Vice-Convener)
Councillor Hugh Anderson
Councillor Bob Brawn
Councillor Dave Cuthbert
Councillor Ken Harvey
Councillor David Illingworth
Councillor Ian James
Councillor Brian Leishman
Bailie Claire McLaren
Councillor Crawford Reid
Councillor Richard Watters
Bailie Mike Williamson

Planning and Placemaking Committee

Wednesday, 06 September 2023

AGENDA

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

- 1 WELCOME AND APOLOGIES
- 2 DECLARATIONS OF INTEREST
- 3 MINUTE OF MEETING OF PLANNING AND PLACEMAKING COMMITTEE OF 9 AUGUST 2023 FOR APPROVAL (copy herewith) 5 - 10
- 4 DEPUTATIONS
- 5 APPLICATIONS FOR DETERMINATION
- 5(1) MAJOR APPLICATION
- 5(1)(i) 20/00667/IPM - MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, BUSINESS, GENERAL INDUSTRY, STORAGE AND DISTRIBUTION, SHOPS, FINANCIAL, PROFESSIONAL AND OTHER SERVICES, FOOD AND DRINK, HOTELS, NON-RESIDENTIAL INSTITUTIONS, BUS DEPOT, CAR PARKING, PERTH INNOVATION HIGHWAY, HYDROGEN FUELLING/CHARGING CENTRE, ALTERATIONS, FOOTWAYS, CYCLEWAYS, GREENSPACE, LANDSCAPING, AND ASSOCIATED WORKS, PERTH WEST (MU70), OLD GALLOWS ROAD, PERTH
Report of Handling by Head of Planning & Development (copy herewith 23/239) 11 - 76
- 5(2) LOCAL APPLICATION
- 5(2)(i) 23/00071/FLL - EXTENSION TO WAREHOUSE/OFFICES TO FORM ADDITIONAL OFFICE SPACE (CLASS 2), PRODUCT 77 - 94

**DEVELOPMENT/FOOD PREPARATION AREAS WITH
ASSOCIATED STORAGE AND DISTRIBUTION (CLASS 6),
HOUSE OF BRUAR, PITAGOWAN, BLAIR ATHOLL,
PITLOCHRY, PH18 5TW**

Report of Handling by Head of Planning & Development (copy
herewith 23/240)

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

PLANNING AND PLACEMAKING COMMITTEE

Minute of hybrid meeting of the Planning and Placemaking Committee held in the Council Chambers, 2 High Street, Perth, on Wednesday 9 August 2023 at 9:30am.

Present: Councillors I Massie and G Stewart, Bailies C McLaren and M Williamson, Councillors H Anderson, B Brawn, D Cuthbert, D Illingworth, I James, S McCole, I MacPherson, C Reid and R Watters.

In Attendance: L Maclean, L Reid, K Smith and P Williamson (all Communities); A Brown, G Fogg, J Guild and M Pasternak (all Corporate and Democratic Services).

Apologies: Councillors K Harvey and B Leishman.

Councillor I Massie, Convener, Presiding.

1. WELCOME AND APOLOGIES

The Convener welcomed everyone present to the meeting. Apologies were noted as above.

2. DECLARATIONS OF INTEREST

No Declarations of Interest were made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Placemaking Committee of 12 July 2023, be approved.

4. APPLICATIONS FOR DETERMINATION

(1) Local Application

- (i) **23/00387/FLL – Erection of a dwellinghouse and garage, land to the south of 17 Netherlea, Scone**

Motion (Councillor I Massie and Bailie M Williamson)

Minded to Grant, subject to the following conditions, terms and informatives:

General

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.
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 the development is carried out in accordance with the approved drawings and documents.

3. Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction or as specified within the Tree Protection and Compensatory Planting Plan dated 30th June 2023 by BNTW-Scotland (plan ref 09). Prior to the commencement of any works on site the council shall be advised that tree protection measures are in place either by the submission of photographs or confirmed by site visit. Protection measures, once in place, shall remain in place for the duration of construction.

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

4. Prior to the commencement of development hereby approved, a scheme shall be submitted to, and approved in writing by, the Council as Planning Authority that demonstrates how at least 10% of the current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies. This scheme shall detail the following:
 - a. the technology types;
 - b. illustrate, through technical calculations, that these will meet at least the 10% reduction;
 - c. their siting and location; and
 - d. ongoing operation and maintenance.

Once approved, the development shall be completed in accordance with the approved scheme.

Reason – To ensure the proposal complies with Policy 32.

5. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning

Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall 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 measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification 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.

6. Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted to and agreed by the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In the interests of residential amenity; in order to safeguard the privacy and amenity of the residents of the neighbouring dwellinghouse(s).

7. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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 to ensure that access for emergency service vehicles are not impeded; and
 - d. details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

- Reason – In the interest of proper site management.
8. Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type A Road construction detail.
- Reason – In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

Procedural Notes

1. Permission shall not be issued until the Section 75 Agreement has been signed and registered to take account of this application, or an alternative arrangement to secure payment of developer contributions. 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 through failing to comply with the associated developer contributions policy and may be ultimately recommended for refusal under delegated powers.

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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at www.pkc.gov.uk/snn. Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
5. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any

- neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
6. 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.
 7. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.
 8. 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.
 9. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, he/she/they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road. Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.

Amendment (Councillor H Anderson)

Refuse, as the proposal is contrary to Policies 1A, 1B and 17 of the Perth and Kinross Local Development Plan 2 (2019) due to the appearance of the proposed property which is not in keeping with the local area.

On failing to secure a seconder, the amendment subsequently fell.

Resolved:

In accordance with the Motion.

5. PROPOSAL OF APPLICATION NOTICE (PAN)

- (i) **23/00009/PAN – Formation of an energy storage facility, including storage units, ancillary structures, substation compound containing transformers, erection of a control building, security and deer fencing, landscaping and associated works on land at Green Burn Wind Farm, Bridge of Cally**

Bailie Williamson requested due consideration be given to connection to the national grid and security lighting around the site.

Councillor Brawn requested due consideration be given to fire risk and access for emergency vehicles.

Councillor Reid requested due consideration be given to consultation with the Scottish Fire and Rescue Service.

Councillor James requested due consideration be given to access for emergency vehicles, particularly in winter conditions, and visual impact on the surrounding landscape.

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

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

Ref. No [20/00667/IPM](#)

Ward No: P9 – Almond and Earn

Summary

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

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

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

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

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

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

APPRAISAL

- 3 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan now comprises the [National Planning Framework 4 \(NPF4\)](#) and the [Perth and Kinross Local Development Plan 2019 \(LDP2\)](#). The relevant policy considerations update covered below focuses on NPF4 and how these impact on the recommendation, with the remaining considerations as per the previous report to this Committee (Appendix 1). The relevant NPF4 policies for this application are:

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

National Planning Framework 4 (NPF4) - Policy Discussion

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

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

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

Sustainable Places

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

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

Landscaping

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

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

Biodiversity

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

Cultural Heritage

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

Low Carbon Development

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

Transport

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

Liveable Places

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

Flooding and Drainage

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

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

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

Local Living

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

Productive Places

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

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

CONCLUSION

- 23 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with National Planning Framework 4 and there are material considerations that result in a recommendation to depart from the approved Perth & Kinross Local Development Plan 2 (2019).
- 24 In light of this, there is no change in the recommendation to approve this application, and no changes to any of the conditions or informatives as agreed by the Planning and Development Management Committee on the 1 June 2021.

Background Papers: Planning and Development Management Committee Report dated 1 June 2021 (Appendix 1)
Contact Officer: Alan Atkins
Date: 25 August 2023

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

Perth and Kinross Council
Planning & Development Management Committee – 1 June 2021
Report of Handling by Head of Planning & Development (Report No. 21/71)

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

Ref. No: [20/00667/IPM](#)

Ward No: P9 - Almond and Earn

Summary

This report recommends approval of the application, subject to a Section 75 legal agreement to secure identified developer contributions, including: infrastructure provision, including healthcare; and the establishment of a Project Design Team, for the detailed application stages of the planning process. Although the development is not considered to fully comply with the relevant provisions of the Development Plan, there are significant material considerations which outweigh the position of the Development Plan and justify a recommendation of approval.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to approximately 257 hectares (ha), of which 161ha forms part of the 262.3ha Perth and Kinross Local Development Plan 2019 (LDP2) allocation, referenced as MU70 and generally referred to as 'Perth West'. The application site therefore includes 95ha of land outwith the MU70 allocation. Of the land outwith the site, this comprises: 84 hectares of woodland at 'West Lamberkin Wood', located in the western part of the site; and a further 11 hectares of woodland at 'Lamberkin Wood', on the south side of the A9. A smaller parcel of circa 1.1ha is situated on the east side of the A9, at Broxden Business Park and is to accommodate a point of access.
- 2 The overall MU70 allocation is identified within LDP2 for: 2,210-3,453 homes; 25+ hectares employment land; two local employment and community focussed centres; land for a medical centre; land for two 'double stream' primaries; and land for cemetery provision, within either the MU70 allocation or Lamberkin Woodland. Further detail on the MU70 allocation stated within LDP2 is set out in paragraphs 28-36.

- 3 The application site is located immediately to the west of Perth, beyond the A9(T). It is generally characterised by open arable agricultural land, related landscaped shelterbelts, with active farm groupings at East Mid-Lamberkin and West Mid-Lamberkin. There are seven other residential properties within the site: Mid Lamberkin Cottages (two), Cotton Cottages (three) and Windyedge Cottages (two).

- 4 Other site surroundings are: further farmland and forestry to the south, west and north. To the north-east and west of the A9 is a collection of buildings around 'Glendevon Farm', adjacent to Old Gallows Road and known as 'Noah's Ark'. That complex mainly comprises of business uses and leisure facilities. All these properties are accessed, from Perth, by a single-lane road bridge over the A9.

- 5 This application seeks planning permission in principle (PPP) for a proposed mixed-use development, comprising the following uses (and indicative development scales):
 - Residential (class 9) – 1,500 dwellings approximately,
 - Business (class 4) – 1.25ha
 - General industry (class 5) – 6.29ha
 - Storage and distribution (class 6) – 12ha
 - Shops (class 1)
 - Financial, professional, and other services (class 2)
 - Food and drink (class 3)
 - Hotels (class 7)
 - Non-residential institutions (class 10) - 225sqm
 - Primary school – 2ha
 - Healthcare centre – 1,550sqm
 - Bus depot and car park Perth Innovation Highway – 2.69ha
 - Vehicle fuelling/charging centre – 1.93ha
 - Mobility Hub east of A9 – 0.81ha
 - Formation of new A9 junction
 - A9 Broxden underpass and road network
 - Road alterations
 - Footways and cycleways
 - Greenspace, landscaping, and associated works.

} 1.12ha

- 6 The proposed phasing of the development is set out as follows.
 - Phase 1 – 278 residential units and 11 hectares of commercial development (use classes 1, 3, 4, 5, 6, 7 and 10) including proposed Perth Eco-Innovation Park;
 - Phase 2 – An additional 440 residential units; and
 - Phase 3 – An additional 782 residential units and 15 hectares of commercial development.

- 7 It is sought to establish the acceptability of the principle of the above uses. However, precise details of the development (e.g. siting, layout, scale, height,

design of buildings) are not fully defined. It is also anticipated that development will extend over a significant number of years and, as such, details will evolve to reflect market changes and the evolution of new technology, especially in terms of energy, carbon reduction and heat demand. Although, parts of the site are outwith the MU70 allocation, a masterplan covering all of MU70 has been submitted to set the vision on how both that allocation and the application site can be developed. This masterplan includes information to indicate that the proposal does not prejudice the northern half of MU70, which is not included in the application, being delivered.

- 8 The application seeks to provide certainty in some areas and flexibility in others. Particularly, matters for which detailed approval is sought are set out as 'Development Parameters' while other elements are set out for illustrative (or indicative) purposes only. The Development Parameters principally relate to types of land-use, the quantum of development for certain uses (expressed as maximum and minimum numbers of residential units, floorspace and/or areas of land), the extent of built development zones, the structure of blue/green infrastructure, and principal access points to and routes through the site. The Development Parameters are set out in the supporting 'Parameters Plan and Schedule of Proposed Land-Uses and Floorspace' (Ref: 20/00667/5).
- 9 A key component of the proposals is the development of a 'Perth Eco-Innovation Park' (PEIP), comprising circa 26 ha in the southern and eastern part of the site. This PEIP proposes a grouping of businesses within the energy, logistics and mobility sectors co-located with academic institutions, to form a 'knowledge hub'. The PEIP also seeks to take advantage of the locational attributes of Perth: as an axis with the north-east, north-west, and central belt of Scotland, whilst capitalising on future investment in energy, mobility, and data sectors.
- 10 Within the PEIP, a 'Perth Innovation Highway' (PIH) is included and proposes to: develop and implement a new strategy of how people and goods move in and out of Perth; and inform the land uses which would enable future mobility patterns to be decarbonised, connected and accessible. The PIH will be the first stage of creating a city/region link between the PEIP site and Perth city centre. PIH benefits from funding from the UK Government, via the Tay Cities Deal. The PIH is identified as a corridor of land, to contain physical and digital infrastructure that will connect and enable delivery of land uses, including: a freight consolidation centre; and 'last mile' logistics centre and integrate these with existing and future neighbourhoods. It proposes to facilitate route prioritisation for public transport, support active travel and enable new models of urban logistics, which would be integrated with digital infrastructure (e.g. smart lighting, responsive traffic lights).

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 11 The proposal is of a type listed within Schedule 2 of the EIA Regulations and overall agreement between PKC and the applicant was reached, without the need for screening, that the proposals comprised EIA development. As such the proposal was the subject of an EIA scoping (18/01184/SCOP) to determine

what subject areas required to be assessed and included in an EIA Report. An assessment of the report's findings and significant environmental effects is provided in the Appraisal section and EIA summary (Section E) below, and the effects and mitigation measures are also summarised in Section E at the end of this report.

Pre-Application Consultation (PAC)

- 12 The proposed development is also classified as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore, the applicant undertook formal pre-application consultation with the local community.
- 13 The supporting PAC Report advises that a public exhibition was carried out on 6 February 2020, at the Leonardo Hotel in Huntingtower. 61 members of the public attended this consultation event. A presentation was also made to Methven Community Council on 20 February 2020. The applicant has fulfilled the Scottish Government's statutory requirements for pre-application consultations.
- 14 In addition to the above pre-application process, there has been significant public engagement undertaken since 2016 by both the Planning Authority and the respective landowners of Perth West. This related to the site's proposed allocation in LDP2 and included a 'Design Charette' process.

National Policy and Guidance

- 15 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

- 16 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.

Scottish Planning Policy 2014 (Revised December 2020)

- 17 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.

18 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 Historic Environment: paragraphs 135-151
- Delivering Heat and Electricity: paragraphs 152-174
- Planning for Zero Waste: paragraphs 175-192
- 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

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

- PAN 1/2011 Planning and Noise;
- PAN 2/2011 Planning and Archaeology;
- PAN 1/2013 Environmental Impact Assessment;
- 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 and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Streets 2010

20 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.

Creating Places 2013

21 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant

communities, and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

National Roads Development Guide 2014

- 22 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

- 23 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

- 24 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.”

- 25 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

- 26 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 6: Settlement Boundaries

- Policy 7: Employment and Mixed-Use Areas
- Policy 13: Retail and Commercial Leisure Proposals
- Policy 14: Open Space Retention and Provision
- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 20: Affordable Housing
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology
- Policy 27: Listed Buildings
- Policy 30: Protection, Promotion, and Interpretation of Historic Battlefields
- Policy 31: Other Historic Environment Assets
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 33: Renewable and Low Carbon Energy
- Policy 34: Sustainable Heating & Cooling
- Policy 38: Environment and Conservation
- Policy 39: Landscape
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 43: Green Belt
- Policy 50: Prime Agricultural Land
- Policy 51: Soils
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60: Transport Standards and Accessibility Requirements

LDP2 Allocation

- 27 MU70 is allocated for mixed used development including up to 3,453 homes; 25+ hectares employment land; 2 local employment and community centres; medical centre, 2 double-stream primaries and cemetery provision (within the allocation or within Lamberkin Woodland).

Site-Specific Developer Requirements

- 28 A comprehensive Masterplan is required at the point of any planning application and should include: an Access Strategy, and Delivery Strategy for development of the whole site.

- 29 The Access Strategy must include: early delivery of multiple access points; a through route from the A85 to the A9; early active travel connections; and focus on an east to west residential phasing. This Strategy should also include a comprehensive plan for addressing A9 severance issues.
- 30 The Delivery Strategy must identify how the development will be implemented and any matters to be resolved such as: land assembly and preparation; and co-ordinated infrastructure delivery.
- 31 A 'pause and review' is required once either: 1,500 homes, or 20 hectares of employment land is developed; or by 2035, whichever comes first. All to allow a reassessment of impact on the road network and the amount of modal shift.

32 Accessibility

- Transport Assessments, modelling studies, and a transport strategy are required to determine: network, and local junction capacity, when and where the strategic junctions will be required, including connection from the A9 to the A85.
- Early provision of and enhancement to active travel linkages to existing settlements and to neighbouring core paths including the Sustrans Route 77.

33 Landscape and Open Space

- Urban Design Framework including Landscape Framework with Greenspace Network Management Plan.
- A range of multi-functional formal and informal green spaces.
- Major public park complexes in north and south areas.
- Sports facilities to be a shared resource for both community and school(s), and to include full-sized grass pitches.
- Provision of suitable pedestrian and vehicular access to these facilities, and to include cycle and car parking.
- Provision of a 'green corridor' along the A9, to control outward views where appropriate; and a blue-green active travel network along the watercourse, with riparian features that connect to the Scouring Burn (the access into the site needs to take into account the route of the Blue-Green corridor).
- Retain, enhance and secure mechanisms for the long-term management of existing native woodland.
- Provide a connected framework of woodlands, and tree belts and new native planting areas, to link green spaces.
- Ensure infrastructure and access arrangements include connection to the existing Tibbermore Road, and the search for cemetery provision and access are informed by the findings of a detailed Woodland Survey.
- A detailed Woodland Survey, undertaken at the appropriate time of year should be carried out by a suitably qualified consultant.
- A felling programme which ties in with maintaining and strengthening boundaries and facilitating wider public amenity use of the woodland.
- Long-term Woodland Management Plan for native woodland.

- An Integrated Surface Water and Drainage Strategy based on surface water flow patterns and aligning SUDS locations with the green network across the site.
- A feasibility study to assess the restoration of the existing culvert on the Newton Burn.
- Open watercourses to be retained and incorporate a minimum 6m buffer strip.
- Strategy to minimise soil sealing and maximise permeability.

34 Cultural Heritage

- A Battlefield Conservation Plan.
- Preserve setting of Mains of Huntingtower, Huntingtower Castle and Scheduled Monument at Huntingtower Cairn.
- An archaeological programme of works, with results feeding into a mitigation strategy for the preservation of heritage assets in situ or by recording.

35 Other Requirements

- A Geo-Environmental Audit.
- Good-quality soils should be removed for effective reuse.
- Incorporate National Grids 'Sense of Place' guidelines.
- Drainage Impact Assessment and Flood Risk Assessment.
- An Energy Statement is required to investigate the potential for the provision of, and/or extension to: a heat network to serve the development. The Energy Statement will be expected to consider possible linkages to LDP2 site MU73 (Almond Valley)
- Noise Impact Assessment
- A Construction Method Statement is required for all aspects of the development, to protect water courses.
- Assessment of potential amenity impacts from nearby businesses.
- Ground Investigation to be carried out for the proposed cemetery site.

Other Guidance

- 36 Tay Cities Region Economic Strategy 2019-2039
- 37 Developer Contributions and Affordable Housing Supplementary Guidance July 2020

Relevant Site History

- 38 [18/01184/SCOP](#) EIA Scoping Request for Mixed Use Development. Content of EIA Report agreed September 2018.
- 39 [20/00001/PAN](#) Proposal of Application Notice for Mixed Use Development, Contents of PoAN accepted February 2020

CONSULTATIONS

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

External

- 41 **Scottish Environment Protection Agency (SEPA):** No objection to the principle of the proposal and uses proposed, this position followed an initial objection related to the level of detail provided in association to proposed blue/green infrastructure and the overall drainage strategy. SEPA now accept that the detailed design stages will also provide the opportunity to provide guidance on the final blue/green infrastructure provision.
- 42 **NatureScot:** No objection, following an initial objection and identification of concerns related to blue/green infrastructure, in particular how biodiversity interests would connect to it. Now accept that the detailed design stages will also provide the opportunity to provide guidance on required biodiversity enhancements.
- 43 **Scottish Water:** No objection. Advise of water and wastewater capacity at the Turret Water Treatment Works and Perth City Wastewater Treatment Works.
- 44 **Transport Scotland:** No objection, in terms of impact on the trunk road network. Recommend 17 conditions are applied to any permission.
- 45 **Historic Environment Scotland (HES):** No objection. Agree with the EIA Report and mitigation of impact on the Inventory of the Battle of Tippermuir site, and the proposed Battlefield Conservation Plan.
- 46 **Perth And Kinross Heritage Trust (PKHT):** No objection. Recommend a number of archaeology related conditions are applied to any permission.
- 47 **Scottish Forestry:** No objection.
- 48 **Royal Society of Protection of Birds (RSPB):** No objection.
- 49 **Director of Public Health:** No objection. Support the provision of a health centre, as this will be required to meet the resultant population growth.
- 50 **Earn Community Council:** No response received.
- 51 **Methven Community Council:** No response received.

Internal

- 52 **Planning and Housing Strategy (PHS):** The proposal is on land allocated under Proposal Site MU70 for mixed-use development and is broadly in accordance with LDP2. The allocation requires a masterplan for the entire MU70 site. A masterplan has been submitted with this application; however, for the remainder of the MU70 site not covered by this application, this is indicative

and is not a masterplan that has been prepared with those landowners, as required by LDP2. The proposed site also includes additional land outwith the allocation. Both are departures from LDP2 that require justification.

- 53 **Transport Planning:** No objection. A number of conditions are recommended, regarding transport connections and required infrastructure.
- 54 **Environmental Health:** No objection. Satisfied in terms of noise and air quality.
- 55 **Land Quality:** No objection.
- 56 **Community Greenspace:** No objection. Support the landscape proposals, including the Blue/Green Infrastructure Strategy.
- 57 **Biodiversity/Tree Officer:** No objection. Propose a number of biodiversity and woodland conditions, requiring future studies be undertaken to inform detailed development proposals.
- 58 **Structures and Flooding:** No objection, on the grounds of flood risk or proposed drainage strategy, including the proposed blue/green infrastructure.
- 59 **Development Contributions Officer:** Confirm that developer obligations are required for: affordable housing, primary education, transport infrastructure including public transport, open space provision and path connections and delivery of a new health centre. A detailed Section 75 legal agreement will be required to agree provision levels and delivery of the requirements.
- 60 **Waste Services:** No objection.

Representations

- 61 A total of 13 representations, including one from Scottish Hydro Electric Transmission (SHET) have been received. The main issues raised within the representations are:
- Contrary to Development Plan
 - Inappropriate land use/out of character with area/loss of agricultural land
 - Over intensive development
 - Piecemeal development
 - Inadequate public consultation
 - Loss of green belt
 - Visual impact
 - Flood risk
 - Tree loss
 - Biodiversity impact
 - Loss of open space
 - Noise, air, and light pollution
 - Road safety/congestion
 - Overlooking

- Impact on sunlight/daylight
- Loss of battlefield site
- Impact on health and education facilities
- Object to proposed underpass
- Object to filling station on A9
- Loss of car parking
- Not low carbon/energy
- Employment provision
- Excessive height of buildings
- Impact on electricity infrastructure and existing wayleaves (SHET)

62 The material issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

63	EIA Screening Opinion	N/A, stage skipped and moved to EIA Scoping.
	EIA Scoping Opinion	Scoping Agreed
	Environmental Impact Assessment (EIA): Environmental Report	Submitted
	Appropriate Assessment	Not required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk Assessment; Transport Assessment; Air Quality Assessment; Noise Impact Assessment; Landscape and Visual Impact Assessment; Energy Statement; Economic Impact, included within EIA Report

APPRAISAL

64 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle

65 Much of the proposed site is within the LDP2 MU70 allocation, which expanded the settlement boundary of Perth. The MU70 site is also identified in TAYplan,

under Policy 3 (A First Choice for Investment), as part of the West/North-West Strategic Development Area (SDA). This SDA to provide 4,000+ homes and over 50 hectares of employment land. In terms of the LDP2 MU70 allocation, approximately 50% is incorporated into the application site. MU70 is intended to support the growth and expansion of Perth, in line with TAYplan Policy 1 – Location Priorities.

- 66 Approximately 95 hectares of existing woodland is included within the application site 'red line boundary', although this area does not form part of the MU70 allocation and is not within the Perth Settlement Boundary. Indeed, some of the area is identified as green belt. As a result, technically, the proposal must be considered as a departure from the Development Plan. However, it is important to note that the area of woodland known as 'West Lamberkin Wood' sees no felling or development proposed, other than to provide a future access point onto the Tibbermore Road as this is a site-specific developer requirement of the LDP2 allocation of MU70. Otherwise, an area of Lamberkin Wood, south of the A9, is incorporated to provide a west bound access off the trunk road network. This is also a site-specific developer requirement.
- 67 Such proposals can be considered through assessment against LDP2 Policy 43 – Green Belt. Indeed, the principle of this type of facilitating development is accepted, as essential infrastructure: providing roads and other transport infrastructure to facilitate the delivery of the MU70 allocation. It can also be justified as an exception under LDP2 Policy 6 – Settlement Boundaries, as it can demonstrate a specific operational and locational need. Taking this together, these elements of the proposal are considered to be a requirement and provide an essential facilitating function, such that appropriate access is provided. Although there are impacts, these are considered to be justified and outweighed by the positive socio-economic impact of the overall development proposals, comprising approximately half of the Perth West development.
- 68 Given the incorporation of a large part of MU70 is identified as a SDA in TAYplan, the principle of the proposed range of uses are considered acceptable. Whilst there are woodland areas included in the red line boundary and these are outwith the MU70 allocation, the level of development proposed across these excursions is considered to be minor, relative to their overall size, and is essential in providing access to the site off the A9 and Tibbermore Road – which in themselves are requirements specified in LDP2 in relation to MU70. As such the incorporation of these areas is considered acceptable and will facilitate delivery of MU70, allowing the city of Perth to continue to expand to accommodate predicted population growth, as well as providing significant employment generation for Perth and the wider region.

Design and Layout

- 69 As a PPP application, the proposals seek to establish the acceptability of the principle of the proposed range of uses. Whilst precise details such as exact siting, layout, scale, height, design of buildings is not yet fully defined, it is anticipated that the development would take around 18-20 years to be completed. As will be appreciated, the detail of development is likely to

significantly evolve over this period, reflecting both market forces and the evolution of new design standards and technology.

- 70 A site-specific requirement of MU70 is the production of a masterplan covering the entire LDP2 allocation. The vision of the submitted masterplan seeks to provide a mixed-use community built around local centres that fits within the historic, cultural, and ecological landscape. It also looks at how it will integrate with the existing city to the east and the sensitivity of the rural landscape to the west.
- 71 However, this application incorporates approximately half of MU70, thus, the submitted masterplan only gives indicative information associated to the elements outwith the scope of the application. It is therefore a departure from the intended terms of LDP2. However, the supporting Masterplan and Development Parameters Plan show that the quantum and location of proposed uses does not prejudice development on the northern half of MU70, nor affect many of the site-specific criteria such as a through connection between the A9 and A85.
- 72 In this case, the submitted Development Parameters Plan and Schedule of Land-Uses and Floorspace indicates the proposed types and location of land-uses, the quantum of development (expressed as maximum and minimum numbers of residential units, floorspace and/or areas of land) within each development zone, the extent of built development zones, structure of blue/green infrastructure and principal access points and routes into the site.
- 73 The proposed information, whilst illustrative, is broadly acceptable in planning terms. It provides certainty over some matters of principle such as where the residential and commercial areas will be located. Where the proposed accesses into the site will be located is considered acceptable and the location of the proposed Heritage Park will help mitigate the proposed impact on the Historic Battlefield site. It also helps with the assessment of the likely environmental effects of the project and has been assessed by the Council and Key Agencies.
- 74 A proposed Phasing Plan has been submitted in support of the proposal and it outlines an 18-20-year construction programme. Phase 1, at the eastern part of the site, would open up the proposed Perth Eco-Innovation Park, comprising: the Mobility Hub (including the Broxden Underpass and healthcare facility); the first section of the Perth Innovation Highway; and employment development of 11ha and 278 residential units. Phase 1 will help open up other land for Phases 2 and 3 with the development moving sequentially in an east-west and north-west direction (Condition 1(i)).
- 75 The retention of control for the Council and Key Agencies over detailed design matters will be maintained through the use of planning conditions and an associated detailed Section 75 legal agreement covering: phasing and delivery of uses; developer obligations; infrastructure delivery including healthcare provision; and the establishment of a Project Design Team involving the

applicant, the Council and Key Agencies such as SEPA and Transport Scotland.

- 76 The submitted information does provide confidence that the principle of the proposed development is acceptable in planning terms and can be delivered, taking into cognisance required cultural heritage and landscape mitigation, while still retaining control over further detailed design matters. Overall, the proposal is considered to comply with LDP 2 Policy 1 – Placemaking, at this stage of the planning process and allows the detailed design to evolve from this. The detailed design would be resolved through subsequent applications for the Approval of Matters Specified in Conditions (AMSC) (Condition 1), which, in turn, would be guided by the design and technical matters stipulated in other recommended planning conditions.

Landscape and Visual

- 77 As part of the EIA Report a Landscape Statement is incorporated and has been examined by NatureScot and PKC's Community Greenspace team. Neither raise concerns over the impact on landscape and wider visual issues.
- 78 NatureScot advise that they agree with the findings of the Landscape Statement, in that there are attractive views from the development looking north and west to rolling, partly wooded Perthshire farmland, with the backdrop of the Grampian Mountains beyond. The foreground includes scattered groups of buildings and overhead power lines, but these do not overly detract. NatureScot considers that this key asset of the site has not been fully utilised to good effect and advise there are opportunities for connecting the proposed development into its rural context to the north and north-west, both visually and in terms of access.
- 79 The site topographically faces north and north-west, away from the A9(T), towards the smaller scale rural landscape. This should make it easier to capitalise on the extensive views from throughout the development. NatureScot suggest that a re-orientation of the overall layout; with amenity spaces towards the north-west could better accommodate these key views and would enhance the development as a distinctive and exemplar place, drawing on this key location's main qualities. This can be delivered in the detailed application stages (Condition 1(vi and xix)).
- 80 Community Greenspace comments relate primarily to the design and layout of proposed open spaces. These comments consider that the information provided within the Landscape Statement (Ref: 20/00667/18) are comprehensive and clear. They particularly welcome the 'Green Web' approach, which integrates existing and proposed planting and paths and seeks to enhance public amenity, active travel, and biodiversity (Condition 1(vii)).
- 81 Community Greenspace also consider the Blue/Green Infrastructure Strategy to be innovative, and while largely incorporating and building on the existing key features it provides for an excellent structure for public amenity and biodiversity

throughout the development. The incorporation of permeable car parks, driveways etcetera and the proposals for the greening of streets/active travel routes with tree planting with bioretention pits/planters is also welcomed. In addition, the incorporation of roof gardens, where appropriate (e.g. school buildings) and the provision of water butts for all dwellings, schools, and community growing areas is recommended for detailed designs (Condition 54).

- 82 The Landscape Statement provide greater detail of the overall proposals. Particularly the extent of public open space equates to approximately 35% of the application site with large areas including a 'Heritage Park' and 'Woodland Park' with paths and around the proposed school and green corridors including copse and hedgerow edges creating a countryside aspect. The creation of green streets incorporating segregated walk, cycle and waterways is also welcomed, as are community growing spaces, play, and pitch facilities. They do advise that it will be important ensure pitch and changing facilities are shared between school and community. This aspect can be secured in the associated Section 75 legal agreement.
- 83 As it is PPP application without any detailed design or layout to fully ascertain at this stage the level of visual impact and the siting, design and landscaping will be fully addressed as part of subsequent detailed applications. However, the site has assessed. Overall, though, the proposal complies with LDP2 Policy 39 – Landscape (Condition 1 (vii) and (xix)).

Residential Amenity

- 84 There are a limited number of residential properties west of the A9(T) and as part of the EIA Report an Air Quality Assessment (AQA), Noise Impact Assessment (NIA) and Ground Conditions Assessment (GCA) support the application. These assessments have been examined by SEPA and PKC Environmental Health, in terms of impact on overall amenity of the western edge of Perth and the wider city. Each issue is considered below:

Air Quality

- 85 The AQA was undertaken to determine if emissions from road traffic generated by the proposed development will have an adverse effect on air quality within Perth's Air Quality Management Area and on existing and future sensitive receptors.
- 86 The AQA concluded that the impact from the development traffic is predicted to be of 'slight adverse significance' for Nitrous Dioxide (NO₂) at some receptors north of the A93. Otherwise the impacts for the change in NO₂ levels are of 'negligible significance'. The predicted impact from particulate matter (PM₁₀ & PM_{2.5}) is of slight adverse significance at some receptors to the east of the A9. Whilst at all other identified sensitive receptors predicted impacts are of negligible significance.
- 87 Environmental Health confirms that the AQA indicates the developments compliance with the objective levels for all pollutants assessed, at all sensitive

receptors. However, the AQA states that as the proposed scheme will not be complete until 2039, there are therefore considerable variances in scenarios and as such the results should therefore be interpreted with this in mind.

- 88 In addition to the AQA the Transport Assessment (TA) states that given the lengthy development phase there could be changes to travel trends and technologies, such as a significant transition to electric vehicles (EVs). Over the lifetime of Perth West, EVs are predicted to exceed vehicles with combustion engines and as such related pollution will reduce; however, congestion on the public road network may not.
- 89 The AQA also states that no specific air quality mitigation measures are required, but details on measures to reduce vehicle use are outlined in the TA. It is also recommended that all vehicle parking spaces are provided with passive provisions for electric vehicle charging. The TA further highlights the ambitions of the development regarding future mobility and the likely emergence of new technologies, services and working practices, all of which have the opportunity to change travel patterns. However, the impact of these are presently unknown, but these technologies can be reflected on via a "Pause and Review" as specified in the LDP2 allocation (Conditions 4 & 32).

Construction Period

- 90 The AQA states that the impacts from construction vehicle emissions are likely to be significantly less than the impacts from the completed scheme. These potential air quality impacts can be controlled through a Construction Environmental Management Plan (CEMP) and the impact of dust from construction activities, such as groundworks, can be quantified through a Dust Assessment. These conditions (30 and 32) will ensure that the proposal addresses LDP2 Policy 57 - Air Quality.

Noise

- 91 The NIA has assessed the impact of road traffic and industrial noise associated to the proposals, on both existing and predicted future noise sensitive receptors. However, as the details of the industrial elements are currently unknown, a full noise assessment could not be completed at this stage. This issue will be required to be assessed at the detailed application stage. Notwithstanding, the existing noise climate was measured and provides an indication of what the noise limits commercial/industrial units should achieve.
- 92 The NIA also states that a full 'outdoor amenity assessment' will be required at the detailed application stages. Again, due to the lack of details for site and house designs, exact location of outdoor amenity areas and what screening will be incorporated (Condition 33).
- 93 Noise impact associated with the proposed development was assessed in relation to existing houses and considered scenarios with and without the development. This concluded that the noise change would be <1dB at all

houses located near the A9. Whilst the additional traffic generated is not considered to significantly impact on existing dwellings.

Construction Noise

- 94 The NIA states that a Construction Environment Management Plan (CEMP) would be prepared at the detailed planning application stages. The CEMP would address noise and vibration and including a monitoring scheme, limit values and related mitigation measures (Condition 30 and 31).

Noise Conclusions

- 95 Environmental Health have no objection on noise grounds and recommend a condition for further noise work to undertaken (Condition 33). Overall, subject to this further detailed assessment, the proposal complies with LDP2 Policy 56 - Noise Pollution.

Roads and Access

- 96 As advised, a TA also supports the application. This has been examined by Transport Scotland and PKC Transport Planning, neither of whom have raised any objections based on traffic volume, road capacity or safety.
- 97 The proposed development is likely to be delivered in the following three phases:
- Phase 1 – 278 residential units and 11ha of commercial development;
 - Phase 2 – An additional 440 residential units; and
 - Phase 3 – An additional 782 residential units and 15ha of commercial development.
- 98 Whilst the phasing is indicative and dependant on market forces, the TA has assumed that Phases 1 and 2 will be completed by 2033, with Phase 3 complete by 2039. The TA considers a worst-case scenario, in terms of potential traffic and transportation impacts.
- 99 The opportunity to facilitate future links to the northern half of MU70, sees plans indicate a number of locations and that access from the A9 to the A85 can be easily achieved. These arrangements would ensure a number of the site-specific criteria will be met (Condition 23).

Trip Rates

- 100 It is estimated that nearly 80% of the trips associated with the development will relate to the housing. The TA looks to achieve a reduction in the number of vehicle trips of approximately 12%, when compared to PKC's standard modelling.

101 The modelling has shown that there will be increases in journey times, but as vehicles disperse to the wider area, the impact dissipates. The applicant has shown overall network statistics for 'average travel time', which shows that there will be average increases of around +25 seconds in 2033, in both the AM and PM Peak Periods; and in 2039 modelling, the same +25 seconds in the AM, but around +55 seconds in the PM Peak Period. The proposed trip rate levels and travel times is considered by PKC Transport Planning to be accurate and acceptable.

Further modelling

102 The LDP2 requirement for a "Pause and Review" after either: 1,500 homes or 20 hectares of employment land is developed; or by 2035, whichever comes first, seeks to reassess both the impact on the road network and the level of modal shift. This requirement is continued via Condition 4 but have reduced the residential trigger to 1,001 dwellings as current proposal is for 1,500 dwellings.

Access

103 Vehicular access to the proposed development is proposed via the following:

- Broxden Underpass at Tweed Place (under the A9 to the north of Broxden Roundabout) to the south-east of the site, connecting with Lamberkine Drive via Tweed Place (to support Phases 1 and 2);
- Phase 1 and 2 emergency access from the A9 at East Lamberkine Farm (west of Broxden Roundabout), comprising an upgrade to an existing farm access on the A9 (to be closed once the A9 Tibbermore grade-separated junction becomes operational);
- Proposed A9 Tibbermore grade-separated junction in the south west of the site, replacing the existing A9/Tibbermore Road priority junction (to support Phases 1, 2 and 3);
- Tibbermore Link Road, connecting A9 Tibbermore grade-separated junction with Tibbermore Road; and
- Future travel links to the northern half of MU70 to ensure connected and permeable overall site.

Underpass at Tweed Place

104 Tweed Place was not originally designed to carry the proposed levels of traffic or large goods vehicles that will require to access Perth West, development during Phase 1 and 2. Rather the current layout is a cul-de-sac with access to a dental practice, offices, car dealership and food establishments.

105 As such and to facilitate the proposed traffic patterns, work will be required on the adjoining roundabout and road network. This will require detailed assessment of relevant infrastructure to ensure delivery of a design able to accommodate the range of vehicles expected. Swept path analysis will consider geometry and any works required (Condition 3). Without this proposed access, development of Perth West and in particular Phases 1 and 2 will not be

deliverable. However, the access road to the proposed underpass will soon be under the ownership and control of the Council, enabling delivery of any works.

- 106 The TA highlights that Perth & Kinross Council will upgrade the Lamberkine Roundabout to a signalised junction. PKC Transport Planning supports the principle of opening up the Perth West site with the provision of an underpass at Tweed Place. The timing of any upgrade of Lamberkine Roundabout should be considered at the same time as the proposed underpass, as the Tweed Place Underpass will be the main entrance to the Perth West development for up to 718 housing units and 11ha of commercial development, before the A9 Tibbermore Interchange become available (Conditions 7 and 12).
- 107 To suitably accommodate this use of Tweed Place/Underpass, the TA highlights that parking restrictions will need to be introduced on both Tweed Place and Lamberkine Drive, from the Underpass to the A93 roundabout/signalised junction. The applicant has highlighted that in order to minimise the impact on the residential amenity of surrounding neighbouring properties, parking will be available in the Multi Storey Car Park at the Mobility Hub. It has been estimated that 44 vehicles may be displaced. As such, prior to the implementation of parking restrictions in this location, the Multi Storey Car Park must be operational and have capacity for approximately 50 vehicles. At this stage it is noted that the Multi Storey Car Park is to have a capacity of 118 parking spaces, 25 EV charging spaces, 25 e-bike docks and 50 cycle parking spaces (Condition 5).
- 108 To ensure risks of closure due to surface water issues are mitigated, the proposed underpass at Tweed Place, should be designed such that no pumped systems are required to remove water from it. Water run-off into the Scouring Burn shall be controlled and subject to approval by Perth & Kinross Council (Condition 52).
- 109 A full Road Construction Consent (RCC) application will also be required at the detailed application stage (Condition 3).

Emergency Access from A9 at East Lamberkine Farm

- 110 The proposed emergency access from the A9(T) at East Lamberkine Farm (west of Broxden Roundabout) will be gated to restrict access to that purpose. The gate will require to be set back an appropriate distance, to accommodate vehicles and be clear of the road (Condition 15).

A9(T) Grade Separated Junction near Tibbermore Junction

- 111 The provision of this grade-separated junction will see the closure of the existing right-turn option through the central reservation of the dual carriageway. Transport Scotland highlight that the minimum spacing between junctions on this type of route is 1km, but that visibility impacts should be assessed for acceptability. The slip road cross sections also require to be checked, though it is acknowledged that the design is at an early stage. Transport Scotland have not raised any significant concerns regarding impact

on trunk road and have recommended conditions to mitigate any impact on the A9(T) (Conditions 13 and 14).

Cycling/Walking

- 112 The TA details walking and cycling opportunities from the edge of the development at Tweed Place, noting the increased distance to Perth city centre as development moves westward.
- 113 PKC Transport Planning consider that the proposed Perth Innovation Highway characteristics are generally acceptable. They recommend that Local Transport Note 1/20, Cycle Infrastructure Design, Department for Transport July 2020 should be considered in future detailed design submissions (Condition 3).
- 114 The exact detail of the road widths will be set out in detailed applications and further within RCC documents. However, the application details widths of proposed cycle routes in the TA, and this should be reviewed to ensure that they comply with the Cycle Infrastructure Design guidance, as published by the Department for Transport in July 2020, as a minimum standard to be met or exceeded (Conditions 3, & 22).
- 115 It is noted that the applicant proposes that details of the Tibbermore link shall be presented in a detailed application and that its suitability/design will be discussed in advance with PKC Road Safety Officers (Condition 14).
- 116 The application also proposes to connect into the core path network. It is highlighted that path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands will be heavily used by walkers and cyclists. These conditions shall be provided for through any AMSC applications (Conditions 8 and 44).
- 117 It is therefore proposed that this crossing be upgraded. Perth & Kinross Council are keen to have discussions on how this should be implemented, whether it is a Toucan Crossing or any alternative solution where pedestrian/cyclist priority can be provided. This can be secured through the S75 legal agreement.

Public Transport

- 118 The TA highlights that the development requires good bus provision to and from the site, as a key component to achieving the sustainable modal split identified.
- 119 As such an indicative public transport route is set out and PKC Transport Planning advise this will require further analysis, via future detailed applications to ensure that public transport is available from the earliest possible stage. This will also include the provision of high-quality passenger waiting facilities throughout the development, incorporating 'Real Time Information' screens. A funding mechanism to provide for this during the development phases will be required, and this is to be incorporated into a S75 Legal Agreement.

- 120 The TA acknowledges that Perth rail station is remote from the site and that Perth West rail users would be unlikely to walk to or from the station. Rather it is anticipated that local bus services would be used, and the bus journey time is anticipated to be circa 20 minutes. It is, however, predicted that the level of public transport usage will be high for both commercial and residential elements of the proposal.

Parking

- 121 As a PPP application, the number of parking spaces, for all elements will be considered at the detailed planning application stage, with the National Roads Development Guide informing such details. The level of cycle parking shall also be determined at this stage, with an expectation that facilities should be of high quality and located to maximise the uptake of cycling. In addition, facilities such as lockers and showers for commercial/office spaces should also be incorporated (Condition 3).

Streets

- 122 The design of streets within the development will require to accommodate a 12-metre long refuse vehicle and swept path analysis will need to be provided in each detailed application to demonstrate this (Condition 3).

Future

- 123 The TA highlights that over the life of the development phases there will be changes to travel trends, such as a transition to electric vehicles. The TA also highlights several ambitions of the development regarding future mobility and the emergence of new technologies, services and working practices, which could change travel patterns. The impact of these is unknown at present but there is an opportunity to review the impact of these technologies in the "Pause and Review" (Condition 4).
- 124 Whilst there is considerable detailed work required to be submitted and assessed at subsequent planning stages both Transport Scotland and PKC Transport Planning do not raise any objection to the principle of the proposal. Subject to several transport related conditions (3 to 28) the proposal complies with LDP2 Policy 60 – Transport Standards and Accessibility Requirements.

Blue/Green Infrastructure including Drainage

- 125 As part of the EIA Report a Flood Risk Assessment, Drainage Strategy and Blue/Green Infrastructure Strategy has been submitted and assessed by SEPA, Scottish Water, NatureScot, PKC Strategy and Housing and PKC Structures and Flooding. SEPA initially objected due to a perceived lack of information on drainage and blue/green infrastructure, NatureScot also initially objected for the same reason on the blue/green infrastructure strategy. Both key agencies have now removed their objections. It is recognised that these issues can be explored further and delivered at the detailed application stage (Condition 54).

- 126 In terms of the blue/green infrastructure strategy and drainage strategy, SEPA recognise the enormous opportunity presented by this development. In SEPA's review of the blue/green infrastructure strategy they advised that further information was required to clarify that the SUDS proposals for the site accord with relevant guidance and appropriate for a development of this scale.
- 127 The updated blue/green infrastructure strategy refers to enhancements that are considered a range of possible SUDS options. The proposed Blue/Green Infrastructure document provides useful schematic drawings of the location of SUDS measures and active travel opportunities on the innovation highway. The strategy does not, however, provide full details as to what is proposed for the drainage strategy of the site.
- 128 The production of such a detailed drainage framework at the AMSC stage will ensure the blue/green infrastructure can be developed within the context of an agreed approach for the sustainable management of surface water over the whole site. This approach will allow opportunities within the blue/green infrastructure to be realised, which SEPA have advocated.
- 129 Long-term maintenance of blue/green infrastructure should also be a detailed design stage consideration and inform provision chosen across the site. SEPA advise that the Council should be satisfied that appropriate arrangements have been made in this regard.
- 130 Both SEPA and NatureScot advise that SUDS features should be creatively integrated across the site in such a way that they contribute to wider place-led objectives:
- Deliver biodiverse sustainable urban drainage systems.
 - Aligned and integrated with green networks, taking people from home to places of employment and services.
 - Sensitively integrated with open space to provide a focus for social cohesion, educational resources and add value to enhance biodiversity.
 - Planted species need to be resilient to the effects of climate change.
- 131 At this stage, although the proposed Blue/Green Infrastructure Strategy does not fully address SEPA's and NatureScot's concerns, both acknowledge that the principle of the overall proposal is acceptable and whilst greater detail was expected to be provided at this stage, they recognise that the detailed planning stages still provides an opportunity to influence the design of the final blue/green infrastructure. A detailed blue/green infrastructure strategy and scheme will help design a multifunctional integrated SUDS scheme with areas of useable open space. Further to this, the establishment of a Project Design Team (a criteria in the S75 legal agreement), will provide further engagement and collaboration between: the applicant; the Council; and Key Agencies such as SEPA and NatureScot, to ensure an exemplar development is facilitated. SEPA, in particular, have confirmed their support of this approach.

Flood Risk

- 132 The Flood Risk Assessment (FRA) confirms that due to the topography of the site the flood risk to Perth and the city centre is minimal. To explain the site slopes westwards, away from the city and sits at a lower level than the western edge of Perth. As such any flood risk would be to the west.
- 133 The FRA confirms that the proposed SUDs basins are outwith the functional floodplain and recommends a 5m buffer strip along watercourses and that SUDs basins should not encroach into this. PKC Structures and Flooding are content that this can be delivered and assessed at the detailed application stage. The proposal is therefore considered to comply with LDP2 Policies 52: New Development and Flooding and 53 - Water Environment and Drainage, subject to Condition 51.

Drinking Water Protected Areas

- 134 A review of Scottish Water's records indicates that the proposals are within a drinking water catchment, where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA), under Article 7 of the Water Framework Directive. The River Tay also supplies Perth Gowans Terrace Water Treatment Works (WTW) and it is essential that water quality quantity in the area are protected.
- 135 Scottish Water advise that the catchment is relatively large and development activity is a sufficient distance from the intake, such that it is likely to be a low risk.

Cultural Heritage

- 136 The EIA Report included a Cultural Heritage Assessment, with a Battlefield Conservation Plan and Archaeology Impact Assessment (AIA). These have been examined by Historic Environment Scotland (HES) and Perth and Kinross Heritage Trust (PKHT).
- 137 Development is proposed within the Tippermuir Battlefield site, recognised as being of national significance through its inclusion in the Inventory of Historic Battlefields. The battle occurred on the 1 September 1644 and is significant as the first victory of the Marquis of Montrose and his Royalist forces, laying the foundations for his campaign against the Covenanter Army.
- 138 HES and PKHT have been involved in detailed discussions with the applicant for a number of years including commenting on the allocation during the LDP2 preparation process. The key focus for HES was the need for a Battlefield Conservation Plan (BCP), to ensure the development takes full cognisance of the national designation and any development proposals are fully informed by an understanding of the asset and opportunities for positive outcomes.

- 139 Both HES and PKHT welcome the submitted BCP. HES advise that it remains a live document to develop over time but content that the assessment followed the advice provided at pre-application stage.

Assessment of Potential Effects on Tippermuir Battlefield

- 140 Overall, the Cultural Heritage Assessment considers that there will be an effect of major significance on the battlefield designation but is reduced to an effect of moderate significance following mitigation and enhancement.
- 141 Effects are predicted for both the construction phase and operation of the development. However, HES are content with the findings of the assessment in this regard, including the assessment of some of the specific sub-areas of the battlefield such as:
- Old Gallows Road, which survives as a track running along the edge of fields and can be traced through field boundaries.
 - The area west of the A9(T) around Glendevon Farm, where the Covenanter army initially deployed.
- 142 Of these sub-areas, Old Gallows Road (south of Southton of Blackruthven) lies closest to the proposed development. The proposed mitigation of the creation of a Heritage Park to the south of Old Gallows Road, adjacent to this area, is considered to have a moderate effect on the battlefield landscape. HES agree that the open space will serve to mitigate effects in this area to moderate (adverse). The Heritage Park will bring positive opportunities for interpretation and promotion of the battlefield where none presently exists and is currently used for agricultural purposes. The mitigation put forward in relation to the creation of a Heritage Park is therefore welcomed.
- 143 While the submitted masterplan is purely indicative, HES note the presence of several drainage ponds within the proposed Heritage Park. Such infrastructure could have a potentially significant impact on areas of defined high archaeological sensitivity and cause negative impacts by changing the topography of the battlefield landscape. These potential impacts will have to be carefully considered and any impacts mitigated, by avoidance or sensitive design, as further detail on the layout of the park is developed.
- 144 In light of this, HES recommend securing the mitigation put forward in Table 10.10 of the applicants Cultural Heritage Assessment (Conditions 35 to 38).

Cumulative Effect

- 145 HES welcome the recognition of the potential cumulative effect of the development, and the entire MU70 site, on the Tippermuir Battlefield. Given this, the BCP will require to evolve and be submitted in support of future detailed applications (Condition 38).

146 Overall, HES agree with the findings of the EIA Report, in that there will be an impact on the Inventory Battlefield of Tippermuir and that these impacts will require mitigation. Furthermore, HES also recognise that the proposed development area is allocated within LDP2. In light of this, the preparation of the Battlefield Conservation Plan (BCP), together with the identification of mitigation and enhancement opportunities within the EIA Report is welcomed. Therefore, based on the creation of a Battlefield Heritage Park, the proposal is considered to comply with LDP2 Policy 30 - Protection, Promotion, and Interpretation of Historic Battlefields.

Archaeology

147 The area is recognised as being archaeologically sensitive and there are several known heritage sites, beyond the Battle of Tippermuir. These include a temporary roman camp (MPK2164) and post medieval features.

148 An Archaeological Impact Assessment (AIA) provides clarity on the physical condition of archaeological remains. Key features were identified and considered regarding sensitivity, impact of development and proposed mitigation.

149 PKHT note the methodology outlined in the AIA and appreciate the level of work to date. However, some concern remains regarding the timing of future works in relation to decisions on the development design. Like HES, PKHT require further assessment of the battlefield site, for areas of high importance and areas that should not be developed before any final design can be agreed (Condition 38).

150 This would inform the next phase of mitigation across the entire development site and battlefield (where appropriate). PKHT appreciate this will be complex but should ensure the best possible outcome.

151 PKHT expect the results of further investigation will raise issues of setting of features and views within the development, which has been preliminarily mapped in the AIA.

152 Both HES and PKHT are keen that the battlefield is celebrated within the design. Retaining Old Gallows Road as a core path through the development is an example, and how this asset will fit within the site. It is expected that development of the battlefield continues to be addressed through the development process. This should enable a thorough approach to design and appropriate mitigation and help avoid any conflicts down the line.

153 With regards to heritage assets not relating to the Battlefield, PKHT confirm to ensure the protection and/or recording of assets identified in EIA Report, a suite of mitigation measures should be put into place. It is important that the design of the development considers these heritage assets.

154 PKHT therefore encourages early consultation to ensure detailed planning proposals adequately protect recorded heritage assets. PKHT recommend conditions 35 to 37, for: 1) the protection of key heritage assets and 2) a

programme of archaeological works. This will ensure compliance with LDP2 Policy 26 – Scheduled Monuments and Archaeology at this stage of the planning process.

Natural Heritage and Biodiversity

- 155 As part of the EIA Report an Ecological and Forestry Appraisal supports the application and has been examined by NatureScot, RSPB and PKC's Biodiversity/Tree Officer. Given the scale of the proposed development, it is appropriate to consider meaningful biodiversity enhancements in the development design.

Breeding Birds

- 156 A breeding bird survey of the site was conducted, although outside of the main period of the bird breeding season (April – June). Notwithstanding this, RSPB consider the bird assemblage recorded to be representative of the habitats. However, PKC's Biodiversity Officer recommends a full survey over the required period is necessary for any detailed application (Condition 47).
- 157 With regards to assessing future biodiversity enhancements related to the breeding bird assemblage, opportunities for enhancing the site are welcomed. There is currently insufficient detail, however, on the distribution of bird species to enable specific recommendations about habitat connectivity and enhancements that could benefit species such as skylark, tree sparrow and yellowhammer.
- 158 The proposals to plant riparian corridors and native shelter belts are welcomed. RSPB recommend that further attention is afforded to how the margins of the site can be improved, to the benefit of declining farmland species. RSPB acknowledge that much of this detail will be explored in future design stages and are happy to provide detailed advice on how features can be incorporated.
- 159 The EIA Report concludes that the "*implementation of landscape proposals / on-going management*" as proposed mitigation will result in a negligible impact on the bird species present. RSPB advise any enhancement measures will need to be in line with LDP2 Policy 41 – Biodiversity.
- 160 In terms of Swifts, the breeding bird survey recorded their presence within the site. Swifts being an amber listed species of conservation concern, whose breeding numbers have experienced rapid declines in Scotland in recent decades. They are also a Tayside priority species. The RSPB recommend the inclusion of a planning condition specific to swifts (Condition 49).
- 161 The inclusion of kestrel and owl boxes in the retained woodland should also be considered, in addition to the provision of nest boxes for tree sparrow. Tree sparrows having declined by over 90% across the UK between 1970 and 2008. It is recommended that nest boxes are installed on the edge of the site.

Protected Species

- 162 The Council seeks to protect and enhance all wildlife and habitats, whether formally designated or not, considering natural processes in the area. The submitted Ecological Survey remains valid for 18 months and as such updated ecological surveys will be required as part of future detailed applications (Condition 47). Surveys were carried out for Bats, Beaver, Red Squirrel and Water Vole, but should be expanded to include deer.

Biodiversity Enhancement

- 163 PKC's Biodiversity/Tree Officer advises that the application provides an opportunity for biodiversity enhancement measures to be included into the detailed design and result in a biodiversity net gain. Suggested measures include:
- Plant native trees, hedges, and orchards.
 - Provide nesting boxes, bricks or tubes for bird and bat species. In major housing developments, 25% of two-storey properties need to contain integrated bat and bird nesting opportunities.
 - Rain gardens and green roofs.
 - Provide access gaps in wooden fences 13cm x 13cm at ground level to allow free movement of hedgehogs.
 - Install wildlife kerbs adjacent to all road gullies within 500m of a SUDS pond.
- 164 The creation of a Site Biodiversity Action Plan detailing the quantity, locations, techniques, timescales, and monitoring arrangements of enhancement measures is also recommended to be carried out and submitted with detailed applications. Enhancement measures should also be incorporated into design schemes (Condition 46).
- 165 Overall, at this stage of the planning process the application is considered to accord with LDP2 Policy 41 – Biodiversity, with net biodiversity gains proposed.

Trees/Woodland

- 166 Both Scottish Forestry and the Council apply the principles of the Scottish Government Policy on Control of Woodland Removal, and there is a presumption in favour of protecting woodland resources. Where loss of woodland is unavoidable, mitigation measures in the form of compensatory planting is required.
- 167 PKC Biodiversity/Tree Officer advises that the proposal contains a number of positive elements including: structural planting; riparian corridor creation; open parkland creation; planting of copse and hedgerow edge; planting of hedge and avenue trees; as well as the provision of green streets and green links. Retention of as much woodlands, hedgerows, and individual trees as possible is also encouraged.

- 168 Hedgerows are listed as a priority habitat under the UK Biodiversity Action Plan and are important in providing corridors of semi-natural and structurally and floristically varied habitat within farmland areas. Enhanced consideration of hedgerows is required in any detailed applications.
- 169 Although not legally protected, Ancient Woodland sites are also important and an irreplaceable habitat. The Tayside Local Biodiversity Action Plan (LBAP) seeks to enhance, restore, and extend coverage of ancient woodland. The EIA Report notes that there is ancient woodland to the south-east within what is known as West Lamberkin Wood. Consideration of opportunities to enhance, restore and extend coverage of ancient woodland is required, with focus on connectivity of habitats - which is key for biodiversity, particularly in a changing climate.
- 170 Overall, the proposals do not raise any issues in terms of woodland loss and a significant level of enhancement has been proposed. The proposal therefore complies with LDP2 Policy 40 – Forestry, Woodland and Trees.

Energy Provision

- 171 The EIA Report incorporates an Energy Statement, which has been examined by SEPA and PKC Planning and Housing Strategy. The proposed Energy Strategy has been subject of numerous studies, commissioned jointly between Perth & Kinross Council (PKC) and the John Dewar Lamberkin Trust (JDLT) since 2017. Particularly in relation to the southern part of the Perth West allocation MU70. These include:
- PKC District Heat Study by BuroHappold (2018)
 - University of Edinburgh/Towards an Energy Strategy for Perth West (2018)
 - Resource Efficient Scotland Perth West Phase 1 Low Carbon Heat Study report (2019)
- 172 These studies informed a Perth Energy Workshop, hosted by the Council in November 2019, which contributed towards the preparation of an Energy Strategy for the Smart Perth Investment Board (SPIB). The SPIB is a multi-partner group charged with ensuring a strategic joined up approach to digital, energy and transport innovation across the public and private sectors.
- 173 With an ambition to deliver a zero-carbon energy development a key objective for the project is to deliver enabling infrastructure to support the decarbonisation of electricity, heat and mobility for the Perth West and neighbouring areas. Consistent with the provisions of allocation MU70 and LDP2 Policy 32 - Embedding Low and Zero Carbon Generating Technology in New Development and Policy 34 - Sustainable Heating and Cooling, the Energy Statement sets out the approach towards delivering a clean and inclusive growth strategy for the project and wider city.
- 174 This strategy is, however, dependent upon several independent city scale projects, including: the full fibre network, Perth Innovation Highway, and a solar park as part of a smart city scale energy infrastructure project.

- 175 In response to the policy provisions within the LDP2, the Energy Statement sets out a project pathway to building a business case, in collaboration with public, private, and academic institutions. All through a sequential approach to design development detailed in the accompanying “*Delivering a comprehensive masterplan development for Perth West*” paper, which forms part of the planning submission.
- 176 As such, the energy strategy promotes an ambition to provide zero carbon energy network into the site, although several variables remain outwith the control of the applicant. To that end, the proposed baseline provision is a gas and electrical network.
- 177 However, given the urgent need to decarbonise the domestic heating sector and move households and businesses off gas, both SEPA and the Planning Authority consider it counterproductive to provide developers with the option of installing gas, that could be built in many years to come. The Council's desire is for a zero-carbon network to be achieved at the commencement of development. Given the New Build Heat Standard will require low carbon heat in all new builds from 2024 the option of gas or other fossil fuels should not be brought forward on this strategic site.
- 178 To ensure compliance with LDP2 Polices on heat and energy, any future detailed applications will require detailed energy reports, where true zero-carbon developments will be the accepted baseline standard. Condition 55 addresses this requirement for the future application requirements to ensure both the Scottish Government's and Council's ambitions and targets for zero carbon developments.

Developer Contributions

- 179 Developer obligations will be required for: affordable housing provision (25% of 1,500 dwellings); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision and maintenance and core path connections.
- 180 A financial contribution is also sought by Transport Scotland for strategic network improvements at Broxden Roundabout. Also required, will be the provision of a new health centre which is earmarked to be located on the east side of the A9 and underpass, adjacent to the existing Dental Practice at Tweed Place.
- 181 A detailed Section 75 legal agreement will be required to secure required developer obligations and infrastructure delivery, including the establishment of a Project Design Team. The Heads of Terms of the Section 75 legal agreement are currently being drafted by the Council, in the event the application is approved. This will ensure the proposal and future detailed applications will comply with LDP2 Policy 5 – Infrastructure Contributions and associated Supplementary Guidance. The S75 will ensure the proposal and future detailed applications will comply with LDP2 Policy 5 – Infrastructure Contributions and associated Supplementary Guidance.

Waste Collection

- 182 No concerns have been expressed at this stage of the planning process by either Waste Services or SEPA in terms of the required waste provision, including recycling requirements. This will be more fully considered and assessed at the detailed application stage of each submitted phase (Condition 56).

Economic Impact

- 183 As part of the EIA Report an Economic Statement supports the application and has been examined by PKC Economic Development. The Statement outlines that the potential significance of economic impact of Perth West's development and is accepted by PKC Economic Development. The proposal is reflective of key economic policy at local, regional, and national level, which supports Perth West's development. These strategies emphasise the importance of investment in infrastructure, developing innovative sectors of economic activity, and reinforcing the benefits of placemaking in driving inclusive growth. Perth Eco-Innovation Park (PEIP) and Perth Innovation Highway are the key economic components of Perth West, with PEIP providing 26 hectares of employment land aiming to deliver local, regional, Scottish and UK ambitions to create an innovative and technology-driven economy focusing on clean growth opportunities. It will develop a community of manufacturing and service businesses seeking enhanced environmental and economic performance, through collaboration in managing environmental and resource issues, including energy, water, materials, infrastructure, and natural habitats. This will be the catalyst for the development of a city-scale innovation district along the Perth Innovation Highway, a 5-mile corridor linking the Eco-Innovation Park to Perth city centre. Low carbon and digital infrastructure will help establish Perth as the UK's leading smart and sustainable city. Green connections to Perth and its city centre will integrate the urban expansion as a new innovative area of growing city.
- 184 Through the Tay Cities Region Deal, the UK Government has already committed £5m to enable necessary on-site infrastructure to develop the Perth Innovation Highway. National recognition has also been achieved through the Scotland Capital Investment Programme (Scottish Government, 2018) and the Scottish Cities Alliance Investment Prospectus (Scottish Government, 2018). Building on the 'Invest in Great Britain' initiative, positive engagement with the UK Government through the Catapult Network (Connected Places) programme has been developed and Perth West has been included as a case study in the 'Hubs of Innovation: A Playbook for Place Leader' (2021). Perth & Kinross Council and the project promoter, The John Dewar Lamberkin Trust, will deliver the Eco-Innovation Park and the Innovation Highway with oversight provided by the Smart Perth Investment Board.
- 185 Perth West will provide high quality jobs and homes to attract and retain high skilled individuals, with 2,300 jobs predicted: 1,080 of which are net additional to Perth & Kinross, including 440 in advanced logistics and mobility sectors, 400 in research and development, and a further 250 in services sectors.

Employment in high productivity sectors will directly generate an estimated annual uplift of £137.4 million gross GVA, 5.4% of the Perth and Kinross total. By 2045, it is estimated that £669m net additional GVA will be generated.

- 186 Investment in physical infrastructure will also accelerate development of the wider area, bringing forward a further 2,000 homes. Household expenditure of an additional £8.2 million each year in local retail and hospitality sectors is predicted following Perth West's completion, supporting at least 85 gross jobs.
- 187 In terms of tax revenue, housing and commercial development is anticipated to generate £1.7 million and £2.1 million in annual Council Tax and Business Rates revenue respectively, this equates to £30 million by 2045.
- 188 Perth West's delivery will support an estimated 3,000 gross temporary construction jobs. Of these, 1,285 would be net additional, generating a one-off boost of £119 million GVA to the Council's local economy.
- 189 In summary, Perth West will create new living and working communities, resilient to climate change, and assisting a step-change in the regional economy. Its development proposals enable climate change adaptation, new housing for population growth, skilled employment provision, and new mobility and energy networks for the city and region to come forward at speed. The delivery of the southern half of the Perth West allocation will result in significant socio-economic benefits from investment and job creation for a site in such a strategic location. Whilst it would have been an even greater impact if the landowners on the northern half of the allocation were ready to come forward in tandem, the simple fact is they are not ready or in a position to do so. Notwithstanding this, the impact and benefit of the proposal as it stands for Perth and the wider region is a significant, positive material consideration in the determination of the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 190 As noted, a S75 obligation is required for various developer obligations and infrastructure delivery. This will likely include: affordable housing provision; education (land for a primary school and contributions); transport infrastructure; public transport; open space provision and maintenance; sports provision; health care and community facilities. As stated above the Heads of Terms for a Section 75 legal agreement will be progressed by the Council.

DIRECTION BY SCOTTISH MINISTERS

- 191 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

- 192 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the majority of the proposals are considered to comply with the approved TAYplan 2016 and LDP2. However, it is accepted that there are areas of the proposed development that lies outwith the MU70 allocation/settlement boundary identified in LDP2 and within the green belt. This represents a departure from the Development Plan. However, these two areas, largely comprising of woodland are proposed to see essential infrastructure provided and this is considered as required enabling works. When considered against the overall scale and uses within the scheme, these incursions are considered relatively minor, acceptable, and appropriate. Account has been taken of the relevant material considerations and it is considered appropriate to override the adopted Development Plan in this respect.
- 193 Based on the submitted Masterplan, Parameters Plan, Schedule of Land-Uses, Floorspace and illustrative information, the principle of the proposed development is considered acceptable in planning terms. It is accepted that not all landowners and developers related to the whole MU70 Perth West site are in a position to contribute to the masterplan at this point in time. However, the likely delivery/development period is likely to be beyond the horizons of some of these parties. Thus, the requirement for a masterplan for the entirety of the MU70 Perth West allocation, has proven disproportionate and the approach taken is accepted in light of the significant material considerations present.
- 194 The current proposal, focused on the southern half of MU70, does not compromise the longer-term development of the northern half of the allocation, and can therefore be supported. In future, through the establishment of a Project Design Team, the Council and Key Agencies will be proactively involved in detailed design matters associated to emerging phases. This will help ensure Perth West will be the exemplar development that it aspires to be.
- 195 Perth West will create new living and working communities, resilient to climate change, and assisting a step-change in the regional economy. Its development proposals enable climate change adaptation, new housing for population growth, skilled employment provision, and new mobility and energy networks for the city and region to come forward at speed and will provide a significant socio-economic benefit to both the Perth and regional economy.
- 196 Accordingly, the proposal is recommended for approval subject to the following direction, planning conditions and a Section 75 legal agreement.

RECOMMENDATION

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 (20/00667/IPM) with the substitution of the period of 3 years referred to in each of those subsections, with the period of 10 years.

Reason: This is an application in principle for which, in view of the scale of the proposed development, this extended period is appropriate.

CONDITIONS

General AMSC

- 1 The Permission hereby approved shall be limited to:
 - residential development of a maximum of 1,500 dwellings;
 - commercial development of 26 hectares comprising: business (class 4); general industry (class 5); storage and distribution (class 6); shops (class 1); financial; professional and other services (class 2); food and drink (class 3); hotels (class 7); and non-residential institutions (class 10); and
 - Infrastructure development comprising: bus depot; car parking; Perth Innovation Highway; hydrogen fuelling/charging centre; formation of road junction; underpass and road network; road alterations; footways; cycleways; greenspace; landscaping; and associated works.

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 by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters are:

- (i) a detailed updated phasing and delivery plan (incorporating commercial, residential, transport infrastructure, drainage infrastructure and open space) which shall specify that commercial uses are delivered in the first zones within Phase 1 and for the delivery of Phases 1-3 to accord with the Transport Assessment (Ref: 20/00667/15);
- (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of each 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 access, car parking, public transport facilities, footpaths/cycleways, the road layout, design, and specification (including the disposal of surface water) and related structures throughout the development;
- (v) details of any screen walls/fencing including any retaining walls to be provided.
- (vi) for each building, specifying measures to maximise environmental sustainability through design, orientation and planting or any other means. These measures shall include a scheme that demonstrates how current carbon emissions reduction set by the Scottish Buildings Standards will be met through the installation and operation of low and zero-carbon technologies, specifying what these technology types are, their location and ongoing operation and maintenance;
- (vii) details of any landscaping, structure planting, boundary treatments and screening associated with the development;
- (viii) full details of the proposed means of disposal of foul and surface water from the development;
- (ix) noise impact assessment
- (x) lighting details;
- (xi) bin storage, collection location, recycling facilities provision and access;
- (xii) biodiversity action plan
- (xiii) a green travel plan including provision of electric vehicle (EV) charging points;
- (xiv) archaeological working scheme of investigation;
- (xv) updated Transport Assessment;
- (xvi) updated Flood Risk Assessment
- (xvii) updated Drainage Impact Assessment including SUDs Design Principles
- (xviii) updated Battlefield Conservation Plan.
- (xix) updated landscape and visual impact assessment.

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

- 2 The submitted Masterplan (Ref: 20/00667/15) and Development Parameters Plan and Schedule of Uses and Floorspace (Ref: 20/00667/5) is purely indicative only and are not approved.

Reason: The application is for planning permission in principle only at this stage.

Roads

- 3 As part of any application for the Approval of Matters Specified by Condition (AMSC) under Condition 1(iv), all matters 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 The development of the application site, shall be reviewed by 2035 or when there has been 1,001 housing units or 20 hectares of employment land developed, whichever comes first, to reassess the impact on the road network and the amount of modal shift. The applicant shall refer to LDP2 Main Issue Report or page 52/189 of the *Perth West: Transport Assessment Ref: GB01T20A18.2PROJ.10964013 (SYSTRA, 22/05/20)* for details of the “Pause and Review”. No development shall take place until the review has been undertaken, submitted, and agreed in writing by the Council as Planning Authority.

Reason: In the interests of road safety.

- 5 As part of the first Approval of Matters Specified by Condition (AMSC) application, details of the proposed multi-storey car park shall be submitted for the approval of the Council as Planning Authority.

For the avoidance of doubt the multi-storey car park must occur before the implementation of any parking restrictions on Lamberkine Drive or Tweed Place and continue to be available for the vehicles displaced as result of the restrictions. The number of parking spaces to be made available for displaced vehicles shall be agreed with the Council as Planning Authority before the first AMSC application.

Reason: In the interests of road safety.

- 6 As part of any Approval of Matters Specified by Condition (AMSC) application, all external lighting and streetlighting details submitted under Conditions 1 (iv) and/or (x) shall be designed to be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason: In the interests of minimising light pollution, protecting amenity and road safety.

- 7 As part of the first Approval of Matters Specified by Condition (AMSC) application, a detailed design for the signalisation identified for the A93/Lamberkine Drive shall be provided and including the upgrade of the zebra crossing on Lamberkine Drive to a controlled crossing, to reduce the impact of queueing from the development. A detailed design shall be undertaken, along with a date for their implementation by the developer shall be agreed in writing by the Council as Planning Authority. Thereafter the development shall be fully undertaken in accordance with the approved scheme.

Reason: In the interests of road safety.

- 8 As part of the first Approval of Matters Specified by Condition (AMSC) application, a scheme for mitigation measures for the core path CTYS/112; Cycleway, Lamberkine Drive & Cedar Drive to Fairhill View & Glasgow Road at Woodlands, where it crosses Lamberkine Drive, shall be submitted to and

approved in writing by the Council as Planning Authority. This scheme shall include a detailed design that facilitates the safe crossing of pedestrians and cyclists and must also specify date for its implementation by the developer. The scheme as approved shall be implemented prior to the occupation of the 100th dwellinghouse.

Reason: In the interests of road safety.

- 9 As part of any application for the Approval of Matters Specified by Condition (AMSC), the phasing of the project as part of any approval under Condition 1(i) of this permission, will be such that the upgraded A9(T) Tibbermore grade-separated junction shall be operational by the completion of the 1,001st housing unit on the site.

Reason: In the interests of road safety.

- 10 No development shall commence until appropriate mitigation measures have been agreed to address the impact of the development at the Broxden Roundabout on the A9 trunk road. The nature of the mitigation shall either be physical improvements to this junction in the form of traffic signals and widening of approaches, or a financial contribution in lieu of the said physical works. The details of the physical works or the level of financial contribution required shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

Reason: To mitigate the adverse impact of the development on the safe and efficient operation of the trunk road network.

- 11 Prior to the commencement of any works on site, a scheme for the delivery of the proposed Broxden Underpass shall be submitted to and approved in writing by the Planning Authority, in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 12 Prior to the commencement of any works on site, a scheme for the delivery of a signal controlled A93 / Lamberkine Drive junction shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 13 Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore grade-separated junction shall be submitted to and approved in writing by the Planning Authority in

conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 14 Prior to the commencement of any works on Phase 3 of the development, a scheme for the delivery of the proposed Tibbermore Link Road shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 15 Prior to the commencement of any works on site, a scheme for the delivery of the proposed temporary emergency access from the A9 at East Lamberkine Farm shall be submitted to and approved in writing by the Planning Authority in conjunction with Transport Scotland. Thereafter, the approved details shall be implemented in accordance with the approved timescales. The temporary access shall be closed once the A9 Tibbermore grade-separated junction becomes operational.

Reason: To mitigate the impact of the development on the safe and efficient operation of the trunk road.

- 16 Prior to the commencement of any works on site, a Construction Traffic Management Plan (CTMP) for each phase of the development, covering the construction of that phase, shall be submitted for prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities; and to be consistent with current guidance and best practice.

- 17 Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (CTMS) which shall include the following:

- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- d) arrangements for liaison with the Roads Authority regarding winter maintenance;

- e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- i) details of information signs to inform other road users of construction traffic;
- j) arrangements to ensure that access for emergency service vehicles are not impeded;
- k) co-ordination with other significant developments known to use roads affected by construction traffic;
- l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- m) the provision and installation of traffic counters at the applicant's expense locations to be agreed prior to the commencement of construction;
- n) monitoring, reporting and implementation arrangements;
- o) arrangements for dealing with non-compliance; and
- p) details of HGV movements to and from the site.

The CTMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interests of road safety.

- 18 All vehicles transporting construction material to and from the proposed development shall be sheeted.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 19 Prior to the commencement of any works on site, vehicle wheel cleaning facilities shall be installed and brought into operation on the site, the design and siting of which shall be subject to the prior approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.

- 20 Prior to the occupation of any part of the phased development, a comprehensive Residential Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority. The Travel Plan shall identify measures to be implemented, the

system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 21 Prior to the occupation of any part of the phased development, a comprehensive Commercial Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland as the Trunk Roads Authority. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.

- 22 Development shall not commence until a detailed Green Travel Plan (GTP), aimed at encouraging more sustainable means of travel, as required under Condition 1 (xiii), has been submitted to and agreed in writing by the Council as Planning Authority. A strategy shall be included in the GTP for monitoring, reporting, and updating the plan as necessary. The GTP will have particular regard to provision for:

- a) walking and cycling;
- b) public transport access to and within the site;
- c) provision of electric vehicle (EV) charging points within all residential, commercial and community use development parcels;
- d) identify measures to be provided (including the provision of new and/or enhanced public transport services);
- e) any phasing, the system of management, monitoring, review, reporting and the duration of the Plan.

The GTP as agreed shall be fully implemented by the applicant.

Reason: In the interests of sustainable transport.

- 23 Prior to the commencement of any phased development, a Development Phasing Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that establishes what level of development mitigation interventions will be required.

Reason: To minimise any interference with the safety and free flow of traffic on the trunk road network.

- 24 Prior to the commencement of any phased development, a Public Transport Strategy shall be submitted to and agreed in writing with the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, that

considers the various public transport improvements cited in the Transport Assessment.

Reason: To ensure that the development is adequately served by public transport services; and to minimise any interference with the safety and free flow of traffic on the trunk road network.

- 25 A barrier of a type approved by the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the trunk road.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road; and to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

- 26 Prior to the commencement of any works on site, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland as the Trunk Road Authority.

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.

- 27 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.

- 28 The proposed development shall be limited to the scale assessed within the Transport Assessment (Ref: 20/00667/15).

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

Residential Amenity

- 29 Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works outwith these times or at any time on Sundays or bank holidays (as identified by the Scottish Government).

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

- 30 As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed 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 in consultation with NatureScot, Scottish Environment Protection Agency (SEPA) and Environmental Health. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. The CEMP shall include noise & vibration and Dust assessments; to assess the impacts from construction operations. The CEMP shall also include procedures, limit values and mitigation measures to control noise and vibration and a detailed quantitative dust assessment shall be undertaken. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason: In the interest of proper site management and to protect the amenity of the area.

31 Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:

- Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
- Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
- Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
- They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, re-instatement and de-commissioning of the development hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall

contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason: In the interest of proper site management and to protect the amenity of the area.

- 32 As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Air Quality Assessment (AQA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

- 33 As part of any Approval of Matters Specified by Condition (AMSC) application, a detailed Noise Impact Assessment (NIA) must be prepared by a suitable qualified party and shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

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

- 34 As part of any Approval of Matters Specified by Condition (AMSC) application, an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify:

- the nature, extent, and type(s) of contamination on the site
- measures to treat/remove contamination to ensure the site is fit for the use proposed
- measures to deal with contamination during construction works
- condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the measures to decontaminate the site shall be fully implemented in accordance with the scheme subsequently agreed by the Council as Planning Authority. Verification 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.

Cultural Heritage

- 35 As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 a detailed report setting out protection of key heritage assets and their settings shall be submitted to and approved by the Planning

Authority in consultation with Perth and Kinross Heritage Trust (PKHT). Thereafter the agreed actions will be undertaken in full, to the satisfaction of the Council as Planning Authority.

Reason: the protection of key heritage assets.

- 36 No development shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the applicant, agreed by Perth and Kinross Heritage Trust, and approved by the Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with Perth and Kinross Heritage Trust

Reason: To safeguard archaeology in the area.

- 37 As part of any Approval of Matters Specified by Condition (AMSC) application, a scheme detailing the provision and timing of protective fencing shall be submitted to the Council for approval as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Once approved, the fencing shall be erected around the historic battlefield area in a manner as approved and retained in accordance with the approved scheme. No works shall take place within the area inside that fencing without prior written agreement of the Council as Planning Authority in consultation with Perth and Kinross Heritage Trust.

Reason: To ensure the preservation of the historic environment.

- 38 As part of any Approval of Matters Specified by Condition (AMSC) application sought under Condition 1 an Updated Battlefield Conservation Plan (BCP) shall be submitted for the approval of the Council as Planning Authority. Thereafter the agreed plan will be undertaken in full to the satisfaction of the Council as Planning Authority.

Reason: To ensure the preservation and enhancement of the historic environment.

Landscape

- 39 As part of any application for the Approval of Matters Specified by Condition (AMSC) sought under Condition 1, a detailed landscaping and planting scheme for each phase 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.

- 40 Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.

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

- 41 As part of any Approval of Matters Specified by Condition (AMSC) application, a 1:200 site plan, which identifies the Construction Exclusion Zone (CEZ), shall be submitted for the written agreement of the Council as Planning Authority. This plan shall ensure all fencing adheres to BS 5837 2012: Trees in Relation to Design, Demolition and Construction are provided to demarcate the CEZ and protect trees. The CEZ as subsequently agreed shall be strictly adhered to during construction of the development.

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

- 42 As part of any Approval of Matters Specified by Condition (AMSC) application, a Tree Protection Plan for all trees on site (other than those marked for felling) and those which have Root Protection Areas which fall within the site shall be submitted for the written agreement of the Council as Planning Authority shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The Tree Protection Plan as subsequently agreed shall be strictly adhered to during construction of the development.

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

- 43 As part of any Approval of Matters Specified by Condition (AMSC) application, details of the proposed boundary treatments for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

- 44 The asserted right of way/core paths METH/121, METH/13, METH/131 and CTYS/112 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason: To ensure continued public access to the public paths and in the interests of public safety within the site.

- 45 As part of any Approval of Matters Specified by Condition (AMSC) application, 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 path as part of the development shall be submitted for the agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

Biodiversity

- 46 As part of any Approval of Matters Specified by Condition (AMSC) application, a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority. Any action or mitigation incorporated within the approved Biodiversity Action Plan shall be implemented in accordance with the approved plan.

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

- 47 As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Ecological Assessment including breeding birds, protected species and deer shall be submitted to and approved in writing by the Councils as Planning Authority. The conclusions and recommended action points shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

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

- 48 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.

- 49 As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the swift brick(s) or swift nest box(s) shall be submitted for the written agreement of the Council as Planning Authority. Thereafter, the swift brick(s) or swift nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

- 50 As part of any Approval of Matters Specified by Condition (AMSC) application, details of the location and specification of the bat brick(s) or bat nest box(s) shall be submitted and approved in writing by the Council as Planning Authority. Thereafter, the bat brick(s) or bat nest box(s) shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

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

Flood Risk and Drainage

- 51 As part of any Approval of Matters Specified by Condition (AMSC) application, an Updated Flood Risk Assessment, shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. Thereafter the development shall be fully undertaken in accordance with the agreed Flood Risk Assessment.

Reason: To reduce flood risk.

- 52 As part of any Approval of Matters Specified by Condition (AMSC) application, an updated Drainage Strategy including detailed sustainable urban drainage system (SUDS) shall be submitted for approval of the Council as Planning Authority, in consultation with SEPA where necessary. The strategy and 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.

- 53 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.

- 54 As part of any Approval of Matters Specified by Condition (AMSC) application, following consultation with SEPA and NatureScot a detailed Blue/Green Infrastructure Scheme, shall be submitted for approval of the Council as Planning Authority. 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 in line with Councils policies on good placemaking.

Heat and Energy

- 55 As part of any application for the Approval of Matters Specified by Condition (AMSC), an updated, detailed Energy Statement supporting a zero-carbon development shall be submitted for the written agreement of the Council as Planning Authority. The statement must include timescales for the provision of zero carbon developments within the site. The agreed energy measures and zero-carbon initiatives shall thereafter be implemented in accordance with the agreed details and timescales.

Reason: To reduce reliance on fossil fuels and to deliver a zero-carbon development at Perth West.

Waste

- 56 Prior to the commencement of works on site, detailed drawings showing waste and recycling facility enclosures or waste and recycling facility storage areas and associated locations for bin presentation shall be submitted for the written agreement of the Council as Planning Authority. None of the commercial or residential units shall be occupied until the agreed scheme has been provided in full.

Reason: In order to ensure adequate servicing facilities are provided.

B JUSTIFICATION

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

C PROCEDURAL NOTES

- 1 A Section 75 is required to deal with a financial contribution towards affordable housing, primary education, transport infrastructure (including public transport), open space provision, path connections, healthcare infrastructure and

establishment of a Project Design Team including the Council and Key Agencies for the detailed design stages of the planning process.

- 2 Consent shall not to be issued until the Section 75 Agreement has been 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 through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

D INFORMATIVES

- 1 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.
- 2 The developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
- 3 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.
- 4 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.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

- 6 The applicant is advised to refer to Perth & Kinross Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2014](#) as it contains advice relevant to your development.
- 7 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.
- 8 The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for consent to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 The granting of planning permission does not stop the continued right of public access along the existing core paths METH/121, METH/13, METH/131 and CTYS/112. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
- 11 There is a Section 75 legal obligation associated with this planning permission, which relates to affordable housing provision (25%); primary education (provision of a new primary school); and transport infrastructure including public transport, open space, play areas, sports pitch provision, health care provision, maintenance and core path connections, and establishment of Project Design Team for any detailed applications. A copy is available to view on the Council's [Public Access portal](#).

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

- 1 The proposed development was determined by Perth & Kinross Council under the provisions of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 to be EIA development. In accordance with Regulation 29, notice of this decision is hereby given in respect of the following:
- 2 The application submitted an EIA Report dated May 2020. The public had opportunity to participate in the decision-making process through notification of the EIA Report was undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and the Perthshire Advertiser. The EIA Report was also available for public inspection online.
- 3 The EIA Report provides a summary of the baseline, the information gathered to consider the likely significant effects on the environment and details of

environmental mitigation and monitoring that are to be incorporated into the proposal. The significant effects on the environment were identified to be:

- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport
- Flood Risk and Drainage
- Tippermuir Historic Battlefield Site
- Archaeology
- Blue/Green Infrastructure
- Landscape and Visual Impact

4 The Planning Authority is satisfied that the EIA Report is up-to-date and complies with Regulation 5 and is therefore suitable for determination of the planning application.

5 The Planning Authority has considered the EIA Report, other environmental information, and recommendation from the consultation's bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated into the proposal, as well as a regime for the ongoing monitoring measures for the construction and operation of the development. These mitigation and monitoring measures include the provision of the following:

- Woodland Planting and Landscaping
- Assessment of visual impact on wider area
- Construction and Environment Management Plan (CEMP)
- Ecological Clerk of Works (ECoW)
- Construction Traffic Management Scheme (CTMS)
- Green Travel Plan
- Blue/Green Infrastructure
- Air Quality Assessment
- Noise Impact Assessment
- Habitat Assessment including Breeding Birds and Protected Species
- Landscape and Visual Impact Assessment

7 In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 1, 4, 6, 8, 9, 16, 17, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 46, 47, 51, 52, 54 and 55 as set out herein, the proposal is acceptable and can be approved.

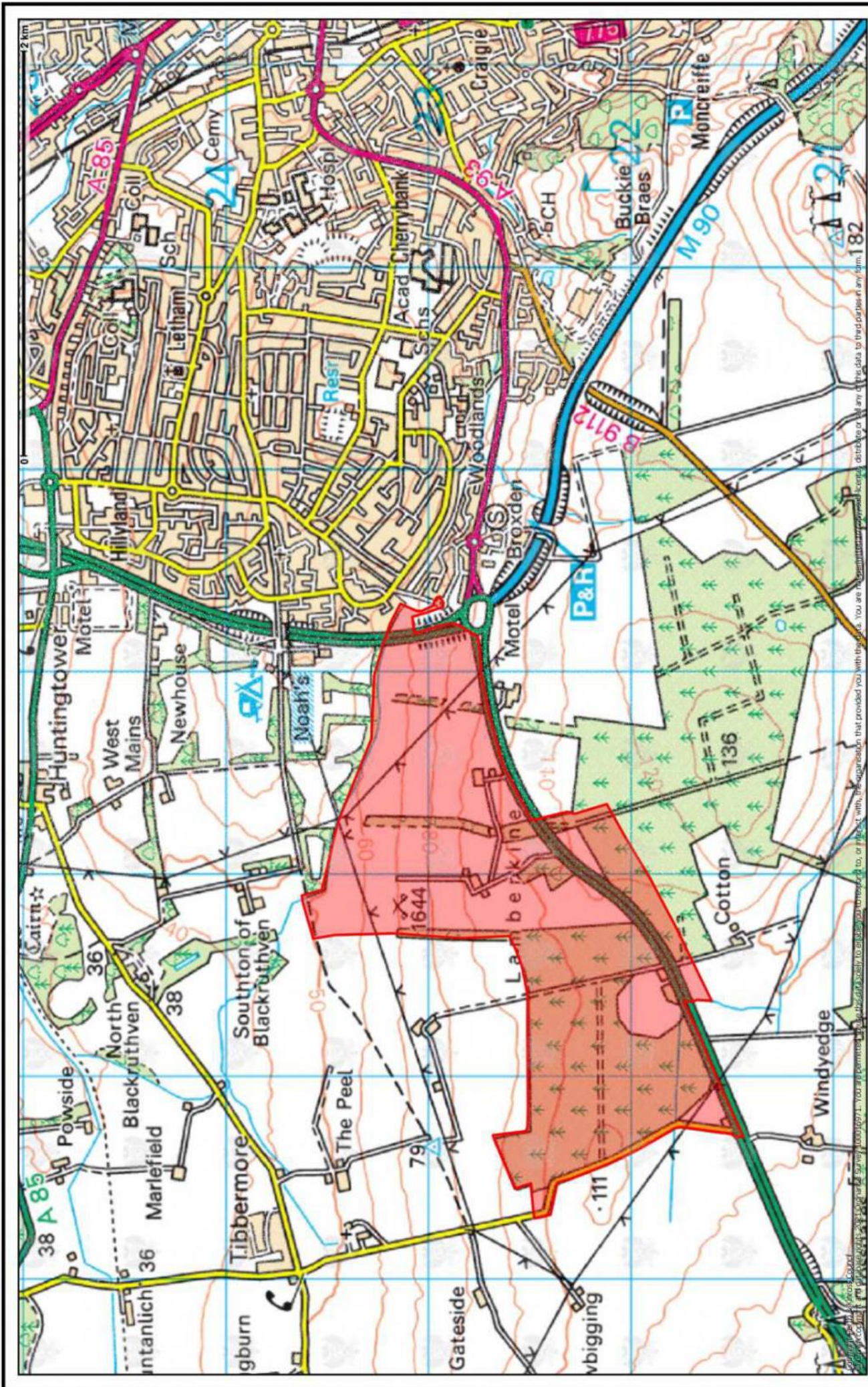
Background Papers: 13 letters of representation
Contact Officer: Steve Callan
Date: 20 May 2021

**DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



20/00667/IPM

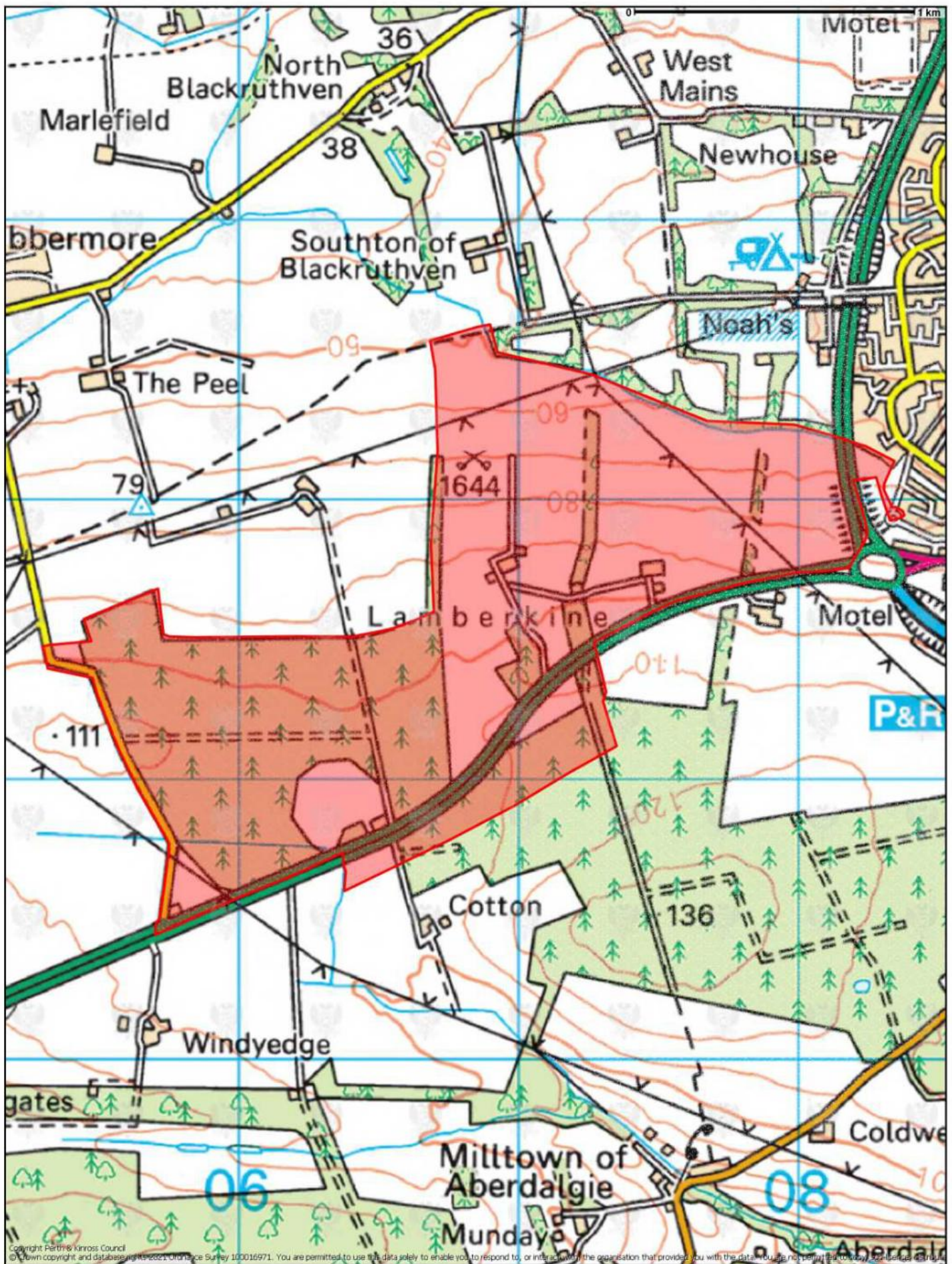


Scale 1:25000

© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Use of development computer resources, business (class 0), general industry (class 0), storage and distribution (class 0), shops (class 1), hotels (class 1), restaurants (class 1), public houses (class 1), parking, Perth Innovation Highway, hydrogas fuelling charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, grasspave, landscaping, and associated works (in principle)

You are not permitted to reproduce, copy, distribute or sell any of this data to third parties in any form.



Copyright Perth & Kinross Council
 © Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use the data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© Crown copyright and database rights 2021 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

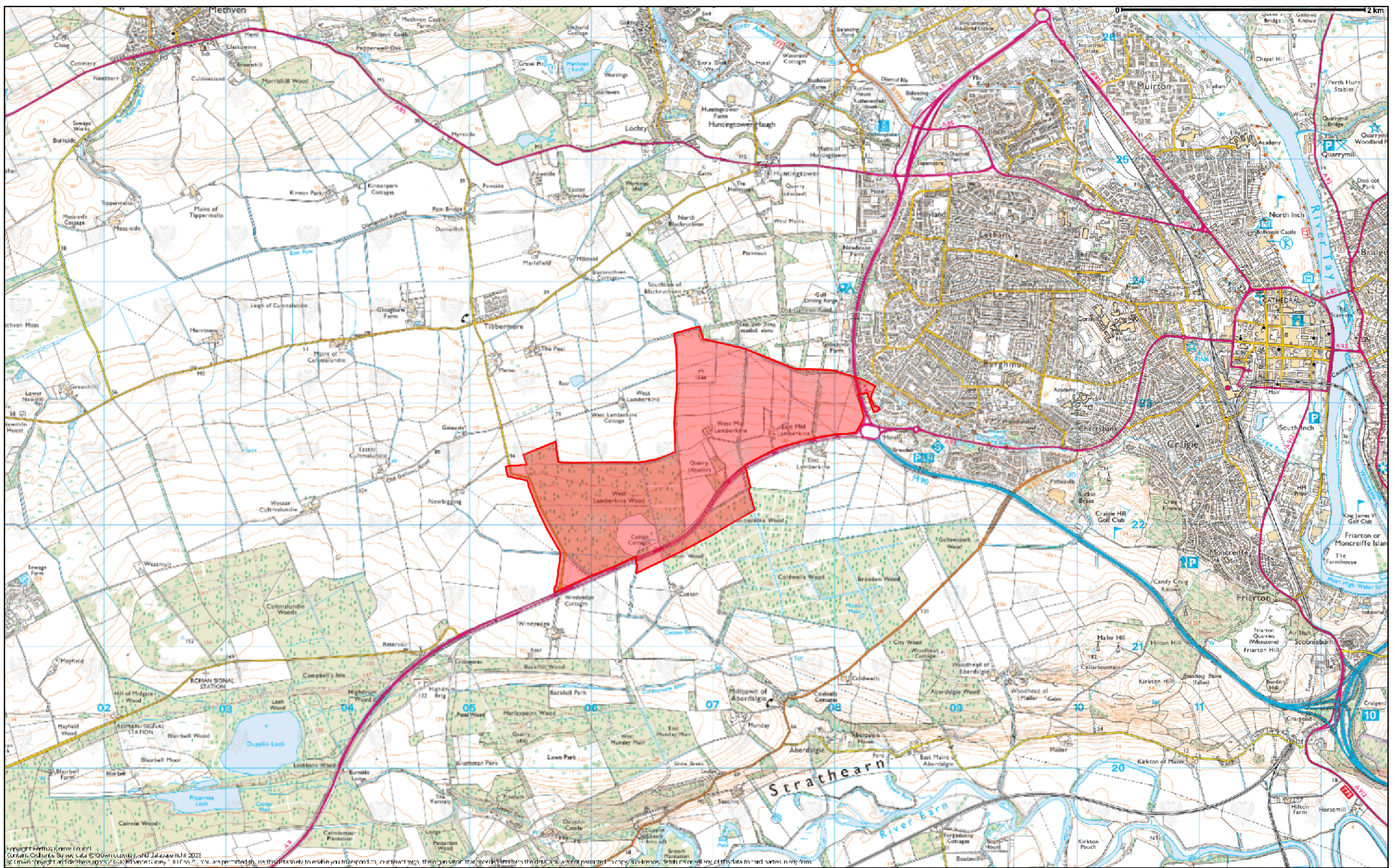


Scale 1:18000

20/00667/IPM

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



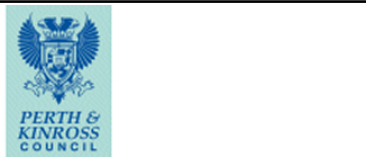


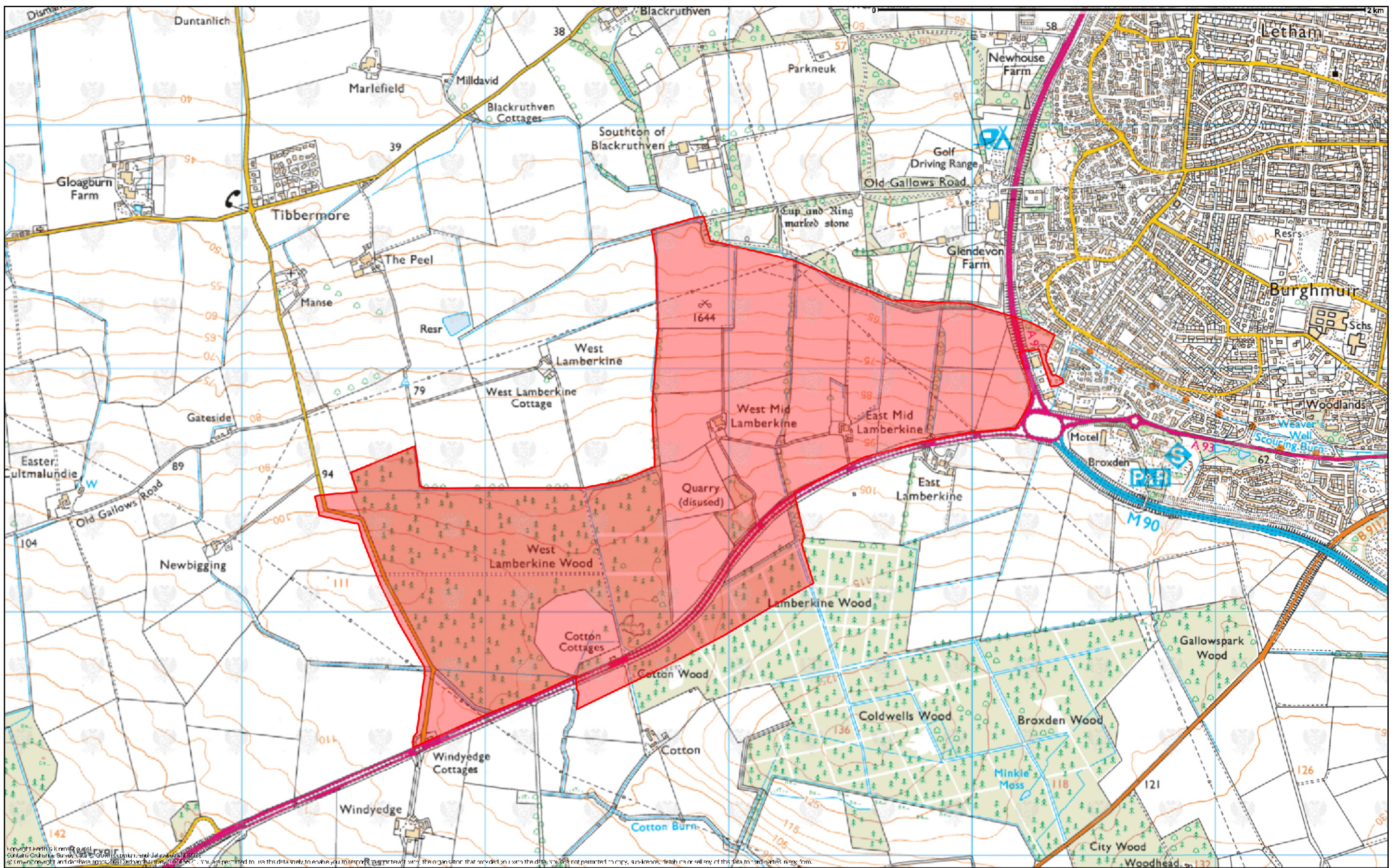
© Crown copyright and database rights 2023 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 6 September 2023
Scale 1:30000



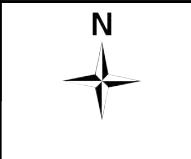
20/00667/IPM
Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial, professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle), Perth West (mu70), Old Gallows Road, Perth





© Crown copyright and database rights 2023 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 6 September 2023
Scale 1:15000



20/00667/IPM
Mixed use development comprising residential, business (class 4), general industry (class 5), storage and distribution (class 6), shops (class 1), financial, professional and other services (class 2), food and drink (class 3), hotels (class 7), non-residential institutions (class 10), bus depot, car parking, Perth Innovation Highway, hydrogen fuelling/charging centre, formation of road junction, underpass and road network, road alterations, footways, cycleways, greenspace, landscaping, and associated works (in principle), Perth West (mu70), Old Gallows Road, Perth



Perth and Kinross Council
Planning and Placemaking Committee – 6 September 2023
Report of Handling by Head of Planning & Development
 (Report No. 23/240)

PROPOSAL:	Extension to warehouse/offices to form additional office space (class 2), product development/food preparation areas with associated storage and distribution (class 6)
LOCATION:	House of Bruar, Pitagowan, Blair Atholl, Pitlochry, PH18 5TW

Ref. No: [23/00071/FLL](#)
 Ward No: P4 – Highland

Summary

This report recommends approval of a detailed planning application for warehouse/office extension at the House of Bruar, Blair Atholl, 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 This planning application seeks to obtain a detailed planning permission for an extension to one of the principal buildings at the House of Bruar facility at Blair Atholl, a popular tourist destination in Highland Perthshire in the Cairngorms National Park.
- 2 The proposed extension will expand an existing building at the northwestern part of the wider site in a westerly direction, and will measure approx. 24m x 21m, with two levels of new floor space. On the ground floor, a new preparation room, office, welfare facilities and storage area are proposed. At first floor level, further office space will be provided, staff break out room, toilets and a product development space.
- 3 The extension follows the design principles of the existing principal buildings, with green profile sheeting, and a pitched roof. Windows are proposed at both ground and first floor levels across the building, and rooflights are included on the north and south elevations.
- 4 To accommodate the extension, 12 trees will be removed. Compensatory planting is proposed with 16 new trees within the application site boundary, and a further 30 in an area to the Northwest of the extension – 46 in total. It is expected that

the proposed expansion will generate approximately 16 new jobs, 4 associated with the food production and 12 associated with office-based administration work.

Pre-Application Consultation / Environmental Impact Assessment

- 5 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, therefore the applicant was not required to undertake not any formal pre-application consultation with the local community.
- 6 The proposal is not an EIA development under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP).

National Planning Framework 4

- 8 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.
- 9 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 14: Design, Quality and Place
- Policy 30: Tourism
- Policy 29: Rural Development
- Policy 26: Business and Industry
- Policy 28: Retail

Cairngorms National Park Local Development Plan 2021

- 10 The LDP is the most recent statement of policy for the Cairngorms area and is augmented by non-statutory planning guidance. Within the LDP, the site is identified within the Bruar and Pitagowan small community. The LDP lists the following objectives for this community:
 - Support the strategically important development at the House of Bruar and ensure it benefits the local community
 - Support small-scale organic growth through the Local Development Plan's housing policy

- Support proposals for safe active travel around the village and to surrounding settlements

11 In addition to this, the following generic policies contained within the LDP are also of relevance to this planning application:

- Policy 2: Supporting Economic Growth
- Policy 3 Design and Placemaking
- Policy 4: Natural Heritage
- Policy 11: Developer Contributions

Statutory Supplementary Planning Guidance

12 The CNPA has no statutory SPGs relevant to this proposal.

OTHER NON-STATUTORY GUIDANCE / POLICIES

Non-Statutory Supplementary Planning Guidance

13 The following non-statutory SPG are applicable to this proposal,

- Supporting Economic Growth Non-Statutory Guidance
- Natural Heritage Non-Statutory Guidance
- Design and Placemaking Non-Statutory Guidance
- Developer Obligations Supplementary Guidance

NATIONAL PLANNING GUIDANCE

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

Planning Advice Notes

15 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

National Roads Development Guide 2014

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

SITE HISTORY

- 17 House of Bruar has had a number of planning applications over the years, however there are none which are specifically related to this proposal.

CONSULTATIONS

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

External

Cairngorm National Park

- 19 No requirement for call in, and no specific comments.

Transport Scotland

- 20 No objection in terms of the impact on the A9(T).

Scottish Water

- 21 No objection in relation of waste infrastructure.

Internal

Structures And Flooding

- 22 No objection to the proposal but clarification on the technical details of the soakaway should be clarified.

Transportation And Development

- 23 No objection in terms of vehicular access or parking provision.

Development Contributions Officer

- 24 No requirement for any Developer Contributions.

Commercial Waste Team

- 25 No objection in terms of the waste provision suggested.

Environmental Health

- 26 No objection in terms of noise or odours.

REPRESENTATIONS

27 Eight representations from seven households were received, all of which are objecting to the proposal. The main issues raised within the representations are:

- Contrary to Development Plan
- Impact on visual amenity
- Impact on residential amenity
- Odours and vermin
- Road safety issues
- Noise nuisance
- Loss of trees
- Impact on public access

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

ADDITIONAL STATEMENTS

29

Screening Opinion	EIA Required
Environmental Impact Assessment (EIA): Environmental Report	applicable
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Tree and ecology reports submitted.

APPRAISAL

30 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 Cairngorms National Park LDP.

31 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 CNPA other non- approved policies and supplementary guidance, namely those relating to Placemaking and Economic Growth

Policy

32 The key policies within both the NPF4 and the LDP that are relevant to this proposal relate to economic growth, tourism, placemaking and biodiversity. All these policies look to offer support for existing economic and tourism businesses,

but at the same time look to ensure that expansion takes places in sustainable sites, which do not have an adverse impact on the environment - both natural and human.

Land Use Acceptability

- 33 House of Bruar is an extremely important regional tourist and economic asset for Perthshire and Scotland, which brings significant financial benefits to both the local and wider area in terms of tourism, employment opportunities and bringing significant retail footfall to the area as a specific designation point. The LDP acknowledges this, and the principal objective listed within the LDP in relation to the community at Bruar and Pitagowan is that support for House of Bruar should be provided, in light of its significant benefit to the local economy.
- 34 In addition to this clear statement, both the NPF4 and the LDP2 are supportive for the expansion of existing tourism and economic developments, and that such proposals should be supported when they are in sustainable and suitable locations, providing that appropriate mitigation can be delivered to avoid any significant environmental harm.
- 35 The key considerations for this proposal are therefore whether the detailed matters of the extension are acceptable, and if not, whether the significant economic benefits that the extension would bring outweigh any adverse impact. As the assessment below outlines, there are no significant adverse impacts on the environment as a result of the development which cannot be mitigated against, and in light of that, the proposal is entirely acceptable and in accordance with the Development Plan.

Visual Amenity, Design and Layout

- 36 The proposed extension will follow the design principles of the existing buildings, in terms of its scale and appearance. Whilst the building will create a change in the appearance of the area by virtue of its physical build and initial tree removals, the resultant building will not look incongruous in its surroundings - which essentially is the existing and established House of Bruar complex. 12 trees are proposed for removal and some of these trees do contribute positively to the visual amenity of the area. Their removal would have a negative impact in the short term, however in the long term the proposed compensating replanting of 46 trees of native, bio-diversity friendly species will over time provide a lasting betterment for the visual appearance of the site and its biodiversity interests.
- 37 All other design and layout matters are acceptable, subject to some conditional controls relating to specific matters such as surface water disposal, external lighting, tree protection and waste and recycling provision, the proposal is considered to align positively with the Design and Placemaking Policies contained within the Development Plan, and the CNPA non-statutory SPG on Placemaking.

Landscape

- 38 The extension will be set with the context of the House of Bruar complex. The removal of the 5 category B trees would have an impact on the local landscape, however that impact can be mitigated against with suitable new and improved tree planting. Subject to this, the landscape quality of the area – both locally and wider, would not in the medium / long term be compromised by the proposal. The CNPA have been consulted and have not raised any concerns over the impact on the landscape.

Residential Amenity

- 39 The proposed extension would be approx. 70m from the curtilages of the closest residential properties located to the west. This distance would negate any direct impact in terms of overlooking and loss of privacy. It is noted that within some of the representations concerns have been raised about the affect the development would have on light levels entering existing properties. At this distance, the proposal would not reduce light levels below BRE acceptable levels, and the good practice 25-degree test would not be breached. In terms of external lighting, there will be a conditional requirement for all external lighting to be aligned so that it does not spill beyond the boundary of the site, and that light spillage is minimised.
- 40 In terms of noise nuisance, Environmental Health have been consulted on the proposal and are satisfied that subject to conditions, noise nuisance from plant / machinery, and internal movements can be mitigated and controlled to acceptable levels. Conditions 3 (noise) and 4 (ventilation) relates to these matters.
- 41 The plans indicate that the principal delivery bay for daily food deliveries will remain unaltered. After the extension is completed, the delivery bay area will be located within an enclosed courtyard area which would, if anything reduces any existing noise disturbance to properties to the west arising from early morning deliveries. There are also no specific restrictions on current deliveries in terms of time restrictions through earlier planning permissions so it would be unreasonable to restrict deliver times through this permission.
- 42 A number of the representations have raised concerns over the presentation and storage of food waste, and the potential for vermin to congregate. This would typically be a matter for Environmental Health to intervene and take necessary action however, providing standard good practice measures are implemented there is no reason to expect future problems to arise which may affect existing residential amenity. It would also not be in the business interests of the House of Bruar to allow such an issue to arise and a degree of self-regulation by the applicant will take place.

- 43 In terms of external lighting, a standard compliance condition will be attached to this permission to ensure that all external lighting is directed appropriately to avoid light nuisance occurring. Condition 5 (lighting) relates to this.
- 44 An issue concerning the over sensitivity, or faults with existing fire and security alarms across the existing site have been raised with the representations. This appears to be an existing issue and is not one to be addressed through this planning application.

Roads and Access

- 45 The proposal raises no issues in terms of vehicular access or parking provision.
- 46 The local road network is capable to accommodating the extra movements which will be generated doth during construction, and upon operation – taking into account both potential extra staff and additional users. Both the Council's Transport Planning Team, and Transport Scotland were consulted on the proposal, and both have no objections, or concerns. Whilst it is anticipated that the additional commercial space will generate the opportunities for around 16 new jobs, at this level there would not would typically be a requirement for the submission (and approval) of Green or Sustainable Travel Plans. The proposal therefore raises no conflict with the sustainability objectives of the LDP in relation to this local community.

Drainage and Flooding

- 47 The site is located outwith the functional floodplain associated with the Bruar Water. In terms of drainage matters, foul drainage will be connected to the existing private treatment plant which specifically serves the House of Bruar. The additional connection to the existing treatment plant, and confirmation of available capacity will be subject to separate authorisation by both SEPA and Building Standards.
- 48 In terms of surface water drainage, it is proposed to dispose of this via land soakaway and an indicative area has been shown to the south of the new extension. The proposal does not include more than 1000sqm of new permeable surface which negates the need for a full drainage impact assessment. Nevertheless, it is reasonable to request final technical details of the soakaway to ensure that it will function as intended and ensure that no surface water is shed onto neighbour land. Condition 6 (surface water) relates to this.

Waste Collection

- 49 The collection of waste and recycling will be via the same route as existing. It is noted that concerns have been raised within the letters of representation concerning area of waste collection, and the potential for vermin to congregate and to become established. The Council is not aware of any ongoing issues concerning waste, and in particularly food waste. A standard condition is

nevertheless recommended to clarify areas for storage of general waste, food waste and recycling. Condition 12 (waste/recycling) relates to this.

Conservation Considerations

- 50 The proposal does not affect any listed building, conservation area or Local Archaeology.

Biodiversity

- 51 The introduction of the NPF4 places biodiversity front and centre of all planting decisions through its Policy 3.
- 52 An initial preliminarily ecological survey of the site was undertaken, and that survey identified the potential presence of reptiles, pine martens and bats either on the site or close by. As a consequence, additional surveys were undertaken during the assessment of the planning application and updated reports produced and submitted. These reports have been reviewed, and are considered to be comprehensive and in line with best practice.
- 53 The further surveys confirmed that there are no bat roosts, pine marten dens or reptiles using the site and no further surveys are required. The ecology report made a number of recommendations to enhance the area for bats and pine martens, and these will be secured by condition. Condition 11 (ecology) relate to this. Additional biodiversity mitigation will also be delivered by the delivery of new compensatory tree planting to mitigate for the tree loss.
- 54 Subject to these requirements, the proposal raises no issues with compatibility with Policy 3 of the NPF4, or Policy 4 of the LDP.

Trees

- 55 As a result of the proposal 12 trees will be removed, which are a mix of Rowan and Silver Birch. The tree report suggests that the majority of these trees were probably planted in the mid-1990s when original House of Bruar buildings were built. No Category A trees would be directly lost as a result of the proposed Project. Of the 12 trees to be removed, 5 are Category B and 7 Category C trees and these will be replaced by 46 new specimen trees. The Council's normal ratio for replacement trees is 1:3, so the proposed compensatory planting is acceptable. Condition 10 will require the full extent of the re-planting to be implemented in full.

River Tay Special Area of Conservation (SAC)

- 56 A section of the River Tay SAC is approx. 100m away from the site to the east, however due nature of the development and the existing drainage arrangements which are in place, there will not be any direct impact on the environmental interests of the designation.

Public Access

- 57 There is an existing footpath from Pitagowan, crossing the railway line, then into the Falls of Bruar area of recreational forestry. This path is not a formal right of way or core path, but it is understood to be a well-used route by the residents of Pitagowan. The path is not directly affected by the proposal, and there should be no physical impact on it either during construction or upon completion. However, for completeness a condition is attached to ensure that the path remains unaffected, and that measures are in place to protect it during the construction phase.

Anti-social behaviour

- 58 Regular anti-social behaviour by employees and customers is not a matter for the planning authority to control but is an issue for the Police to monitor and act upon. Areas for outside smoking have already been designated across the wider site, and it would be reasonable to assume that the existing areas would continue to be used by employees who may be based within the extension.

Design Statement

- 59 A basic Design Statement has been submitted in support of the planning application. A number of the representations have made reference to an orientation reference error within this statement insofar as the description of the development is referenced as being an extension to the 'east' of the existing building, as opposed to the 'west'. Whilst this error is unfortunate, as all the submitted plans correctly orientate and identify the location of the proposed development, and a number of representations have been received, it does not appear that the error has prejudiced the assessment or influenced representations to a significant degree.

Developer Contributions

- 60 There is no requirements for any Developer Contributions under the terms of the CNPA SPG on Developer Contributions.

Economic Impact

- 61 The development would have a positive impact on the local economy, and would support an established local business with their expansion plans.

VARIATION OF APPLICATION UNDER SECTION 32A

- 62 The application has not been varied. Additional information in relation to both trees and ecology was submitted during the consideration of the application.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

63 None applicable.

DIRECTION BY SCOTTISH MINISTERS

64 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

65 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 Cairngorms National Park Development Plan 2021. 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.

A RECOMMENDATION

Approve the planning application, subject to the following conditions

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

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 the development is carried out in accordance with the approved drawings and documents.

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

Reason – In order to protect existing residential amenity.

4. Prior to the development hereby approved being completed or brought into use, an effective ventilation system commensurate with the nature and scale of cooking to be undertaken shall be installed and operated such that cooking odours are not exhausted into or escape into any neighbouring buildings. Thereafter the system shall be maintained.

Reason – In order to protect existing residential amenity.

5. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

Reason – In order to protect existing residential amenity.

6. Prior to the commencement of the development hereby approved, precise details of the means of surface water disposal shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented in full.

Reason – In order to ensure the site is adequately drained.

7. The footpath path leading from Pitagowan to the Falls of Bruar must not be obstructed during the construction phase, or on completion of the development.

Reason – In the interest of proper site management and to ensure existing public access continues.

8. The Construction Exclusion Zone (CEZ) as shown on approved Plan 11 shall be adhered to in full, and all fencing shall be BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The CEZ shall be strictly adhered to during the entire duration of the construction phase of the development.

Reason – In order to ensure that existing trees are suitably protected during the construction phase.

9. Prior to the commencement of the development hereby approved, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the entire duration of the construction phase of the development.

Reason – In order to ensure that existing trees are suitably protected during the construction phase.

10. Within 6 months of the completion of the development hereby approved, the replanting and landscaping scheme approved as Plan No 12, shall be implemented in full. Any planting failing within 5 years shall be replaced within the next available planting season.
11. The conclusions and recommended action points within the supporting ecology survey submitted and hereby approved as Plan 10 shall be fully adhered to, respected and undertaken during the entire duration of the construction phase of the development, and that all mitigations measures thereafter implemented.

Reason – In order to ensure that biodiversity interested are fully accommodated.

12. Prior to the commencement of the development hereby approved precise details of the area for, the means of enclosures and the capacity for the provision of general waste, recycling and food waste shall be submitted to and approved in writing by the Council as Planning Authority. The approved details shall thereafter be implemented and be able for use prior to the extension being used.

Reason – In order to ensure that suitable facilities for waste and recycling are provided in a suitable location.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None applicable.

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. Please use the form attached herewith.
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. Please use the form attached herewith.
3. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

Background Papers: Eight letters of representation

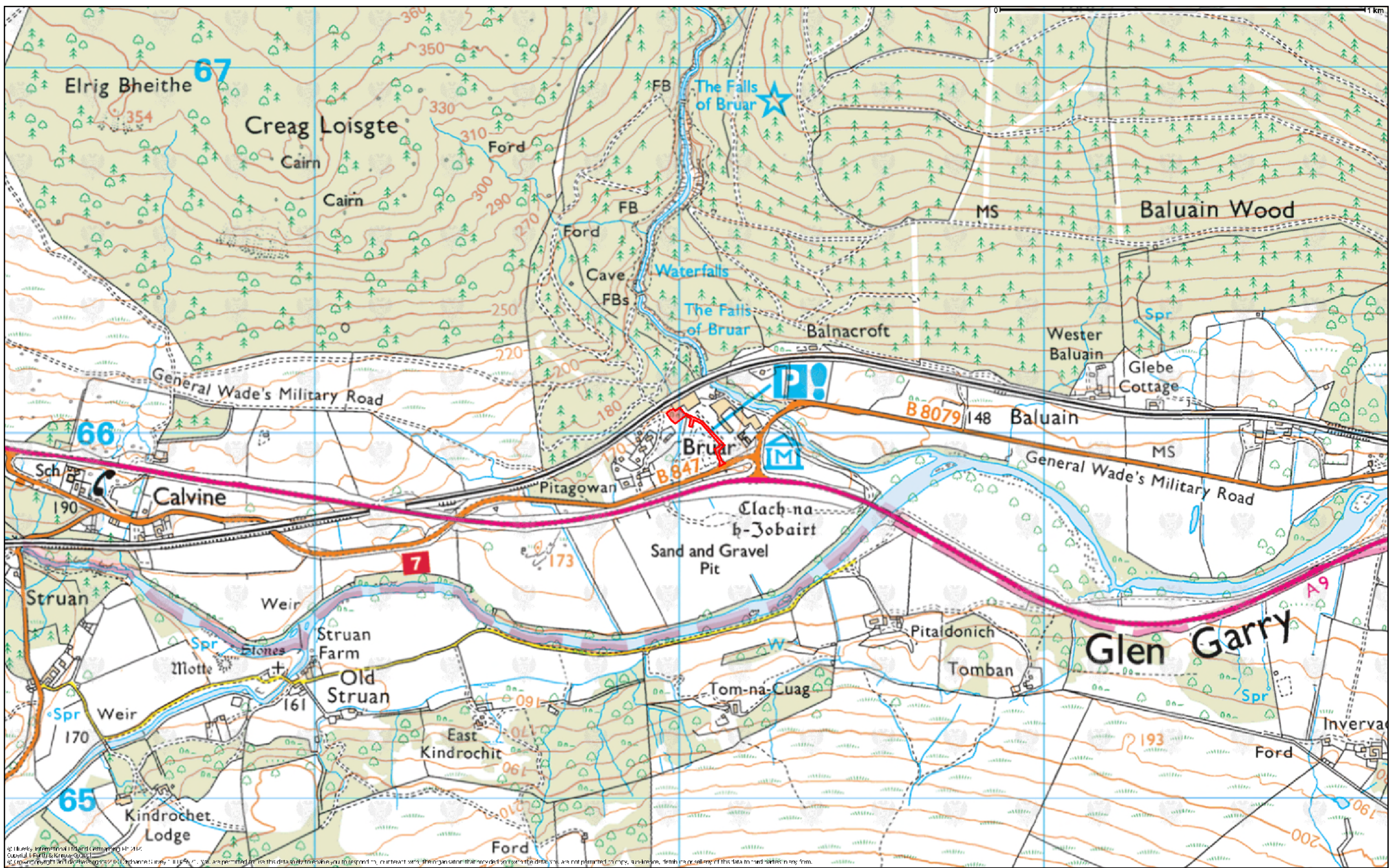
Date: 25 August 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.



© Ordnance Survey 2023. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

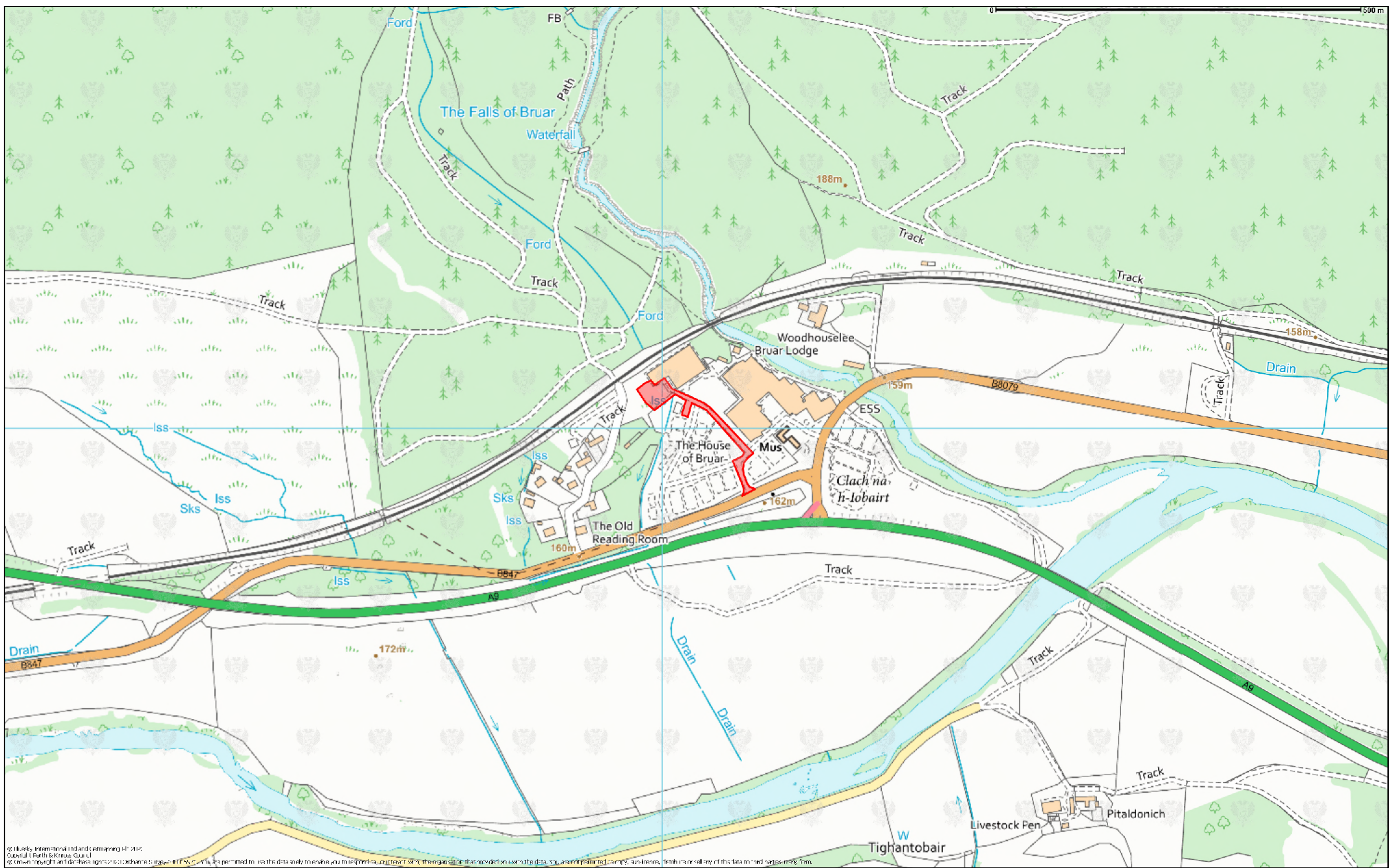
© Crown copyright and database rights 2023 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 14 June 2023
Scale 1:10000



23/00071/FLL
Extension to warehouse/offices to form additional office space (class 2), product development/food preparation areas with associated storage and distribution (class 6) at House Of Bruar Pitagowan Blair Atholl Pitlochry PH18 5TW





© Bluejay International Ltd and Ordnance Survey
 Copyright © Perth & Kinross Council
 © Crown copyright and database rights 2023 Ordnance Survey. All rights reserved. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

© Crown copyright and database rights 2023 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Planning and Placemaking Committee - 14 June 2023
 Scale 1:5000



23/0071/FLL
 Extension to warehouse/offices to form additional office space (class 2), product development/food preparation areas with associated storage and distribution (class 6) at House Of Bruar Pitgowan Blair Atholl Pitlochry PH18 5TW



