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Council Building
2 High Street
Perth
PH1 5PH

7 December 2020

A meeting of the **Planning and Development Management Committee** will be held virtually on **Tuesday, 15 December 2020 at 10:00**.

If you have any queries please contact Committee Services - Committee@pkc.gov.uk.

KAREN REID
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 Roz McCall (Convener)
Councillor Bob Brawn (Vice-Convener)
Councillor Henry Anderson
Councillor Michael Barnacle
Councillor Eric Drysdale
Councillor Tom Gray
Councillor David Illingworth
Councillor Ian James
Councillor Callum Purves
Councillor Crawford Reid
Councillor Richard Watters
Councillor Mike Williamson
Councillor Willie Wilson

Planning and Development Management Committee

Tuesday, 15 December 2020

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/SUBSTITUTES**
- 2 DECLARATIONS OF INTEREST**
- 3 MINUTE OF MEETING OF PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE OF 18 NOVEMBER 2020 FOR APPROVAL** **5 - 34**
(copy herewith)
- 4 DEPUTATIONS**
- 5 APPLICATIONS FOR DETERMINATION**
- 5(1) MAJOR APPLICATIONS**
- 5(1)(i) 20/01242/FLM - GLENFARG - ERECTION OF AN ENERGY FROM WASTE FACILITY INCLUDING ANCILLARY BUILDINGS, FORMATION OF VEHICULAR ACCESS, INFRASTRUCTURE, LANDSCAPING, DRAINAGE AND ASSOCIATED WORKS, BINN FARM, GLENFARG** **35 - 64**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/243)
- 5(1)(ii) 20/01513/AMM - AUCHTERARDER - ERECTION OF 29 DWELLINGHOUSES, 5 GARAGES AND ASSOCIATED WORKS (REVISED DESIGN AND CHANGE OF HOUSE TYPE FOR PLOTS 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 AND 139), LAND SOUTH OF BENTON ROAD, AUCHTERARDER** **65 - 82**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/244)
- 5(2) LOCAL APPLICATIONS**

- 5(2)(i) 20/00505/FLL - PERTH - ERECTION OF 49 DWELLINGHOUSES AND ASSOCIATED WORKS (LDP2 ALLOCATED SITE E340), LAND TO THE WEST OF CHERRYBANK GARDENS, PERTH** **83 - 108**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/245)
- 5(2)(ii) 20/00883/IPL - COUPAR ANGUS - RENEWAL OF PLANNING PERMISSION 17/00958/IPL (RESIDENTIAL DEVELOPMENT) (IN PRINCIPLE), LAND TO THE WEST OF HIGHFIELD, BEECH HILL ROAD, COUPAR ANGUS** **109 - 122**
Report of Handling by Head of Planning and Development
(Recommendation - Approve) (copy herewith 20/246)
- 5(3) PROPOSAL OF APPLICATION NOTICE (PAN)**
- 5(3)(i) 20/00009/PAN - PERTH - PROPOSED EMPLOYMENT/BUSINESS PARK (USE CLASSES 4, 5 AND 6) AND ASSOCIATED WORKS, LAND NORTH OF THOMSON LANDSCAPES, INCHCAPE PLACE, PERTH** **123 - 132**
Pre-Application Report by Head of Planning and Development
(copy herewith 20/247)

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PLANNING AND DEVELOPMENT MANAGEMENT COMMITTEE

Minute of meeting of the Planning and Development Management Committee held virtually on Wednesday 18 November 2020 at 10.00am.

Present: Councillors R McCall, B Brawn, H Anderson, M Barnacle, T Gray, D Illingworth, I James, C Purves, C Reid, R Watters, M Williamson and W Wilson.

In Attendance: P Marshall, K Smith, J Scott, A Condliffe, L MacLean, A Rennie, G Fogg, D Williams, A Brown, M Pasternak and L McGuigan (all Corporate and Democratic Services); G Bissett and L Reid (both Housing and Environment).

Apology for Absence: Councillor E Drysdale.

Councillor R McCall, Convener, Presiding.

1. WELCOME AND APOLOGIES

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

2. DECLARATIONS OF INTEREST

There were no Declarations of Interested made in terms of the Councillors Code of Conduct.

3. MINUTES

The minute of meeting of the Planning and Development Management Committee 21 October 2020 was submitted and approved as a correct record subject to the addition of the Amendment and outcome of the roll call vote for Item 5(1)(ii) (see Appendix 1).

4. DEPUTATIONS

In terms of Standing Order 72, the Committee agreed to hear depositions in relation to the following planning application:

Planning Application No.
20/01040/FLL

Art. No.
5(2)(ii)

5. APPLICATIONS FOR DETERMINATION

(1) Major Applications

- (i) **20/01103/IPM - INVERGOWRIE - Mixed-use development, including alterations and erection of buildings for agricultural research and development, industry**

engagement, skills development and formation of parking areas, landscaping, infrastructure and associated works (in principle), The James Hutton Institute, Errol Road, Invergowrie – Report 20/216 – The James Hutton Institute

Mr J Scott introduced the report and provided the following update:

To address the requirements of Transport Scotland in their consultation response dated 13 November 2020 an additional condition to link the delivery of this road (subject of planning application: 20/01104/FLL) to the wider development of the site was proposed (Condition 18).

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (ii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.Reason: In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.
2. No works in connection with the development hereby approved shall take place until full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a construction (including demolition) phasing plan for the whole site;
 - (ii) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part

- of the development phase, relative to existing ground levels and a fixed datum point.
- (iii) the siting, design, height and external materials of all buildings or structures;
- (iv) the details of all roads, footpaths/cycleways and structures throughout the development;
- (v) details of any screen walls/fencing including any retaining walls to be provided;
- (vi) measures to maximise environmental sustainability through design, orientation and planting or any other means;
- (vii) details of any landscaping, structure planting and screening associated with the development;
- (viii) full details of the proposed means of disposal of foul and surface water from the development;
- (ix) details of protection of scheduled monuments;
- (x) lighting details;
- (xi) bin storage, collection location and recycling facilities provision;
- (xii) air quality assessment;
- (xiii) updated ecology assessment including protected species survey, a breeding bird survey of buildings and potential bat roost features in any buildings proposed to be demolished;
- (xiv) biodiversity action plan (to specifically include biodiversity enhancement and opportunities to support protected species);
- (xv) contaminated land assessment;
- (xvi) a Green Travel Plan (GTP); and,
- (xvii) archaeological working scheme of investigation.

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

3. No building submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 shall exceed 15 metres in height.
Reason: To not impact on the operations of Dundee City Airport.

4. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed applications, 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 local environmental quality.

5. 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: To ensure a satisfactory standard of local environmental quality.
6. All external lighting shall be sufficiently screened and aligned 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: To ensure a satisfactory standard of local environmental quality.
7. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an Air Quality Assessment shall be submitted to the Council as Planning Authority. The assessment should assess the air quality impacts from traffic and heating systems associated with the development also cumulative effects from other development sites and consideration should be given to impacts on the Dundee AQMA.
Reason: To ensure a satisfactory standard of local environmental quality.
8. Core paths and right of way must not be obstructed during construction or on completion. All public paths created as part of any layout or design submitted within an application for the Approval of Matters Specified in Conditions as part of Condition 2 must be suitable for all non-motorised user groups (minimum 2m width with suitable surface in wider corridor).
Reason: To ensure a satisfactory standard of local environmental quality; to safeguard the core paths.
9. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, details of the location and measures proposed for the safeguarding and continued operation of any Scottish Water supply pipes sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.
Reason: To safeguard Scottish Water infrastructure.
10. Development shall not commence until the developer has secured the implementation of a programme of

archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard archaeology in the area.

11. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;

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

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

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

12. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a hard and soft landscaping scheme shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall include the following specification:

- (i) existing and proposed finished ground levels relative to a fixed datum point;

- (ii) existing landscape features and vegetation to be retained;
- (iii) existing and proposed services including cables, pipelines and substations;
- (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
- (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (vi) the location, design and materials of all hard-landscaping works including walls, fences, gates, any other means of enclosure, street furniture and equipment;
- (vii) an indication of existing trees, shrubs and hedges to be removed;
- (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of the site, or such other date as may be agreed in writing with the Planning Authority.

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

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

13. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application an updated Ecology Survey including; a Protected Species Survey, a Breeding Bird Survey of Buildings, a Survey of potential Bat Roost Features in buildings to be demolished shall be submitted to and approved in writing by the Council as Planning Authority.

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

14. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Biodiversity Action Plan shall be submitted to and approved in writing by the Council as Planning Authority.

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

15. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application the mitigation measures identified for Junction 4 - A85 Riverside Avenue / Main Street for its signalisation to reduce the queueing impact from the development, a detailed design shall be undertaken, along with a date for their implementation shall be submitted and agreed in writing by the Council as Planning Authority.
Reason: In the interests of road safety.
16. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application a Stage 1 Road Safety Audit shall be submitted to and approved in writing by the Council as Planning Authority.
Reason: In the interests of road safety.
17. As part of any application for the Approval of Matters Specified by Condition (AMSC) or detailed application, the applicant shall provide the following parking provision numbers on site:
- Car Parking – 334 spaces
 - Secure Covered Cycle Parking – 100 spaces
 - Powered Two Wheelers – 19 spaces
 - Disabled Allocation – 17 spaces
- Coach parking provision on site shall also be included as part of any detailed application.
Reason: To provide a suitable parking provision for the development.
18. Prior to the occupation of any of the development hereby approved, the proposed modifications to the A90/Main Street Roundabout, generally as illustrated on Drawing No. 135585/sk7001 - page 86 of Transport Assessment (PKC Ref: 20/01103/16) by Fairhurst dated April 2020, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.
Reason: To ensure that the standard of access layout complies with the current standards, and that the safety and free flow of traffic on the trunk road is not diminished.

Justification

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

Informatives

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions

must be made within 6 months of the date of such refusal or dismissal.

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. Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing any demolition work. If bats are found during works, the work should stop immediately, and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
4. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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.
5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
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. 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.

8. The granting of planning permission does not stop the continued right of public access along the existing core paths INGI/8 and 52/8. 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.
9. 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.
https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000
10. 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.
11. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority 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.
12. Please be aware that your Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, prior to gaining Approval of Matters Specified by Condition.
13. The applicant is advised that in terms of Sections 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.

14. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
15. 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.

- (ii) **20/01180/FLM - PERTH - Erection of 75 dwellinghouses and associated works (changes to house type/layout on plots 0024 - 0091 permission 15/01109/FLM), land at Bertha Park, Perth – Report 20/217 – Springfield Properties PLC**

Motion (Councillor I James and R McCall)

Grant, subject to the following conditions and informatives:

Conditions

1. 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.
2. The foul drainage shall be drained to a mains sewerage system.
Reason: In the interests of public health and to prevent pollution.
3. Development shall not commence until a detailed and permanent sustainable urban drainage system (SUDS) has been submitted for the further written approval of the Planning Authority, in consultation with SEPA (where necessary). The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance, and shall incorporate source control. For the avoidance of any doubt the discharge of any surface water drainage shall be limited to the greenfield runoff rates as detailed in section 12.5.26 of the Environmental Statement (submitted in support of planning application 15/01109/FLM). Thereafter, all works shall be carried out in accordance with the agreed details and be

operational prior to the bringing the development phase into use.

Reason: In the interests of best practise surface water management, bio-diversity, to avoid undue risks to public safety and flood risk.

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 for each building:

- 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 and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability and in accordance with Policy 32 of LDP (2).

5. In association with condition 5, noise from any air source heat pump or other external residential plant 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 20 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: To prevent disturbance from noise.

6. Prior to the commencement of development a Construction Environment Management Plan (CEMP), incorporating a Construction Method Statement (CMS), a Construction Traffic Management Plan (CTMP), a Site Waste Management Plan (SWMP), a Site Access Management Plan, a Drainage Management Plan (DMP) and Environmental Management Plan (EMP) detailing pollution prevention and control measures for all phases of the, construction and operation programmes will be submitted to and be approved in writing by the Planning Authority, in consultation with Scottish

Environment Protection Agency. Thereafter the development shall be fully undertaken in accordance with the CEMP.

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

7. Prior to the commencement of the development hereby approved, further detail (to include optimum numbers of native species) of the proposed landscaping and planting scheme shall be submitted to and agreed in writing by the Council as Planning Authority. The detailed scheme as subsequently approved shall be carried out and completed no later than the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

8. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number 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.

9. Prior to the commencement of development hereby approved, details of the location and specification of bird nesting bricks or boxes (25% of all two storey-dwellings must include a bird nesting brick or box) shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interests of securing and enabling appropriate biodiversity enhancement measures.

10. Prior to the commencement of development hereby approved, details of the location and specification of the required bat brick(s) or bat nest box(s) (25% of two storey-dwellings to include a bat brick, tube or box) 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 securing and enabling appropriate biodiversity enhancement measures.

Justification

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

Informatives

- 1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).**
- 2. 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.**
- 3. 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.**
- 4. Applications 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.**
- 5. No work shall be commenced until an application for building warrant has been submitted and approved.**
- 6. 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.**
- 7. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:**

- Displayed in a prominent place at or in vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
8. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 15/01109/FLM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply.
 9. The applicant is advised to take note of Scottish Water response (dated 23 September).
 10. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

Amendment (Councillors R Watters and M Williamson)

Approve the application subject to the conditions and informatives outlined in Report 20/217, with a revision that the proposal is not recognised as being compliant with the Affordable Housing policy, and that suitable Affordable Housing is still to be provided within the overall development.

In accordance with Standing Order 58, a roll call vote was taken.

10 members voted for the Motion as follows:
Councillors H Anderson, M Barnacle, B Brawn, T Gray, D Illingworth, I James, R McCall, C Purves, C Reid and W Wilson

2 members voted for the Amendment as follows:
Councillors R Watters and M Williamson

Resolved:

In accordance with the Motion.

(2) Local Applications

- (i) **20/00434/FLL - PITLOCHRY - Erection of a garage with workshop and store, Westlands Hotel, Altholl Road, Pitlochry – Report 20/218 – Westlands Hotel**

Motion (Councillors R McCall and I James)

Grant, subject to the following conditions and informatives:

Conditions

1. 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.
2. For the avoidance of any doubt the approved building shall be used as a garage/workshop/store. At no time shall the building be used as residential accommodation.
Reason: To ensure that the building is only used as a garage/workshop/store incidental to the planning unit.

Justification

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

Informatives

1. 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.
2. An application for Building Warrant will be required.
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/>.

Amendment (Councillors M Williamson and M Barnacle)

Defer the application, to allow for additional information to be brought forward to a future meeting of the Planning and Development Management Committee, with regards to establishing the internal layout of the buildings and as to whether any internal works may have taken place.

In accordance with Standing Order 58, a roll call vote was taken.

8 members voted for the Motion as follows:

Councillors B Brawn, T Gray, D Illingworth, I James, R McCall, C Purves, C Reid and W Wilson

4 members voted for the Amendment as follows:

Councillors H Anderson, M Barnacle, R Watters and M Williamson

Resolved:

In accordance with the Motion.

(ii) 20/01040/FLL - ERROL - Alterations and extension to form roof terrace and stairs, The Errol Pub, The Cross, Errol – Report 20/219 – Mr A Neilson

Mr A Neilson, applicant, addressed the Committee and answered members questions via audio conference.

Resolved:

Grant, subject to the following conditions and informatives:

Conditions

1. 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.
2. Prior to the commencement of the development hereby approved, a Noise Management Plan shall be submitted for the written agreement of the Council as the Planning Authority. The plan shall include all procedures and controls to mitigate noise from the operations of the area, it should also include a procedure for complaints.
Thereafter, the approved plan shall be implemented for the life of the development and the use roof terrace, to the satisfaction of the Council as Planning Authority.
Reason: In order to safeguard the residential amenity of the area.
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 20 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 safeguard the residential amenity of the area.
4. 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 safeguard the residential amenity of the area.

5. The hours of operation of the outdoor seating area shall be restricted to between 1100 to 2000 hours daily.

Reason: In order to safeguard the residential amenity of the area.

6. No music, amplified or otherwise, shall be permitted in the outdoor seating area at any time.

Reason: In order to safeguard the residential amenity of the area.

Justification

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

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. 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.
3. 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.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. 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. The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.

5(3) Proposal of Application Notice (PAN)

- (i) **20/00008/PAN - PITLOCHRY - Residential development, land east of Middleton of Fonab Cottages, Foss Road, Pitlochry – Report 20/220**

Councillor Williamson requested that consideration be given to any future expansion of Fonab Cemetery. Councillor Williamson also requested that consideration be given to services at the Fonab Cemetery during the construction phase.

Councillor Anderson requested that consideration be given to suitable Affordable Housing provision.

The contents of the Head of Planning Development's Report were noted.

Appendix 1

Motion (Councillors R McCall and I James)

Grant, subject to the following conditions and informatives:

Conditions

1. The proposed development must be carried out in accordance with the approved drawings and documents, including but not limited to the schedule of mitigation measures outlined within Chapter 19 of the Environmental Impact Assessment Report (EIAR) (plan 19/01837/59), unless otherwise provided for by conditions imposed by this permission.
Reason: To ensure the development is carried out in accordance with the approved drawings and documents.
2. A minimum of two months prior to the commencement of development, a detailed Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate. The CEMP shall incorporate site specific details of topics areas as set out in outline CEMP (plan 19/01837/69) as well as:
 - Detailed Phasing and Delivery Plan;
 - Site Access Management Plan (SAMP) for all temporary works including but not limited to compounds, haul roads and spoil stores;
 - Drainage Management Plan (DMP) including a hierarchy of measures to be incorporated to manage construction run-off;
 - Environmental Management Plan (EMP) to deal with noise, vibration; and dust, on and off the site and methods of monitoring levels for each;
 - Site Waste Management Plan (SWMP), including details of the disposal of surplus excavated material (as necessary);
 - An Invasive Control Plan (ICP) detailing the control of all four invasive plant species identified;
 - An Aftercare Monitoring Plan (AMP) providing a methodology for progressive restoration proposals for all habitats, developing avoidance and mitigation measures to address any adverse landscape effects during construction. Restoration and Landscaping Establishment Monitoring Reports shall be submitted by July in years 1, 3 and 5 and shall include recommendations for any further restoration and/or intervention to be implemented by September in that year. For the avoidance of doubt, the AMP will include assessment of the success or failure of landscaping required by Condition 10, the ICP and appropriate recommendations;
 - A methodology for developing avoidance and mitigation measures to address any adverse landscape effects identified during monitoring.

Thereafter, the development shall be undertaken fully in accordance with the CEMP unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interest of protecting environmental quality and of bio-diversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

3. In association with Condition 2, a minimum of two months prior to commencement of development, a detailed Construction Traffic Management Scheme (CTMS) shall be submitted to the Council as Planning Authority for approval in writing, in consultation with the relevant Roads Authority which shall include the following:
- a) restriction of construction traffic to approved routes and where practicable 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 public road;
 - g) arrangements for cleaning of public 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 (including temporary traffic lights and plant crossings) 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) co-ordination with other significant developments known to use roads affected by construction traffic;
 - k) monitoring, reporting and implementation arrangements; and
 - l) arrangements for dealing with non-compliance.

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

Reason: In the interest of proper site management, road safety and to ensure the safe and efficient use of the public road network.

4. In association with Condition 2, the development hereby approved shall not commence until independent and suitably qualified Ecological/Landscape/Environmental Clerk of Works (E/L/EnvCoW) professional/s have been appointed at the applicant's expense. Details of this/these appointment/s shall be subject to the prior written agreement of the Council as Planning Authority. The person or persons appointed shall only be replaced in full cognisance of this condition and the post/s shall not be vacant at any time, for the duration of the

construction elements of the proposed development. The E/L/EnvCoW shall have responsibility for the following:

- a) Overseeing compliance of the Construction Environmental Management Plan (CEMP) required by this permission;
- b) An empowered watching brief and involvement in decisions over key development stages, directing the micro-siting of significant elements of the scheme to minimise impact on natural and/or cultural heritage and visual amenity. The CEMP is a 'live' document which must remain effective throughout the duration of construction and could be subject to change. The document control of the CEMP must set out the reason for the change, clearly identifying what has been changed and that it has the relevant Clerk of Works sign off;
- c) Authorisation to stop or amend working practices in the interests of natural heritage. Any amendments which result in a required revision of the CEMP shall be submitted to the Council as Planning Authority.
- e) Notifying the Council as Planning Authority in writing of any requirement to halt construction in relation to this condition as soon as reasonably practicable;
- f) Providing an ecological/landscape and environmental input to the Site Induction of all operatives with updates provided as necessary;
- g) Identifying supplementary landscaping mitigation opportunities in and around sensitive and publicly visible locations in consultation with the Council as Planning Authority, to feed into detailed landscaping plans;
- h) Undertaking weekly visits to the development site at a time of their choosing for the duration of the construction elements. No notification of this visit is required to be given to the developer or contractor;
- i) Throughout the construction phase and within 10 working days of the end of each calendar month, submission of a detailed monthly report (augmented by photographic record evidencing findings) for the review of the Council as Planning Authority and consultees as considered appropriate;
- j) Throughout the construction phase, monthly CEMP liaison group site visit and meetings to be attended by E/L/EnvCoW, contractor representatives, and open invitation to the Planning Authority and consultees as considered appropriate;
- k) Upon completion of construction elements, the E/L/EnvCoW can thereafter reduce visits to bi-annual (spring and autumn) to inform the AMP and assess ongoing development impact up to a period of 5 years post completion;
- l) Upon completion of construction elements, the E/L/EnvCoW shall submit annual reports, including a photographic record to the Council as Planning Authority for consultation with appropriate stakeholders;
- m) Monitor implementation of the Habitats Regulations Assessment (HRA) (plan 19/01837/76) to be undertaken and followed throughout the construction period for the affected areas of the development.

The above shall be adhered to throughout the construction and aftercare monitoring phases of the development hereby approved.
Reason: In the interest of protecting environmental quality and of biodiversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

5. A minimum of 2 months prior to the commencement of the development a detailed Operation Noise Mitigation Plan (ONMP) shall be submitted to and approved in writing by the Council as Planning Authority, in consultation with key stakeholders as deemed appropriate by the Planning Authority. The terms of reference for the ONMP shall be agreed in advance of its submission. The ONMP must demonstrate how the noise levels generated by the scheme will or could be reduced at sensitive receptors. The threshold for consideration for mitigation shall be based on receptors that will experience daytime noise levels in excess of 55dBLAeq 16hrs and/or are predicted to have a 3dB(A) increase in noise as a result of the scheme. Where applicable, the mitigation strategy shall include the measures that are intended or could (within the applicants' control) be introduced at the affected receptor locations. The approved mitigation measures shall be implemented in accordance with the approved ONMP.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

6. Prior to the commencement of development hereby approved, the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation shall be secured, submitted and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the agreed programme of archaeological works shall be fully implemented, including all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site. In addition, access shall be afforded at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative, including observing work in progress.

Reason: To ensure sites of archaeological interest are properly protected and recorded as appropriate.

7. Prior to the commencement of development hereby approved, full details of all changes in ground levels, laying of foundations/piling works, and operation of mechanical plant within an agreed proximity to the rail line must be submitted to, and agreed in writing by the Council as Planning Authority, in consultation with Network Rail's Asset Protection Engineer.

Reason: In ensuring no adverse impact to Network Rail assets and its associated ongoing operations.

8. Prior to the commencement of development hereby approved, a Soil Management Plan shall be submitted to and agreed in writing by the Council as Planning Authority. The plan as approved shall be strictly adhered to concurrent with the construction phases of the development.

Reason: To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 51 of LDP2.

9. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used on all structures and hard landscaping shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use any part of the development, whichever is the earlier.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality; to reserve the rights of the Planning Authority.

10. In addition to Condition 1, an updated survey for freshwater pearl mussels should be undertaken ahead of any construction elements of the development within or adjacent to the River Tay SAC and submitted to the Council as Planning Authority for approval, in consultation with Nature Scot. Any follow up post-construction surveys required by the Planning Authority will thereafter be undertaken within an agreed timeframe and submitted for review in consultation with Nature Scot.

Reason: In the best interests of habitat and well-being of protected wildlife.

11. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted to, and approved in writing by, the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of any landscaped areas, full details of all landscaping proposals including species (native where possible), height, size and density of hedging, trees (including all woodland planting species) and shrubs to be planted. The detailed landscaping and planting plan will be expected to clearly demonstrate how connectivity between woodlands and hedgerow has been considered to ensure biodiversity benefit is delivered. In addition, a detailed drawing and cross section of the proposed active travel/shared route element shall form part of the detailed landscaping plan requirements.

The detailed scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) following completion of any agreed phase of the development. 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.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and secure enhanced biodiversity opportunities.

12. In association with Condition 11, a detailed site investigation of the affected Ancient Woodland Inventory (AWI) shall be undertaken with findings and recommendations submitted for written approval by the Council as Planning Authority, in consultation with Nature Scot, prior to any soil clearance or disturbance and shall include:

- a) a review of optimal areas for topsoil translocation in accordance with best practice;
- b) details of any areas of existing ancient woodland that are to be enhanced as a compensatory measure;

- c) identification of any potential non AWI woodland where enhancement management as a compensatory measure is proposed.

Thereafter any agreed actions of the AWI investigation shall be undertaken in full, prior to the operation of the development.

Reason: To clarify the evidence of any remaining AWI characteristics on the affected areas and ensure evidenced characteristics are not adversely compromised as a result of any proposed physical development elements, including through suitable mitigation and compensatory measures.

13. In association with Conditions 11 and 12, prior to the commencement of development, within agreed locations of compensatory woodland planting and where Ancient Woodland Inventory (AWI) soil relocation is not viable or sufficient (in biodiversity characteristics), details of supplementary site-specific seed mixes (including volumes) of local provenance shall be submitted to and agreed in writing by the Council as Planning Authority, in consultation with Nature Scot . Thereafter any compensatory seed mix schemes as agreed will be implemented at the earliest opportunity and prior to the operation of the development.
Reason: To ensure the satisfactory compensatory planting and mitigation measures are secured and delivered and in the interests of securing enhanced biodiversity outcomes.
14. 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 out with these times or at any time on Sundays or bank holidays unless by prior agreement. Any proposal for out of hours work must provide two weeks prior notice and must be accompanied with details of the works, justification and copies of notification of nearby sensitive receptors.
Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.
15. In association with Conditions 1 and 4 and for the avoidance of doubt; should breeding birds be found during construction; works in the vicinity will cease until the young have fledged.
Reason: In the best interests of habitat and well-being of protected wildlife.
16. Prior to the commencement of development hereby approved, details of the location and specification of the red squirrel and pine marten boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the red squirrel and pine marten boxes shall be installed in accordance with the agreed details prior to the completion of this project.
Reason: In the interests of protecting environmental quality and of biodiversity.
17. Prior to the commencement of development hereby approved, a physical structure review and bird box opportunity plan shall be submitted for the further written agreement of the Council as Planning Authority, in consultation with RSPB. The review shall set out practical opportunities for provision of bird boxes on physical structures. Thereafter, any agreed bird box locations and specification shall be

installed in line with the agreed details prior to the completion of this project.

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

18. Prior to the commencement of the development hereby approved, a detailed Monitoring and Evaluation Strategy (MES) for the Cross Tay Link Road (CTLR) and connecting roads shall be submitted to and approved by the Council as Planning Authority in consultation with Transport Planning. The scope of the MES shall be agreed in advance; including the location and duration of traffic counters proposed as part of the monitoring and agreed timescales for sharing results from the MES following the completion of development (including a minimum 6 months post road opening results). The results of the MES shall thereafter include any recommendations to mitigate impact as identified.

Reason: In the interests of road safety.

19. In association with Condition 5, upon completion of the development, noise monitoring shall be undertaken by a suitably qualified noise consultant at noise sensitive receptors as set out in the ONMP and approved by the Planning Authority. An addendum to the ONMP shall be submitted within 3 months of the development being brought into use to demonstrate the effectiveness of the ONMP in reducing the effects of road traffic noise generated by the scheme at noise sensitive receptors. In the event that the mitigation measures are unsuccessful, the post construction ONMP addendum shall review and provide further mitigation works as agreed and a timescale for those works to be undertaken. The agreed addendum will thereafter be implemented in full.
- Reason: In the interests of neighbouring recreational and residential amenity; to ensure a satisfactory standard of local environmental quality is maintained.

20. In association with Condition 4, and the requirements of the Aftercare Monitoring Plan (AMP); monitoring of the completed wildlife tower to ascertain the usage by bats and barn owls shall be undertaken in years 1, 3 and 5. Survey methodology should be in line with Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd edition, (Collins, 2006), and guidance from the British Trust for Ornithology.

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

21. In association with Condition 4 and the requirements of the Aftercare Monitoring Plan (AMP); monitoring shall be undertaken of the Highfield Green Bridge to ascertain the usage by wildlife in years 1, 3 and 5.

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

Justification

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

Informatives

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

- that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.
 3. 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.
 4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
 5. This application affects a Trunk Road and should be referred to the appropriate Trunk Road Management Organisation and the Director, Transport Scotland, Trunk Road: Network Management.
 6. The appointed contractor should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. 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.
 7. The appointed contractor is advised to contact Scottish Water prior to the commencement of works to clarify and agree the scope and detail of any works which may affect Scottish Water assets.
 8. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.
 9. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.
 10. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges (DMRB).
 11. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement. Any additional works

- required to mitigate the impact on the trunk road will necessitate a Legal Agreement with the Trunk Roads Authority prior to commencement.
12. The appointed contractor must contact Network Rail Asset Protection Engineers in relation to Condition 7. It should be noted that where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
Contact details:
Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4352
E-mail: AssetProtectionScotland@networkrail.co.uk
13. The appointed contractor is advised that all Perth and Kinross Structures Technical Approval and adoption requirements shall be met.
14. The appointed contractor 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.
15. The appointed contractor is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
16. The appointed contractor is advised to consult with Perth & Kinross Council’s Street Lighting Partnership to agree on design, specification and situation of all public lighting in advance of any installations.
17. The appointed contractor is advised to consult directly with the Roads Authority (Transport Scotland and Perth & Kinross Council) in relation to agreeing a Signage Strategy for the completed Cross Tay Link Road (CTLR). It is recommended that the strategy should include all changes to local road network signs, trunk road network signs, tourist signage, non-motorised user (NMU) active travel signage and timing for implementation.
18. The granting of planning permission does not stop the continued right of public access along any existing core path. 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.
19. For the purposes of this planning permission the following provide a definition of terms contained herein:
- Development – All matters pertaining to construction (temporary and permanent), operation and use;
 - Operation – Where any phase or element of the development is brought in to use for the public;
 - Applicant – Roads Infrastructure, Perth and Kinross Council;
 - Stakeholders – Any body, internal or external considered necessary to advise the planning authority. This could include but is not limited to SEPA, Nature Scot, HES, Environmental Health, PKHT,

Scottish Forestry and Roads Authority (Transport Scotland in the case of trunk roads and Perth and Kinross Council in terms of local roads);

- **Construction – all matters relative to ground works, civils and structural elements;**
- **Contractor – Is the Principal Contractor as defined within CDM regulations.**

Content and Adequacy of the Environmental Impact Assessment

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:

The application submitted an EIA Report dated November 2019. The public had the opportunity to participate in the decision-making process through notification of the EIA, undertaken for premises on neighbouring land and it was publicised on the Planning Authority's website, in the Edinburgh Gazette and in the Perthshire Advertiser.

The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.

Parts 4 and 5, of the Environmental Impact Assessment (Scotland) Regulations 2017 outlines the information required to be included and processes undertaken in any EIA. The contents and the associated background information pertaining to the EIA Report alongside consultation, publication and notification are considered to fully meet the requirements of those regulations through this planning submission.

The EIA Report provides the baseline, the information gathered to consider the likely significant effects on the environment, including cumulative impacts and details of environmental mitigation and monitoring that are to be incorporated into the proposal. The following EIAR chapter headings were covered in relation to the proposal:

- **Chapter 1 – Introduction**
- **Chapter 2 – Project Description**
- **Chapter 3 – Project Need, Objectives and Alternatives**
- **Chapter 4 – EIA Methodology**
- **Chapter 5 – Consultation and Scoping**
- **Chapter 6 – Air Quality**
- **Chapter 7 – Cultural Heritage**
- **Chapter 8 – Landscape and Visual Impact**

- Chapter 9 – Biodiversity
- Chapter 10 – Hydrogeology and soils
- Chapter 11 – Materials
- Chapter 12 – Noise and Vibration
- Chapter 13 – People and Communities
- Chapter 14 – Agriculture, Forestry and Sporting Interests
- Chapter 15 – Road Drainage and the Water Environment
- Chapter 16 – Climate
- Chapter 17 – Population and Human Health
- Chapter 18 – Residual Effects
- Chapter 19 – Schedule of Mitigation

The Planning Authority is satisfied that the EIA Report complies with Regulation 5 and is therefore suitable for determination of this planning application.

The Planning Authority has considered the EIA Report, other environmental information and recommendation from consultation bodies. It is concluded that the development will not give rise to any unacceptable significant environmental effects. In reaching this conclusion, regard has been given to environmental design and mitigation measures incorporated in EIAR Chapter 19 (plan: 19/01838/59) as well as a regime for further conditional controls and the ongoing monitoring measures for the construction and operation of the road and its associated elements.

In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions, the proposal is considered acceptable and can be approved.

Amendment (Councillors M Williamson and M Barnacle)

Refuse, as the application is contrary to Policies 1A, 1B, 38, 41, 43, 56 and 57 of the Perth and Kinross Local Development Plan 2 (2019), and further that it fails to give due cognisance to the representation received from NHS Tayside.

In accordance with Standing Order 58, a roll call vote was taken.

11 members voted for the Motion as follows:

Councillors Anderson B Brawn, E Drysdale, T Gray, D Illingworth, I James, R McCall, C Reid, R Watters, M Williamson and W Wilson

2 members voted for the Amendment as follows:

Councillors M Barnacle and C Purves

Resolved:

In accordance with the Motion.

Perth and Kinross Council
Planning & Development Management Committee – 15 December 2020
Report of Handling by Head of Planning & Development (Report No. 20/243)

PROPOSAL: Erection of an energy from waste facility including ancillary buildings, formation of vehicular access, infrastructure, landscaping, drainage and associated works

LOCATION: Binn Farm, Glenfarg

Ref. No: [20/01242/FLM](#)

Ward No: P9 - Almond and Earn

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Binn Farm Eco Park comprises 7.2ha area of land located approximately 8km south east of Perth, 4km south west of Abernethy and 3.5km north east Glenfarg. The site is accessed via the A912 which connects to the M90 motorway via Junction 9. The overall site lies within a sparsely populated, upland rural area and is located within a valley between Binn Hill and Dumbarrow Hill. The proposed site is located 400m south of the main Binn Farm complex and is immediately adjacent to the access road. A limited number of farmhouses and isolated properties are located around the fringes of Binn Farm, with the closest approximately 350m away (West Bungalow), and these properties are under the ownership of Binn Farm. The nearest residential property not owned by Binn Farm is Balvaird Byre Cottage, some 650m south of the proposed site. The Bein Inn public house is 1km south west of the proposed site. Both are shielded by a hillside lying between the property and the proposed development.
- 2 Binn Farm is identified in Local Development Plan 2 2019 (LDP2) for the expansion of waste management uses. The Binn Farm complex currently contains the following facilities:
 - A Materials Recovery Facility (MRF) for processing industrial/commercial waste;
 - A soils and aggregates processing centre;
 - A Dry Mixed Recyclate (DMR) facility processing dry recyclables;
 - A high temperature In-Vessel Composting (IVC) facility to process a range of organic materials including kitchen waste and animal by-products;
 - A green waste wind-row composting operation;
 - An Anaerobic Digestion (AD) facility processing food waste; and A Solid Recovered Fuel (SRF) facility for the production of waste fuels from residual waste.

- 3 Planning permission was previously approved for an Energy from Waste (EfW) facility at the site proposed here. In 2007 permission for an EfW with a capacity of 60,000 tonnes per annum (tpa) and an adjacent MRF with a 16,000tpa capacity was approved (Ref: 06/01427/FUL) and in 2011 a further permission for an EfW was approved, for a facility with 60,000tpa capacity (Ref: 10/01767/FLM). Both permissions have been implemented but neither facility has been constructed. The main building complex from the 10/01767/FLM approval measures 160.6m long, 89.8m wide and 20.8m in height at its greatest extent. The MRF approved under the 2007 permission will not be built, as this has since been developed elsewhere on the wider Binn Farm site.
- 4 The applicant is now seeking permission for an amended EfW facility, which includes a new design and an increase in the maximum waste tonnage from previous schemes, to 84,900tpa. The proposed development would be a single line combustion plant based around a main building which would contain the following facilities:
- Waste reception hall;
 - Waste bunker;
 - Boiler hall; and
 - Substation.
- 5 In addition to the main building, there would be additional structures and ancillary elements:
- Air-Cooled Condenser (ACC);
 - Turbine enclosure;
 - Offices, a workshop, stores and staff welfare facilities; vehicle weighbridges;
 - transformer / sub-station (within its own enclosure);
 - Air Pollution Control reagent (APCr) silos;
 - water treatment / demineralisation plant and a fire water tank / pump;
 - site fencing and gates;
 - service connections;
 - surface water drainage;
 - external hardstanding areas for vehicle manoeuvring;
 - lighting and CCTV;
 - internal access roads and car parking; and
 - new areas of hard and soft landscaping.
- 6 The proposed main building will be 99.1m in length with a width varying between 27m and 50.9m. The building is divided into the various process areas all sitting under three roofs. The main roof (over the boiler hall) responds to the height of the mechanical and process equipment contained therein and is 40m high; the second roof sits over the waste bunker and is 30m high and the final lowest roof, over the waste reception hall, is 17.10m high. The administration / office space and workshop would be a sperate block located to the west of the main building. The emissions stack (chimney) would be located adjacent to the southern elevation of the building and would be 70m in height (218.9m AOD).

- 7 The air-cooled condenser (ACC) would comprise a separate structure to the south of the boiler hall. The ACC is separated from the main building in order to allow sufficient air flow into the condenser unit. The ACC would be 29.3m in length and 14.6m in width and would be circa 20m high (169.40m AOD). The turbine enclosure would be located to the east of the ACC and would be 13.1m in length, 5.1m in width and 10m high (159.90 AOD).
- 8 The proposed development would have a design life of 30 years and installed electricity generating capacity of approximately 8.6 MW. Approximately 1.3 MW of the electricity generated would be used in its operation and the remaining electricity, approximately 7.3 MW, a significant proportion of which would be renewable electricity, would be exported to the local electricity distribution network. The proposed development would also be designed to enable heat (in the form of hot water) to be generated from the electricity generation process (via a heat exchanger) for use by local heat users on the Binn Farm complex.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 9 The proposal was screened as EIA development in August 2019, 19/01149/SCRN). An EIA Report has been submitted with this application, addressing the significant environmental impacts and Section E of this report sets out the acceptability of the EIA.

PRE-APPLICATION CONSULTATION

- 10 The proposed development is classed 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.

NATIONAL POLICY AND GUIDANCE

- 11 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

- 12 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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

- 13 The Scottish Planning Policy (SPP) was published in June 2014 and 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.

14 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: 24 – 35
- Placemaking: 36 – 57
- Promoting Rural Development: 74-83
- Valuing the Historic Environment: 135-151
- Delivering Heat and Electricity: 152-174
- Planning for Zero Waste: 175-192
- Valuing the Natural Environment: 193-218

Planning Advice Notes

15 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 63 Waste Management Planning;
PAN 68 Design Statements;
PAN 75 Planning for Transport;
PAN 77 Designing Safer Places.

Other National Policy and Guidance

Climate Change Act 2009

16 The Climate Change (Scotland) Act (2009) sets out the key commitments of the Scottish Government in reducing greenhouse gas emissions and moving towards a low carbon economy. The Act provides the statutory framework for reducing emissions through the target of an 80% reduction from 1990 levels by 2050. In the shorter term the Act specifies an interim emissions target of at least 34% by 2020, increasing to 42% reduction by 2020 (if the European Union amends the current target). These targets have also been recognised in current Scottish Planning Policy.

Scotland's Zero Waste Plan 2010

- 17 The Scottish Governments Zero Waste Plan aims to provide a framework for investment over the next ten years and sets out key areas of activity and priorities for the next five years. The Zero Waste Plan is not exclusively for municipal waste, as it covers all 20 million tonnes of Scotland's waste.

The Waste (Scotland) Regulations (2012)

- 18 The introduction of the Waste (Scotland) Regulations (2012) came into force in 2014. The Regulations:
- 1) require source segregation and separate collection of specified waste materials from households and businesses;
 - 2) restrict input to landfill (effectively banning materials which could be easily re-used, recycled or used to produce energy); and
 - 3) restrict inputs to Energy from Waste facilities (effectively banning materials which could be easily re-used or recycled).

SEPA Thermal Treatment of Waste Guidelines (2014)

- 19 The Thermal Treatment of Waste Guidelines (2014) set out SEPA's role in planning and approach to the permitting of thermal treatment of waste facilities that recover energy from municipal and/or commercial and industrial waste.

Draft Scottish Energy Strategy: The Future of Energy in Scotland 2017

- 20 The draft Energy Strategy looks at:
- A whole-system view – consideration of Scotland's energy supply and consumption as equal priorities, and the building of a genuinely integrated approach to power, transport and heat;
 - A stable, managed energy transition –ensuring Scotland has secure and affordable energy supplies as our energy system is decarbonised in line with Scotland's long term climate change targets; where Scottish Government continues to support innovation and expertise from oil and gas, the deployment of renewable energy technologies, and the development of more innovative and low-cost ways of producing, storing and transmitting energy; and,
 - A smarter model of local energy provision – promoting local energy, planned with community involvement and offering community ownership of energy generation.

Ministerial Statement on Landfill Ban (Sept 2019)

- 21 Scottish Environment Secretary Roseanna Cunningham revealed on 19 September 2019 that she would be delaying full implementation of the landfill ban (as set out in the Waste Regulations (Scotland) 2012) until 2025. Ms Cunningham claimed the decision had been made due to concerns that Scottish residual waste would be sent across the border to be landfilled in

England, as some local authorities and commercial operators had not made sufficient progress towards complying with the ban.

DEVELOPMENT PLAN

- 22 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

- 23 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.”

- 24 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

Policy 3: Managing TAYplan’s Assets

Policy 6: Energy and Waste/Resource Infrastructure

Perth and Kinross Local Development Plan 2019

- 25 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The 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.

- 26 The principal relevant policies are, in summary;

Policy 1: Placemaking

Policy 2: Design Statements

Policy 5: Infrastructure Contributions

Policy 7: Employment and Mixed-Use Areas

Policy 8: Rural Business and Diversification

Policy 14: Open Space Retention and Provision

Policy 15: Public Access

Policy 23: Delivery of Development Sites

Policy 26: Scheduled Monuments and Archaeology

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 33: Renewable and Low Carbon Energy

Policy 34: Sustainable Heating &Cooling

Policy 35: Electricity Transmission Infrastructure
Policy 36: Waste Management Infrastructure
Policy 37: Management of Inert and Construction Waste
Policy 38: Environment and Conservation
Policy 39: Landscape
Policy 40: Forestry, Woodland and Trees
Policy 41: Biodiversity
Policy 42: Green Infrastructure
Policy 52: New Development and Flooding
Policy 53: Water Environment and Drainage
Policy 55: Nuisance from Artificial Light and Light Pollution
Policy 56: Noise Pollution
Policy 57: Air Quality
Policy 58: Contaminated and Unstable Land
Policy 60: Transport Standards and Accessibility Requirements
Policy 61: Airfield Safeguarding

Other Policies

Perth and Kinross Waste Management Plan (2010 - 2025)

- 27 The Perth and Kinross Council Waste Management Plan has been developed to take account of Scotland's Zero Waste Plan and provides clear strategic direction for municipal waste management in Perth and Kinross over the next 15 years.

RELEVANT SITE HISTORY

- 28 The following planning history is relevant:

90/00330/FUL Planning Permission for formation of waste tip was approved May 1990.

01/00395/FUL Planning Permission for the erection of landfill gas powered electricity generating station was approved June 2001.

01/00464/FUL Planning Permission for a change of use of cattle court and field to waste recycling centre was approved June 2001.

05/01224/FUL Planning Permission for the extension to an existing landfill gas electricity generation station was approved March 2006.

[06/01427/FUL](#) Planning Permission for a 60,000 tonne per annum energy from waste plant together with a materials reclamation facility with 16,000 tonne per annum capacity, associated infrastructure and landscape works was approved September 2007.

[10/01767/FLM](#) Planning Permission for a 60,000 tonne per annum energy from waste facility (using gasification technology) and associated infrastructure and landscaping works was approved November 2011.

19/01149/SCRN Screening Opinion to increase in capacity of EfW facility from 60,000 tonnes pa to 84,900 tonnes pa. Decision Issued 23 August 2019 confirming EIA required.

[20/00004/PAN](#) Proposal of Application Notice (PoAN) for erection of an energy waste facility and associated works. Decision Issued April 2020.

CONSULTATIONS

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

External

30 **Scottish Environment Protection Agency:** No objection, subject to condition on stack height being a minimum of 70 metres.

31 **NatureScot:** No objection.

32 **Historic Environment Scotland:** No objection, following updated assessment on Balvaird House Scheduled Monument.

33 **Scottish Water:** No objection.

34 **Scottish Forestry:** No objection.

35 **RSPB:** No comments received.

36 **Perth And Kinross Heritage Trust:** No objection.

37 **Dundee Airport Ltd:** No objection.

38 **Abernethy Community Council:** No comments received.

39 **Earn Community Council:** Expressed concern regarding air quality, emissions from the proposed stacks, odour, noise pollution, potential discharge into water courses and traffic impact.

Internal

40 **Structures and Flooding:** No objection, following submission of an outline drainage plan.

41 **Environmental Health:** No objection. Noise, odour and air quality will be controlled and regulated by SEPA and regulated through their Pollution, Prevention and Control (PPC) permit process.

42 **Transport Planning:** No objection, following confirmation about trip rate distribution.

43 **Development Negotiations Officer:** No developer contribution is required in this instance.

- 44 **Biodiversity/Tree Officer:** Informally advised of some concerns regarding the lack of a Biodiversity Action Plan and an Invasive Non-Native Species Control Plan is required.
- 45 **Commercial Waste:** No comment.
- 46 **Community Greenspace:** No objection.

REPRESENTATIONS

- 47 None received.

ADDITIONAL STATEMENTS

48	Screening Opinion	EIA Required (19/01149/SCRN)
	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 eg Flood Risk Assessment	Planning Statement Submitted

APPRAISAL

- 49 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 Scottish Governments, SEPA and the Council's other approved policies and guidance on energy and waste management.

Principle

- 50 The proposed site is identified in LDP2 to offer potential for expansion of waste management facilities, both in terms of physical size and the range of uses and types of processes undertaken. LDP2 is supportive of development of new technologies and processes at the site relating to zero waste and the circular economy. It is also supportive of employment and economic growth through clustering of waste industries and downstream industries.
- 51 As a result, of the site's location, the existing uses and the identification in LDP2, the principle of the proposed EfW facility is considered acceptable. It is compatible with and complementary to existing facilities and processes at Binn Farm and will allow the business to continue to expand and evolve as waste management facilities continue to change and improve.

- 52 The principle of developing an EfW facility on the application site has also been established through the existing planning permissions (Refs: 06/01427/FUL and 10/01767/FLM). The application site boundary and design is consistent with these planning permissions; such as a maximum building height of 40m to the ridge, and a maximum stack height of 70m. The principle of the proposal is therefore acceptable.

Need

- 53 The proposed development will accept non-hazardous, mixed residual local authority collected wastes (LACW) and mixed residual wastes of similar composition from commercial/industrial sources (C&I waste). It would also accept suitable process residues from off-site treatment plants and usable elements of construction and demolition (C&D) waste.
- 54 The proposed EfW facility will have the ability to accommodate waste management for local authorities throughout Scotland. This will make an important contribution to the Scottish Government's low carbon energy targets, by recovering energy from residual waste, and provide alternative infrastructure to address the impending landfill ban for residual municipal waste. The landfill site at Binn Farm has been closed since 2014 and has been fully restored.
- 55 The need for the scheme was confirmed with the granting of the previous EfW facilities and this application seeks to increase the annual tonnage throughput. The greater throughput is aimed at resolving increased demand for local authority residual waste treatment as the impending national landfill bans will require additional capacity to address a wider range of wastes including both LACW and C&I waste. The proposal seeks to comply with the Scottish Governments Zero Waste Plan and in turn complies with TAYplan Policy 6 - Energy and Waste/Resource Infrastructure and LDP2 Policy 36 – Waste Management Infrastructure.

Carbon Reduction/Sustainability

- 56 A detailed carbon assessment was undertaken and submitted with the application. It assessed the carbon impact of processing waste in the EfW facility compared to disposal in a landfill, as this is still the most likely alternative destination for the waste. The proposed facility is predicted to lead to a net reduction in greenhouse gas emissions of between approximately 8,903 and 16,111 tonnes of CO₂-equivalent (CO₂e) per annum compared to the landfill.
- 57 Energy from waste is classified as a low-carbon form of electricity production. In combination with the four on-site wind turbines, the construction of the EfW facility will enhance low carbon energy generation and both will offset carbon emissions from existing diesel generators used at the site. The energy produced by the facility will be 8.6mW per annum, with 1.3mW for use within the Binn Farm complex and the excess (7.3mW) will be exported to the national grid (Condition 16).

- 58 This carbon reduction and low carbon electricity production will ensure compliance with LDP2 Policy 33 – Renewable and Low Carbon Energy.

Location, Design and Setting

- 59 The revised design considers the increased tonnage capacity and technological processing improvements since the previously approved facilities. It is also important to recognise that the two extant approvals are for larger scale EfW facilities (13,880 sqm and 7,500 sqm) compared to what is being proposed here (4,800 sqm). The new proposal is now substantially smaller in overall scale but with extra capacity to process more waste in a more efficient manner. The proposed location has already been examined and deemed to be acceptable. There are no material changes or concerns in respect of the proposed location, with the design of the scheme enabling it to sit comfortably within the site and surrounding landscape. Overall, it is a more positive design with less visual impact when compared to previous extant permissions.
- 60 The proposed design seeks to minimise the scale (height and volume) of the main building and the overall footprint. A range of cladding colours is proposed to break up the massing of the main building and assist in blending it into its setting. The proposed design and layout will provide a logical and efficient linear process arrangement, and this is considered to be acceptable.
- 61 Minimising the extent of external plant and equipment and establishing a coherent family of buildings will ensure that it mitigates its visual impact and developing a successful landscaping and woodland screen will also visually protect the site (Conditions 10 and 12).
- 62 The proposed design and layout has been developed to respond to the key site constraints and overall the location, design and layout is considered acceptable to ensure compliance with LDP 2 Policy 1 – Placemaking.

Landscape and Visual Impact

- 63 The visual impact and its impact on the surrounding landscape has been examined in previous EIAs and the impact was considered acceptable. The application is at the same location but smaller in scale than previous permissions. The site sits within a bowl in the surrounding landscape and other than the top of the proposed stack, it will not be easily visible to the surrounding area. The visual impact and impact on the landscape is not considered to be adverse and is consistent with other uses and facilities with Binn Farm.
- 64 It is recognised that, given the nature of the proposal and even with a smaller scale of development, it will be impossible for it to be entirely 'hidden' from view. The proposal has been designed to fit within its immediate setting of Binn Farm and has followed a function design approach that recognises its presence while at the same time giving due consideration to mitigating its impact upon its surroundings.
- 65 In terms of the existing Binn Farm complex, the proposal does not cause any significant adverse landscape or visual impact. The introduction of new planting

and woodland around the proposed facility is considered a positive addition and overall, the proposal complies with LDP2 Policy 39 – Landscape.

Residential Amenity

Air Quality

- 66 EIA Report Chapter 7 examines air quality impact and the emissions from the stack. Detailed dispersion modelling of emissions has been undertaken and the significance of effect on human health and ecological receptors is predicted to be 'not significant'. This chapter has been assessed by both SEPA and Environmental Health.
- 67 SEPA advise that the risk of an exceedance of air quality emissions standards from the proposed facility is low and this satisfies the requirements of the planning application. They do, however, advise that the applicant will need to do more work at the Pollution Prevention Control (PPC) permitting stage before they can operate the facility. Additional air modelling will be required at PPC permitting stage and dust emissions from the bag filter and silos which are located outside will need to be enclosed.
- 68 SEPA have also assessed the proposed stack height of 70m and they consider it is satisfactory. They request that a planning condition requiring a minimum stack height of 70m be applied to any permission (Condition 4). This will ensure that the stack height does not need to be revisited at the PPC permitting stage.

Odour

- 69 The EIA predicts that the proposed development has the potential to cause impacts associated with the release of dust and odour. Analysis of impact from dust and odour has also been undertaken and takes into account the control measures in place and the distance to the nearest receptors. The EIA concluded that the impact of the operation would not be significant. SEPA advise that whilst they have not raised an issue regarding odour. Further odour modelling will be required at the PPC permitting stage before they can operate the facility.
- 70 Following the PPC permitting process, the proposed development is not predicted to give rise to significant environmental effects on air quality, human health and odour and complies with LDP2 Policy 57 – Air Quality.

Noise

- 71 EIA Report Chapter 6 examines the Noise Impact Assessment (NIA) - construction and operation, which has been examined by both SEPA and Environmental Health.
- 72 For both construction and operational noise, a robust assessment of baseline sound levels has been considered, which excludes the effects of local permitted development to ensure that a worst-case scenario has been presented. The

assessment shows construction noise under worst case conditions and the noise related environmental effects of the construction period would be neutral.

Construction Noise

- 73 The EIA advises measures including restriction on operating hours, sensible routing of equipment to site and careful choice of piling rigs to minimise noise will be required. Such measures can be defined within a Construction Environment Management Plan (CEMP) (Condition 8).
- 74 To ensure there will be control measures in accordance with appropriate standards to minimise the generation of noise from all noise generating operations at the construction stage this should be included within a Construction Management Environmental Plan (CEMP) (Condition 8). This will ensure the proposal will comply with LDP2 Policy 56 - Noise Pollution.

Operational Noise

- 75 Noise from the operation of the development have been assessed in accordance with BS4142:2014+A1:2019 – '*Method for rating and assessing industrial and commercial sound*'. The EIA advises that the assessment indicated that the impact would range from low to adverse and the agreed permissible levels would be exceeded at receptors 2 (West Bungalow) and 3 (Balvaird Byre Cottage) for daytime and nighttime periods.

Permissible Noise Levels

Receptor	Daytime LAeq1hr dB	Night- time LAeq15mins dB
R1. Gamekeepers Cottage	40	30
R2. West Bungalow	45	43
R3. Balvaird Byre Cottage	32	30
R4. Bein Inn PH	40	36

- 76 The EIA advises that further mitigation measures are required to show compliance with agreed levels (section 6.7) and ensure that the resultant noise levels are within appropriate guidance, standards and agreed noise limits. As such, the NIA concluded that there would be no significant impact during the operation of the proposed development and the noise and vibration related environmental effect of the development would be negligible to slight.
- 77 Environmental Health agree with the NIA findings but advise that noise from the operations of the development will be controlled through the PPC permission and regulated by SEPA. This means that any potential noise complaint, should it arise, would fall under the remit of SEPA.
- 78 However, previous permissions for a waste facility at the site conditioned the control of delivery times to the site to protect residential amenity at nearby properties from noise. Environmental Health therefore recommend a similar condition for this proposed development (Condition 3).

- 79 SEPA advise that, whilst the NIA uses old data as a background, it does demonstrate that there are no significant issues expected. A detailed Best Available Techniques (BAT) assessment will be required at the PPC permitting stage which includes locations of key pieces of equipment, design, enclosure decisions, technical measures to be used etc.
- 80 Subject to appropriate planning conditions (Conditions 3 and 8) and following the PPC permitting process, the proposed development is not predicted to give rise to significant environmental effects on residential amenity and complies with LDP2 Policy 56 – Noise Pollution.

Roads and Access

- 81 EIA Report Chapter 9 assesses Traffic and Transport and has been reviewed by the Council's Transport Planning team. The proposed development has been designed with features that would encourage the use of non-car modes of transport. These include the provision of:
- Secure cycle parking for bicycles;
 - Staff shower, changing and locker facilities; and
 - Staff food preparation areas to encourage staff to remain on-site during working hours.
- 82 Sustainable transport is encouraged through the implementation of a Travel Plan (Condition 5). To manage traffic during construction, a Construction Traffic Management Scheme (CTMS) is required to ensure that suitable mitigation measures are adopted to manage any adverse effects of construction (Condition 7).
- 83 Delivery and servicing of the proposed EfW facility would be supported by HGVs; with 70% of these transporting up to 20 tonnes of waste each and 30% transporting 5 tonnes of refuse waste. There will also be movements from the export of waste, accounting for 24% of throughput tonnage. It is anticipated that this would translate to approximately 5 HGV vehicles per hour delivering to the site with a daily demand of 32 inbound and 32 outbound trips on weekdays and 16 each way on a Saturday. Cars would account for a further 76 trips each way. Section 9 of the Transport Statement advised that no deliveries or collections, other than those generated locally, would be routed along the B996 to avoid amenity and road impacts on Glenfarg or Gateside. Concerns were expressed from Transport Planning about this road being potentially used, given the shorter distances compared to the M90 Junction 9 route. The applicant advised that, given the nature of waste sources, it is not possible to model all transport routes. However, they have stated their commitment to operating the site in a manner that would avoid using routes other than via the M90 Junction 9. Therefore, a planning condition is proposed to encourage all HGV traffic movements on the local network route to and from the site to use the A912 (to the north of the Site) via Junction 9 of the M90. This would thereby avoid the residential settlements of Glenfarg and Gateside that are located to the south (Condition 5).

- 84 Given the review of anticipated future operational road conditions and reference to appropriate guidance, it is concluded that the proposed development would not result in a significant impact on operational or environmental conditions over the local transport network during construction or operation and there is no requirement for off-site transport improvement / mitigation works.
- 85 In summary, the traffic and transport related environmental impacts of the proposed development is not considered to be significant.
- 86 Overall, subject to conditions 5, 6 and 7, the proposal does not raise any transport issues and complies with LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Drainage and Flooding

Drainage

- 87 The proposed site layout shows one attenuation pond and two small scale wetland creation areas. SEPA advise that this plan does not detail whether either of these are part of the site's SUDS treatment train and, if they are, where the water is coming from or consequently being discharged to. An Outline Drainage Plan was subsequently submitted and assessed by SEPA and the Council's Structures and Flooding team.
- 88 SEPA advise that site SUDS and the associated discharge will be dealt with by way of the PPC permit and as such, further detail will be required on treatment of surface water from the site at the time of permitting.
- 89 In designing the SUDS the developer will need to show that the level of treatment is commensurate with the Simple Index Approach for SUDS (SIA) set out in the CIRIA SUDS Manual. As such it is unlikely that a pond alone would offer sufficient treatment of the site's drainage, all aspects of which should pass through the SUDS system (roofs, loading bays, car parks, storage areas etc) and meet the level of treatment required by the SUDS Manual. As such it may be that this limited approach to SUDS might need to be reviewed at the PPC permitting stage in order provide enough treatment. The Council's Structures and Flooding team have recommended conditions relating to temporary and permanent SUDs provision. Scottish Water have no objections to the proposal in relation to the water supply and waste water capacity.
- 90 Subject to planning conditions, the proposal accords with LDP2 policies 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage (Conditions 14 and 15).

Conservation Considerations

- 91 Historic Environment Scotland (HES) initially objected based on insufficient information to understand whether there would be any significant adverse impacts on the setting of Balvaird Castle, a Scheduled Monument (ref: SM90027) located 1.4km south of the proposed site.

- 92 The applicant advised the EfW facility already benefits from an extant planning permission for a very similar facility approved in 2007 (06/01427/FUL). The facility in the 2007 permission has the same stack height (70m) as the proposed development and is located on the same site. The EIA submitted with 06/01427/FUL considered the effects on Balvaird Castle and found that, from the ground level curtilage, to which the majority of visitors are limited, no part of the development would be visible. From the top of the tower it may be possible to see the tip of the EfW stack, but even if the tip of the stack were theoretically visible, it is likely it would be screened by intervening vegetation.
- 93 Notwithstanding the above, the benefit of more readily available digital ground modelling has allowed the applicant to prepare a section line from Balvaird Castle to the current proposal. It shows the sight lines from the Castle at 1.5m (ground eye level) and 8m high (approx. upper window level at the Castle). It clearly shows there would be no intervisibility between the two and no impacts on the setting of the Scheduled Monument.
- 94 HES has reviewed the additional modelling and have agreed there will be no impact on Balvaird Castle Scheduled Monument and have withdrawn their objection.
- 95 In terms of archaeology PKHT confirmed that the applicant's desk-based assessment and walkover survey undertaken in 2006, found nothing of interest and the potential for archaeological remains is low. No archaeological mitigation is required in this instance
- 96 Overall, the proposal is considered to comply with LDP 2 Policy 26 – Scheduled Monuments and Archaeology in terms of impact on the Scheduled Monuments and archaeology.

Natural Heritage and Biodiversity

- 97 EIA Report Chapter 5 assesses the impact on natural heritage and biodiversity, which has been reviewed by NatureScot (formerly known as SNH), SEPA, Scottish Forestry and the Council's Biodiversity/Tree Officer.
- 98 The EIA suggests that general character of the landscape is expected to be significantly changed by the proposed development, but proposed planting of trees and shrubs will help screen and green up the borders while providing a wildlife resource in the area. Wildlife corridors will enhance and link the development to existing woodland, forests and other semi-natural habitats.
- 99 The applicant also outlines that further ecological mitigation measures will be delivered as part of a wider Binn EcoPark Biodiversity Plan. This will include wetland creation to accommodate wider biodiversity including amphibians and birds. A plan of adjacent areas is proposed to be developed to meet the ecological objectives to improve, encourage, enhance and create wetland habitat.
- 100 The proposed development is predicted to have a low to negligible impact on ecological receptors, but this is dependent upon additional surveys on Great

Crested Newt (GCN) survey findings. A strategy for Great Crested Newt has been produced in relation to Torflundie SAC, by the Forestry Commission, which may be relevant if GCN are confirmed on site. An application for a licence would be required if GCN are confirmed by the eDNA technique and future surveys may then be required to determine the numbers and breeding status of GCN. It is recommended a Species Protection Plan (SPP) is produced for GCN to identify options should they be found on site. SEPA also recommend a priority habitat known as M27 – Lowland Fens is relocated within the site such as the proposed SUDs area and is overseen by an Ecological Clerk of Works (Condition 9).

- 101 NatureScot do not provide any negative comments as there are no protected areas (SSSI, SAC, SPA) within the 2km screening distance for an EfW facility of less than 20MW. The distance between the site and the nearest GCN population allows NatureScot to conclude that there is no connection with the Turflundie Wood SAC populations and therefore no likely significant effect on that site from this proposal.
- 102 Scottish Forestry are supportive of the native Oak woodland screening proposed as the site currently consists of compact earth and grassland with little vegetation or any protected habitats.
- 103 The Council's Biodiversity Officer queried why a wider Binn Farm Biodiversity Action Plan has not been submitted with the application, which is referred to in the EIA Report. While that plan is being pursued by Binn Farm, it is not considered reasonable or necessary to seek its submission for the whole complex, given the limited extent and impact of this proposal alone. Both NatureScot and Scottish Forestry have confirmed that the application site provides little biodiversity value.
- 104 Based on the information provided and feedback from key stakeholders, the conclusions of the EIA Report on the low impact on the biodiversity value is accepted and that there will be no adverse impact. With the proposed woodland screening there will be an ecological enhancement and therefore the proposal complies with LDP2 Policy 41: Biodiversity.

Airfield Safeguarding

- 105 Dundee Airport have confirmed they have no objection to the proposed 70m high stack in terms of impact on their operations. The proposal will therefore comply with LDP2 Policy 61 – Airfield Safeguarding.

Developer Contributions

- 106 The Council's Developer Contributions Officer has confirmed that the site is located within the Transport Infrastructure contributions zone. However, as the proposal is smaller than the scale of the extant EfW permissions, no developer contributions are required. The proposal therefore complies with LDP2 Policy 5 – Developer Contributions.

Economic Impact

- 107 The EIA Report includes a Socio-Economic Impact Assessment. The total project construction costs are estimated to be around £70 million, including the plant and machinery. Over a two-year construction period, it is estimated that it will provide 200 temporary jobs which is equivalent to 20 permanent FTE jobs and generate gross value added (GVA) of around £12.6 million for Scotland. At the local level, it is estimated that the proposed construction period will create a GVA of £2.8 million in Perth and Kinross with around 50 temporary jobs.
- 108 In terms of the operational phase, it is estimated that the facility will provide 30 full-time jobs. The income generated from the estimated annual operating expenditure of £4.5 million will impact on the local and wider economy, with a GVA of £2.05 million being generated in Scotland and £972,000 of this generated in Perth and Kinross.
- 109 With the siting and location and its context within Binn Farm, it is considered that it will not have any significantly adverse effect on tourism locally or on the wider Perth and Kinross area.
- 110 The proposal represents significant capital investment in Perth & Kinross, through both the construction and operational phases. The proposal will have a significant positive effect on the economy of the local area through income generation, value added and employment opportunities.

LEGAL AGREEMENTS

- 111 None required.

DIRECTION BY SCOTTISH MINISTERS

- 112 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

- 113 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations. In this case, the development proposed does not conflict with the Development Plan.
- 114 The proposed development will contribute significantly to the reduction of waste sent to landfill outwith Perth and Kinross and will provide renewable energy for local use and distribution to the grid and, lowering carbon demand. The facility will provide valuable full-time jobs, both during construction and operation, and gross value added, which provide a notable contribution to the Perth & Kinross economy. These represent significant benefits of the scheme. The EIA Report concludes that the EfW facility proposed would have no significant adverse

impacts, subject to conditional control and compliance with the requirements under the PPC regime. The location and characteristics of the physical development, being smaller in scale than the two previously approved schemes, will be contained within the Binn Farm estate and will not cause any adverse amenity or landscape impact for the surrounding area. The facility will complement the wider operations at Binn Farm and provide for the managed expansion of its capabilities, as envisaged by LDP2.

- 115 For these reasons, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

2. Prior to the development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

3. The approved Energy from Waste facility is hereby permitted to operate 24 hours a day, 7 days a week. The delivery of waste and consumables to the site shall be carried out between 0700 and 1900 Monday to Sunday only.

Reason: In the interests of residential and environmental amenity.

4. The chimney stack hereby approved as part of this development shall not be lower than 70 metres in height.

Reason: In the interest of environmental quality.

5. Prior to commencement of work on site, the applicant shall submit a Traffic Management Plan for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority. This plan should specify:

- a) proposals that encourage all HGVs delivering or servicing to/from the Energy from Waste Facility to access the site via Junction 9 of the M90 and thereafter the northern approach to the site via the A912;
- b) detail monitoring arrangements; and

- c) a scheme for the provision of site notices at the Binn Farm access off the A912, to alter drivers to follow the preferred route.

Once approved, site delivery and servicing shall be undertaken in accordance with the approved Traffic Management Plan.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 6. All heavy commercial vehicles carrying bulk materials or waste into and out of the site during the construction, operational and decommissioning phases of development shall be covered unless the load is otherwise enclosed, except when required to inspect incoming loads of waste.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

- 7. Prior to the commencement of the development hereby approved, the applicant shall submit for the 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) 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) 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 at 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 TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interests of pedestrian and traffic safety and in the interests of free traffic flow.

8. Development shall not commence until a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures for the control of dust and noise and construction method statements, including specific measures for environmental monitoring during the construction, shall be submitted for the further written agreement of the Council Planning Authority in consultation with Environmental Health and/or SEPA.

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

9. 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 of the proposed development. The ECoW shall have responsibility for the following:
 - a) Implementation of the Construction Environmental Management Plan (CEMP) approved by this permission.
 - b) Implementation of biodiversity improvements including retention of M27 priority habitat for use elsewhere within the site.
 - c) Implementation of the Aftercare Monitoring Plan (AMP) required by this permission.
 - d) 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.
 - e) Prior to the commencement of development, they shall provide an environmental/ecological tool box talk for construction staff.
 - f) 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.
 - g) 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.
 - h) 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.
 - i) 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 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. Prior to the commencement of the development hereby approved, 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.

11. All external lighting shall be sufficiently screened and aligned 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: To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

12. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement 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.

Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number 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.

13. The conclusions and recommended action points within the supporting Invasive Species Report submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

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

15. Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility which implemented for the 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.

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

16. Prior to the acceptance of any waste for treatment at the facility the operator shall have written permission from the relevant competent authority to export electricity to the National Grid and have a physical connection in place such that power generated for export can be sent to the National Grid from the commencement of operations.

Reason: To ensure onward grid connection.

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.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. 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.

3. 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.
4. 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.
5. 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.
https://www.pkc.gov.uk/media/24772/Flood-Risk-and-FRA/pdf/Flood_Risk_and_FRA_-_June_2014.pdf?m=635379146904000000
6. 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.
7. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
8. The applicant is advised that in terms of Sections 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.
9. The site will be regulated by SEPA under the Pollution Prevention and Control (PPC) Regulations. As such the applicant will require to apply to SEPA for a permit to operate under these Regulations.
10. Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland

water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

11. Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
12. A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from the construction site.

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office. Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

13. No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 0 letters of representation.

Contact Officer: Steve Callan 01738 475337

Date: 3 December 2020

E ENVIRONMENTAL IMPACT ASSESSMENT (EIA) DECISION

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:

The application submitted an EIA Report dated August 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.

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 in to the proposal. The significant effects on the environment were identified to be:

- Air Quality
- Noise Pollution
- Ecology
- Traffic and Transport
- Scheduled Monument of Balvaird Castle

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.

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 Scheduled Monument
- Construction and Environment Management Plan (CEMP)
- Construction Traffic Management Scheme (CTMS)
- Travel Plan
- SUDs
- Air Quality Assessment
- Noise Assessment
- Habitat Assessment

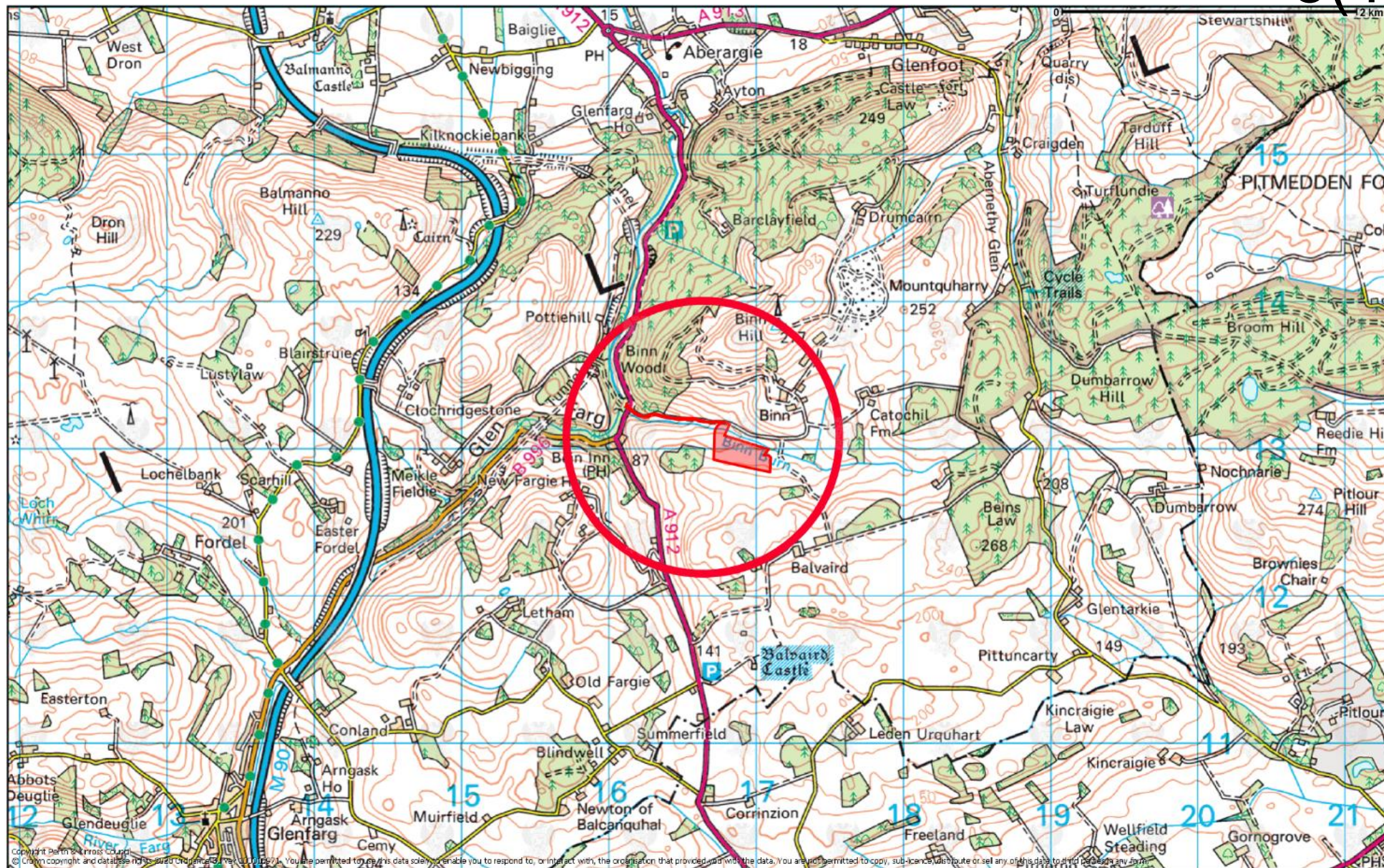
In the absence of unacceptable and significant environmental impacts, and subject to the mitigation and monitoring measures secured through planning conditions 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14 and 15 as set out herein, the proposal is acceptable and can be approved.

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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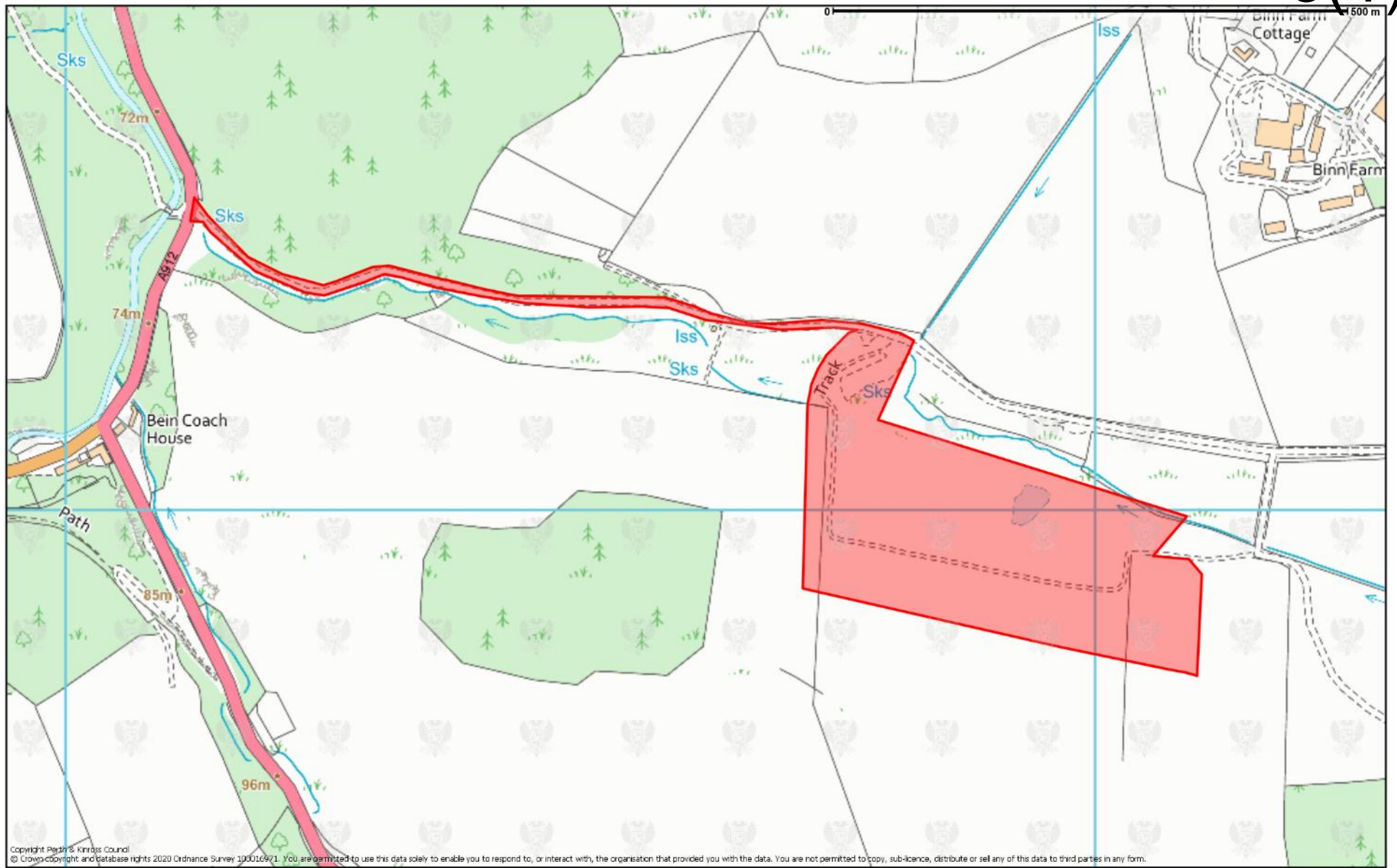
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20/01242/FLM

Erection of an energy from waste facility including ancillary buildings, formation of vehicular access, infrastructure, landscaping, drainage and associated works





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Scale 1:5000



20/01242/FLM

Erection of an energy from waste facility including ancillary buildings, formation of vehicular access, infrastructure, landscaping, drainage and associated works



Perth and Kinross Council
Planning & Development Management Committee – 15 December 2020
Report of Handling by Head of Planning & Development (Report No. 20/244)

PROPOSAL: Erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139)

LOCATION: Land south of Benton Road, Auchterarder

Ref. No: [20/01513/AMM](#)
 Ward No: P7 - Strathallan

Summary

This report recommends approval of the application for the erection of 29 dwelling houses, within a wider development which is part of an allocated housing site, forming part of a larger area benefiting from an extant detailed permission for 116 dwellings. The proposals are considered to comply with the relevant provisions of the Perth and Kinross Local Development Plan 2 (2019), whilst there are no material considerations apparent which otherwise outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site extends to 1.072 hectares (Ha) and is situated on the north-eastern edge of Auchterarder. It forms part of a wider development area, originally identified as part of the 'Auchterarder Framework' for the northern expansion of Auchterarder. A Planning Permission in Principle (PPP) (Ref: 16/01809/IPM) incorporates the site and sees an associated Section 75 legal agreement. A subsequent Approval of Matters Specified in Conditions (AMSC), across a large 4.45 Ha area was granted in January 2019. This AMSC permission allows 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works. The current application now seeks a material change to the currently approved house types on 29 of the previously approved plots.
- 2 The proposed change of house types across the affected plots are:
 - 'Argyll' and 'Castlewellan' house types replaced by 'Carinhill', 'Berwick' and 'Burford', all of which are variations of a 3 bedroomed dwelling;
 - 4 bedroomed 'Hampfield' replaced with the 'Longrush', a 6 bedroom property (one 'bedroom' identified as a 'study/office'); and
 - 4 bed 'Hollandswood' replaced by either the 3 bed 'Dursley' or 5 bed 'Laurieston'.

Overall, the proposed change of house types will result in a net increase of 9 bedrooms across the 29 plots.

IMPACT ASSESSMENT (EIA)

- 3 An EIA Report was not required to be submitted with the proposal, as the scale of development falls below the EIA thresholds. The wider 116 dwelling development was however screened in 2018 and not considered to require EIA (Ref: 18/00274/SCRN).

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document 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

- 6 The Scottish Planning Policy (SPP) (2014) 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.
- 7 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

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management;
 - PAN 51 Planning, Environmental Protection and Regulation;
 - PAN 61 Planning and Sustainable Urban Drainage Systems;
 - PAN 68 Design Statements;

- PAN 75 Planning for Transport;
- PAN 77 Designing Safer Places.

Creating Places 2013

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

Designing Streets 2010

- 10 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

- 11 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

- 12 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

- 13 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 plan, 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."

- 14 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 4: Homes
 - Policy 6: Developer Contributions
 - Policy 8: Green Networks

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 15 The Perth and Kinross LDP 2 (2019) (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:

Policy 1: Placemaking
Policy 5: Infrastructure Contributions
Policy 15: Public Access
Policy 17: Residential Areas
Policy 20: Affordable Housing
Policy 23: Delivery of Development Sites
Policy 25: Housing Mix
Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
Policy 41: Biodiversity
Policy 52: New Development and Flooding
Policy 53: Water Environment and Drainage
Policy 56: Noise Pollution
Policy 60: Transport and Accessibility Requirements

SITE HISTORY

- 16 [08/01133/IPM](#) Planning Permission in Principle for a Residential and Class 4 (Business), Class 5 (General Industry), Class 6 (storage and distribution) development was approved on 31 October 2013.

[08/01279/FLM](#) Detailed Planning Permission for 147 dwellinghouses and associated engineering operations was approved on 15 November 2013.

[08/01591/FUL](#) Detailed Planning Permission for the formation of roads and associated infrastructure was approved on 17 October 2008.

[09/01290/FLM](#) Detailed Planning Permission for 261 dwellinghouses was approved on 30 January 2014.

[12/01156/ADV](#) Advertisement Consent relating to house sales was approved on 23 August 2012.

[16/01809/IPM](#) A S42 application seeking the deletion of condition 14 of permission 08/01133/IPM (residential, business, general industry and storage and distribution development (in principle)) was approved on 3 August 2018.

[17/00009/PAN](#) A Proposal of Application Notice (PoAN) relating to a prospective residential development, formation of open space, landscaping and associated infrastructure works was submitted, reviewed and the approach set out then advised by PKC as being sufficient on 29 November 2017.

[17/01418/FLM](#) An application for the erection of 116 dwellinghouses and associated works (revised design - Phase 2) was withdrawn on 27 September 2017.

[18/00274/SCRN](#) A Screening Opinion, relating to what would become application 18/01591/AMM or 'Phase 2' of the residential development within the wider development site was sought and PKC advised that no EIA Report was required on 5 March 2018.

[18/00799/MPO](#) A Modification of Planning Obligation (MPO) application associated with permission 08/01133/IPM to substitute that 2008 application reference with 16/01809/IPM, was approved on 27 June 2018.

[18/01591/AMM](#) Approval of matters specified in conditions associated to 16/01809/IPM was issued on 7 February 2019, allowing the erection of 116 dwellinghouses, formation of vehicular accesses, open spaces and associated works.

[20/00983/FLL](#) An application for the erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139) was withdrawn on 6 November 2020. This has been replaced by the subject application.

CONSULTATIONS

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

External

- 18 **NHS/HSCP** – No objection. Advise of no change in impact from the previously approved scheme, as number of dwellinghouses remains the same.
- 19 **Scottish Water** – No objection.

Internal

- 20 **Transport Planning** – No objection. Advise that the proposals are consistent with the general layout parameters of the extant permission, with updated drawings provided to reflect the current Roads Construction Consent (RCC).
- 21 **Development Negotiations Officer** - No objection, confirm contribution requirements are identified and secured through the extant S75 obligations.
- 22 **Structures and Flooding** – No objection.

REPRESENTATIONS

- 23 One representation raises the following points:

- Inappropriate land use;
- Inappropriate housing density;
- Over intensive development;
- Lack or loss of Car Parking;
- Traffic congestion;
- Adverse impact on visual amenity;

- Out of character with the area;
- Loss of open space;
- Flood risk.

- 24 Noting the above matters, as the application proposes the same number of dwellings within the same plots, as such it is not deemed proportionate to respond in detail to all points. Particularly no discernible change from the approved position is proposed in relation to: flood risk; density/intensity of development; land use; loss of open space; lack or loss of car parking; or traffic congestion or established character. Such matters were previously reviewed in detail in relation to planning permission 18/01591/AMM. In respect of the current application therefore, the relevant points for detailed consideration below, include: the impact on visual amenity and any resultant change to the character of the area.

ADDITIONAL STATEMENTS

25	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 26 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

- 27 The site benefits from PPP permission (16/01809/IPM) and also detailed planning permission through MSC approval (18/01591/AMM). These allow for 116 dwellinghouses across a larger site, referred to as Phase 2. The current proposals replicate the number and extent of plots, as well as the general scale of development, as approved by 18/01591/AMM. These arrangements were considered to align with the land use and scale of development envisioned by the Auchterarder Framework and the PPP.
- 28 The principle of residential development on this site is therefore established and continues to be acceptable in terms of Development Plan strategy. Rather

this application seeks to change the detail of how the site is to be developed, proposing revised house types for 29 plots. The general road layout and open space relationship remains consistent with that of the extant permission and associated Roads Construction Consent (RCC).

- 29 However detailed consideration is required to review the new house types proposed in their immediate and wider site context.

Design and Layout

- 30 Condition 1 of the PPP requires the siting, design and external appearance of buildings to be subject to approval.
- 31 As aforementioned, the proposed layout is consistent with planning permission 18/01591/AMM and continues to fit well with the site characteristics and responds well to the surrounding built development.
- 32 The material finishes continue to include a mixture of rendered and brick walls, concrete roof tiles and UPVC windows and doors, thus is considered to remain appropriate.
- 33 The revised house types are, however, materially different from the extant permission but continue to be comfortably accommodated within the existing plots and wider site layout. The most significant changes are at: plot 36, which sees a 5 bed full two level property replaced by a 3 bed home set over 1 ½ stories. Whilst the new 'Longrush' house type introduces raised roof levels, through a steeper/traditional 45-degree roof pitch, and providing living accommodation within the roof space; thus, creating accommodation over 3 levels.
- 34 However, it is considered that all the now proposed house types sit comfortably within their plots, the street scene and relate well to the general form and scale of house types already approved on the corresponding plots. Particularly when considered as part of the wider street scene, the Longrush would sit at key focal points and would not dominate or detract from neighbouring dwellings. It has also been advised that the Longrush house type was deliberately introduced to offer new ways of working and living, in response to Covid-19. Particularly, it is considered that this 6 bedroom dwelling offers flexibility for dedicated homeworking/office opportunities, which were not previously identified as a customer priority or desire.
- 35 Taken as a whole, and within the wider site context, the proposed design, scale and form of development is considered to be acceptable and correspondingly in accordance with LDP placemaking policy and the PPP.

Residential Amenity

- 36 LDP2 Policies 1 and 17 generally seek to protect residential amenity. Policies 55 and 56 also require consideration of potential light and noise pollution. Analysis has found no concerns with existing and proposed residential amenity

levels aligned with those of the extant planning permission. Therefore, the proposals are considered to continue to comply with LDP2 policy.

Overlooking

- 37 Consistent with the extant layout, the house designs and orientation would not result in overlooking to neighbouring properties, particularly in maintaining a minimum 18 metre window-to-window separation at the rear.

Overshadowing, loss of sunlight and daylight.

- 38 An appropriate level of daylight and sunlight is maintained for all properties as is the extent of overshadowing between properties.

Landscape and Visual Amenity

- 39 LDP2 Policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy, and 42: Green Infrastructure, are all relevant considerations in relation to landscape and visual amenity.
- 40 Beyond the proposed change of house types, there are no material changes to that of detailed permission 18/01591/AMM. As an example, the balance and allocation of the different open spaces and planting proposals remain aligned and therefore are considered to remain satisfactory and compliant with LDP2 policy.
- 41 Wider landscape capacity and visual amenity considerations associated to the change of house types relate mainly to the introduction of the Longrush house type and its higher roof impact on the streetscape. As set out above, the introduction of this new, taller house type is not considered a significant variation from the extant permission and would not adversely compromise the visual amenity or wider landscape.

Roads and Access

- 42 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. In this regard the number of parking spaces has not changed (45), which is deemed acceptable and aligned with the appropriate standards. The general road layout is also consistent with that of the extant permission. During the processing clarification was sought to ensure the currently approved RCC was reflected in the proposed road layout. This saw the initial submission updated, reverting the road layout back to that of the approved RCC. There are therefore no implications regarding traffic and road safety resulting and thus the proposals are considered to satisfy the terms of LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 43 LDP2 Policy 53 requires all new development to employ SUDS measures. In this respect drainage arrangements remain as secured under the wider

approved permission. Conditional control can however be applied to ensure SUDS requirements are met.

- 44 As such the proposals are considered to continue to satisfy both the conditions of the PPP and the requirements of LDP2 Policy EP53, in respect of surface water drainage.

Energy and Low Carbon Technology

- 45 LDP2 Policy 32, requires all new buildings to deliver a minimum of 10% energy requirements through renewable technologies. Control is therefore recommended through a suspensive condition (Condition 5).

Waste Collection

- 46 No change is proposed from the arrangements related to the extant permission, with waste collection considered to be appropriately addressed through both the provision of areas within plots for bin storage and acceptable access to individual properties by refuse collection vehicles.

Natural Heritage and Biodiversity

- 47 It considered that there will be no additional impact on biodiversity as a result of the development, in comparison to that of permission 18/01591/AMM. Particularly that wider site is either completed or well into the construction phases and the detailed landscaping proposals are consistent with that supported and approved as part of extant planning permission 18/01591/AMM.

Economic Impact

- 48 The impact to the local economy, both during construction and occupation is anticipated to be moderate through additional available expenditure on local facilities and services.

Developer Contributions

- 49 A Section 75 legal agreement is in place via the PPP (16/001809/IPM) and will secure necessary infrastructure for the site and surrounding area. For this area known as 'Hunters Meadow', it covers:

- Community Facilities.
- Sports Facilities
- Open Space
- Roads/Transport
- Affordable Housing

LEGAL AGREEMENTS

- 50 As above, this is in place via 16/01809/IPM (originally 08/01133/IPM).

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 In summary, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this case, the application seeks permission for a change of house types for 29 of the 116 dwellinghouse benefitting from an extant planning permission. These proposals are considered to continue to comply with the approved TAYplan 2016 and Local Development Plan 2 (2019), in respect of development within a defined settlement boundary.
- 53 Overall, it is considered competent and compliant with the key principles of LDP2 and consistent with the terms of the PPP and is recommended for approval. Account has been given to the matters raised in the representation received. But there are not considered to be any identified material considerations which would warrant a refusal of the application.
- 54 Accordingly, the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

1. 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.

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

Reason: In the interests of public health and to prevent noise pollution.

3. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority, with any planting which fails to become

established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

5. 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 for each building:
 - 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 and no individual unit shall be occupied until the scheme has been installed and operating.

Reason: To embed low and zero-carbon technologies within the development in the interest of environmental sustainability and in accordance with Policy 32 of Perth and Kinross Local Development Plan 2 (2019) (LDP2).

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

C PROCEDURAL NOTES

None.

D INFORMATIVES

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

2. 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.
3. 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.
4. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council as Roads Authority 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.
6. The applicant is advised that the detailed design of all SUDS shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
8. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. The applicant is continued to be encouraged to provide for hedgehog shelter, hibernation in, and commuting through the development, through the design of gardens, decking and access to gardens and greenspaces. Access gaps in

wooden fences should be 13cm x 13cm. Advice and assistance is available directly from the Tayside Biodiversity Partnership. Further guidance is available on <https://www.hedgehogstreet.org/>

11. The applicant is reminded that this site is still subject to a Section 75 Legal Agreement, securing Developer Contribution requirements and other matters, as secured as part of planning permission 16/0189/IPM. This permission continues to be tied by this legal agreement and the associated requirements will continue to apply. The terms of the obligation can be viewed via PKC [Public Access](#) or at the Registers of Scotland (www.ros.gov.uk).

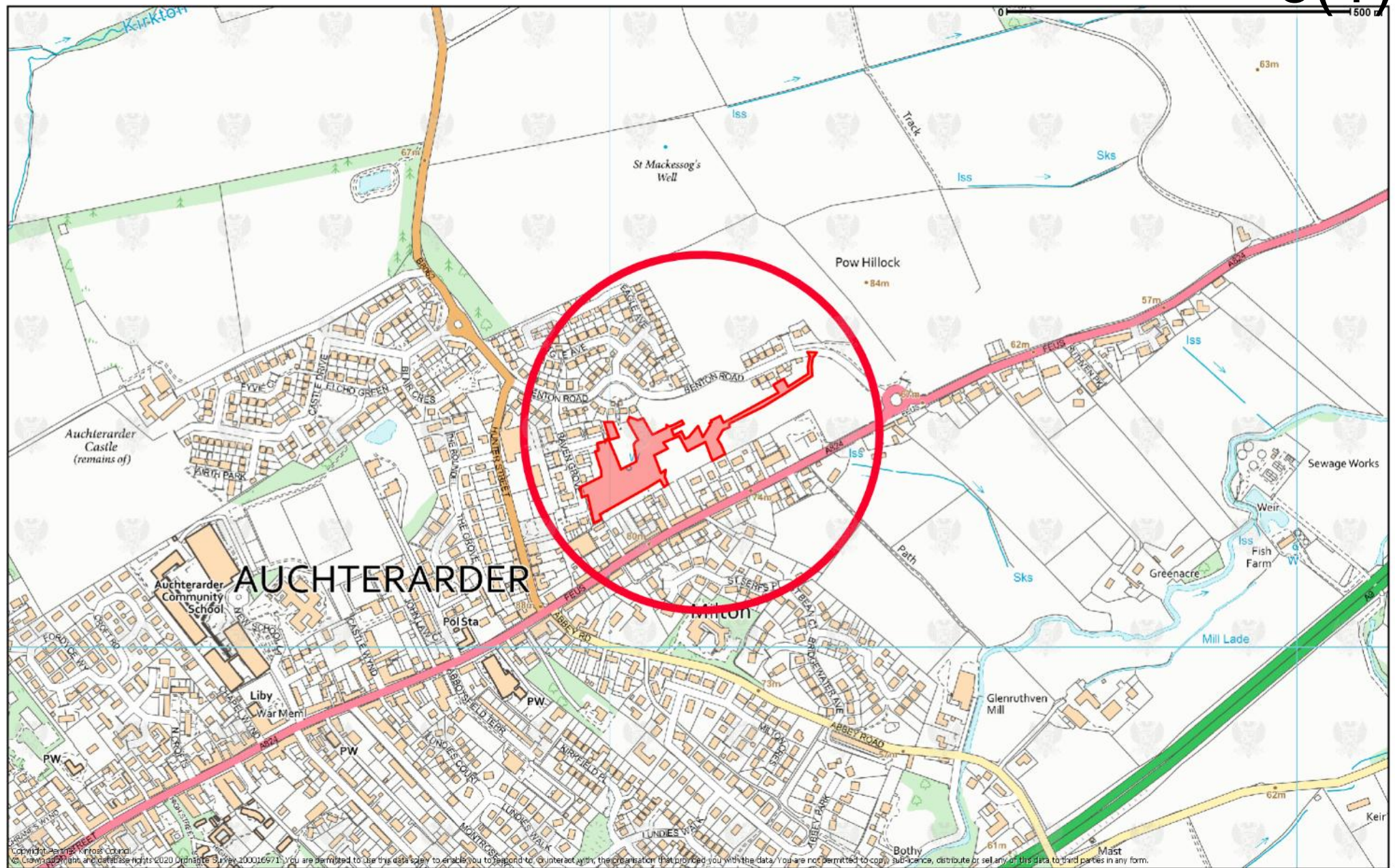
Background Papers: 1 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 3 December 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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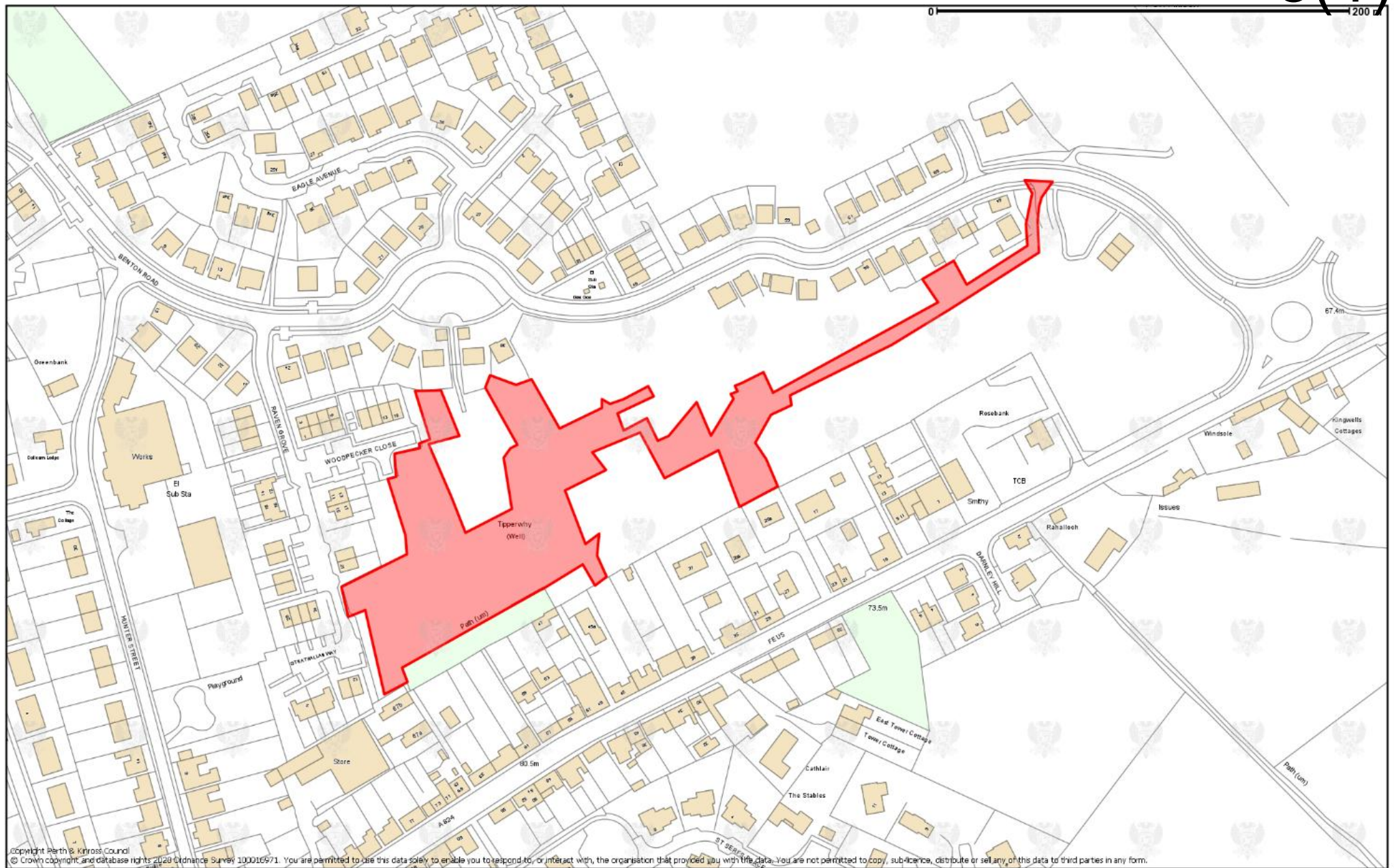
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20/01513/AMM

Erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139)





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20/01513/AMM

Erection of 29 dwellinghouses, 5 garages and associated works (revised design and change of house type for plots 27-30, 36, 43, 82, 89, 107, 109, 120, 121-129, 130-137 and 139)



Perth and Kinross Council
Planning & Development Management Committee – 15 December 2020
Report of Handling by Head of Planning & Development (Report No. 20/245)

PROPOSAL: Erection of 49 dwellinghouses and associated works (LDP2 allocated site E340)

LOCATION: Land to the west of Cherrybank Gardens Perth

Ref. No: [20/00505/FLL](#)

Ward No: P10 - Perth City South

Summary

This report recommends approval of the application, subject to receipt of or other means of securing identified developer contributions. Although the development is not considered to fully comply with the relevant provisions of the Development Plan, there are 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 is located to the western edge of Perth and extends to some 1.9 Hectares (ha). It was previously scrub land that has recently had significant land engineering works undertaken, raising ground levels in some parts by several metres. To the east is the 'Charlotte Gate' residential development, whilst to the west is the Broxden Service Area and Park & Ride facility. Beyond the southern boundary, across a landscaped area, is the M90 motorway; whilst to the north, again across landscaped areas is the A93 Glasgow Road, from which access would ultimately be taken, via Charlotte Gate – specifically Kirkton Road.
- 2 Site topography sees a fall in ground levels from the M90 down to the Glasgow Road. Whilst a watercourse runs alongside the western boundary on a north/south axis, detention ponds (part of the Perth Flood Defence scheme) are within the landscaped area to the north.
- 3 The application site historically formed part of an allocation in the 2014 Perth and Kinross Local Development Plan (LDP) for both residential and employment use (MU1), and now forms part of LDP2 allocation (E340) but only allowing for employment use. It also formed part of a wider area where Planning Permission in Principle (PPP) was approved for residential and employment uses (Ref: 12/01692/IPM). Thereafter 234 dwellings were approved via related Approval of Matters Specified in Conditions applications (15/00809/AMM and 17/00204/AMM), and construction of the final phase is ongoing at the time of writing.
- 4 Full Planning Permission for a further residential development is now sought, as an effective continuation of the adjacent and ongoing Charlotte Gate development. With the detailed layout and house types proposed largely reflecting that development.

- 5 Various house types are proposed, mainly detached but also semi-detached, both set over 2 stories. The proposed mix is:
- 3 bed semi-detached: 8 dwellings
 - 3 bed detached: 11 dwellings
 - 4 bed detached: 30 dwellings
- 6 The palette of materials consists of: a brick basecourse, dry dash render to walls and concrete roof tiles. This reflects previous phases within Charlotte Gate, although solar panels are proposed on each roof to help meet sustainable energy planning policies and current Building Standards regulations.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 7 The proposal is of a type listed within Schedule 2 of the EIA Regulations and has been subject of EIA screening related to the 'PPP' permission 12/01692/IPM. It is not proportionate to fully repeat this process, with the proposal following the overall environmental parameters previously considered. Thus, having considered the proposal's characteristics, location and likely significant environmental effects, the Planning Authority has adopted an opinion that the proposal is not EIA development.

PRE-APPLICATION CONSULTATION

- 8 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 formal pre-application consultation with the local community.

NATIONAL POLICY AND GUIDANCE

- 9 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

- 10 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

- 11 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.

12 The following sections of the SPP will be of particular importance in the assessment of this proposal:

- Sustainability: 24 – 35
- Placemaking: 36 – 57
- Supporting Business and Employment 92 -108
- Valuing the Natural Environment: 193 – 218
- Maximising the Benefits of Green Infrastructure: 219 – 233
- Managing Flood Risk and Drainage: 254 – 268
- Promoting Sustainable Transport and Active Travel: 269 – 291

Planning Advice Notes

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

- PAN 1/2011: Planning and Noise
- PAN 40: Development Management
- PAN 51: Planning, Environmental Protection and Regulation
- PAN 60: Planning for Natural Heritage
- PAN 61: Planning and Sustainable Urban Drainage Systems
- PAN 68: Design Statements
- PAN 69: Planning & Building Standards Advice on Flooding
- PAN 75: Planning for Transport
- PAN 77: Designing Safer Places
- PAN 79: Water and Drainage
- PAN 83: Masterplanning

Designing Streets 2010

14 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

15 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

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

DEVELOPMENT PLAN

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYPlan Strategic Development Plan 2016-2036

- 18 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.”

- 19 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 2019

- 20 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The 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 5: Infrastructure Contributions
Policy 6: Settlement Boundaries
Policy 7: Employment and Mixed Used Areas
Policy 14: Open Space Retention and Provision
Policy 15: Public Access
Policy 17: Residential Areas
Policy 20: Affordable Housing
Policy 23: Delivery of Development Sites

- Policy 24: Maintaining an Effective Housing Land Supply
- Policy 25: Housing Mix
- Policy 26: Scheduled Monuments and Archaeology
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 34: Sustainable Heating & Cooling
- Policy 40: Forestry, Woodland and Trees
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 52: New Development and Flooding
- Policy 53: Water Environment and Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58: Contaminated and Unstable Land
- Policy 59: Digital Infrastructure
- Policy 60A: Transport Standards and Accessibility Requirements

LDP2 Allocation - E340 Broxden 4.5ha employment uses

Site-Specific Developer Requirements

- The servicing of this employment land must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4 of the in-principle planning permission.
- Provision of landscape framework: retain and reinforce planting on southern boundary, creation of a linear landscaped park along the westernmost watercourse incorporating a viewing point and neighbourhood park and landscaping on the north boundary to create a 'green corridor' along the Glasgow Road.
- Green Travel Plan.
- Access from new signal controlled junction on the A93 Glasgow Road.
- A robust landscape framework maximising the potential to enhance biodiversity, protection of habitats, and retention and enhancement of woodland screening.
- Updated Flood Risk Assessment

OTHER POLICIES

- 21 The following supplementary guidance and documents are of particular importance in the assessment of this application;
- Developer Contributions Supplementary Guidance including Affordable Housing July 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014

RELEVANT SITE HISTORY

- 22 The following planning history is relevant:

[11/00010/PAN](#): A Proposal of Application Notice (PAN) related to a 'Mixed use development comprising of residential and employment uses, landscaping and

associated infrastructure' saw the approach to be taken in relation to pre-application consultation with the local community set out in a decision letter issued by PKC on 12 October 2011.

[12/01692/IPM](#): Planning Permission in Principle (PPP) was approved on 29 August 2013 for a 'Mixed use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure'.

[15/00809/AMM](#): A Matters Specified in Conditions (MSC) application, associated to 12/01692/IPM was approved on 13 May 2016 allowing the 'Erection of 164 dwellinghouses and associated works

[17/00204/AMM](#): A second MSC application associated to 12/01692/IPM was approved on 4 January 2018 for the 'Erection of 70 dwellinghouses'.

[18/00480/FLL](#): An application was made and then subsequently withdrawn on 3 September 2018, it had proposed the erection of 48 dwellinghouses.

[18/00988/FLM](#): An application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify Condition 24 (acoustic insulation of windows) of planning permission 15/00809/AMM was approved on 30 August 2018.

[19/02129/FLL](#): Planning permission was approved on 25 May 2020 for land engineering (land raise) operations (in part retrospect) of the application site.

[20/01046/FLL](#): Planning permission was granted on 3 November 2020 for the 'Installation of a culvert and associated works for a minor watercourse next to the application site.

CONSULTATIONS

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

External

- 24 **Scottish Environment Protection Agency:** No objection, following submission of additional information related to flood risk and drainage.
- 25 **Scottish Water:** No objection. Advise that there is currently both water and waste water capacity available.
- 26 **Transport Scotland:** No objection. Confirm no additional strategic transport contribution will be required following contributions of £260,000 secured at PPP stage.
- 27 **Perth And Kinross Heritage Trust:** No objection as no archaeology records in area.

Internal

- 28 **Planning and Housing Strategy:** Supportive of the departure from LDP2 from employment land to residential, based on material considerations.

- 29 **Development Negotiations Officer:** Advise that no contributions are required in relation to primary school education as Craigie Primary School is currently below capacity. However as no affordable housing is to be delivered within the development off-site contributions of £343,000 are required. In addition, Transport Infrastructure contributions of £179,193 are required as the site is located within the Perth Core Area.
- 30 **Transport Planning:** No objection.
- 31 **Structures and Flooding:** No objection, following submission of additional information related to flood risk and drainage.
- 32 **Environmental Health:** No objection. No conditions required in relation to noise or air quality.
- 33 **Land Quality (Contaminated Land):** No objection.
- 34 **Enterprise:** Supportive of the proposal.
- 35 **Community Waste:** No objection as enough room for bin lorries and space within plots and on kerb to accommodate bins.
- 36 **Community Greenspace:** No objection as there is no public open space proposed.
- 37 **Biodiversity/Tree Officer:** No objection and recommends the provision of a planting plan should be added as a condition

REPRESENTATIONS

- 38 No representations were submitted within the relevant timescale. However, a late representation expresses concern over flooding further downstream from the site and the watercourses that connect with the Scourie Burn. Surface water drainage and flood risk issues are discussed below.

ADDITIONAL STATEMENTS

39	Screening Opinion	Yes
	Environmental Impact Assessment (EIA): Environmental Report	Not required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none"> • Flood Risk Assessment; • Drainage Assessment; • Noise Assessment; • Transport Statement submitted

APPRAISAL

- 40 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 (TAYplan) and the Perth and Kinross Local Development Plan 2019 (LDP2). 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, supplementary guidance, employment land audits and other sites in Perth Core Area.

Principle

- 41 TAYplan Policy 1 - Locational Priorities, sets out that the majority of new development should be accommodated within the Plan's principal settlements and the Core Areas that are identified in the Plan. The Councils Strategy and Policy (S&P) team advise that the application site is in the Perth Core Area and within the Perth settlement boundary.
- 43 TAYplan Policy 3 - A First Choice for Investment, refers to the need to identify and safeguard at least five years supply of employment land to support the growth of the economy and a diverse range of industrial requirements in local development plans. S&P advise that the application site forms 1.9ha of a 2.89ha site allocated within LDP2 – as site E340 for employment use.
- 44 S&P further advise that the principle of development of the site is not therefore at question. However, the policy issue is whether housing would be acceptable instead of the allocated employment use. This therefore requires the consideration of other material considerations beyond the Development Plan as the current proposal represents a departure from LDP2.

PKC Employment Land Audit (ELA) 2020

- 45 The ELA highlights that there are over 213ha of employment use sites identified within the Perth Core Area, with over 36ha immediately available and 174ha with just minor constraints and capable of coming forward during the current Plan period, the remainder being 2.4ha which sees significant constraints. Although the applications site is identified as only having minor constraints, further exploration of this sees the view taken that the constraints are significant, so as to move it towards being ineffective for employment development purposes. These issues are discussed below.
- 46 The application site extends to 1.9ha and represents 0.89% of the identified employment land within the 2020 Employment Land Audit. In this sense its loss to housing use is not considered to be significant. The availability of over 200ha of better employment sites mitigates for the loss of 1.9ha at this location. In addition, it is located immediately adjacent to 234 approved and largely recently constructed dwellings and would share an access.

Perth Area Strategy

- 47 The Perth Area Strategy within LDP2 concentrates on the delivery of key strategic sites in the Perth Core area. An area at the west/north-west of Perth (referred to as 'Perth West') the primary source of employment and housing land during and

beyond the LDP2 period. Such strategic sites are highlighted in LDP2 because the concentration of development at those locations would create economies of scale around major infrastructure projects and would maximise the potential for active travel and public transport links. S&P consider that the strategic sites are overall better locations for significant employment land development when compared than the application site itself. These constraints are discussed in detail below, but include: topography, access difficulties, viability, etc.

- 48 The application provides supporting information that points to the relative difficulties of developing the site for employment uses and contrasts this to the merits of developing strategic sites in the Perth Core Area, which are likely to be more effective and are identified in the LDP2. These matters are discussed more detail below.

Demand for Employment Use

- 49 The site has been marketed for a number of years with little interest expressed by the development industry, perhaps reflective of the issues which limit its effectiveness as an employment site. Although there has been interest in a small part of it to be used as a hydrogen fuelling facility, related to and immediately adjacent to the Broxden service station. The applicant has confirmed this interest has not progressed and will form part of the nearby strategic site known as Perth West. It is considered that this provides demonstrable marketable evidence that there is a lack of demand for the site to be developed for employment purposes, justifying departing from the land use allocation in LDP2 and the related policy framework

Site Constraints

- 50 Access to the site, other than through the 'Charlotte Gate' housing area, is challenging due to the topography and surrounding uses. Together these represent significant constraints to the site coming forward for employment uses. As an example, vehicular access from Glasgow Road would require significant engineering works to navigate the slope and not impact on the Perth flood defence scheme detention ponds. The Council's Structures and Flooding team have consistently recommended that a minimum buffer of 10m is provided. This access option is extremely challenging to viably achieve and not considered deliverable.
- 51 Access from the southern end of the site is also problematic due the steeply sloping topography and narrowness of route between the park and ride site and M90 motorway.
- 52 These collective access difficulties are considered to be a significant factor affecting the viability of the site for its allocated purpose and have resulted in it not being an attractive or realistically deliverable site for employment uses. Indeed, the only access that would appear to be deliverable is via connecting to the existing access through the immediately adjacent housing area – as is proposed. However, this is not considered to be an appropriate option for employment uses at the site, from both a placemaking and transport perspective, as it would see employment use related traffic passing through a housing development.

Conclusion

- 53 The proposed use is contrary to the land use allocation within the Development Plan and, as such if approved, the decision would represent a departure. However, for the reasons set out above there are other material considerations to be fully considered. On the basis of these considerations, it is considered that the lack of market interest resulting from the constraints associated to the site and likely ineffectiveness of it for employment use, all justify a departure from that allocation and consideration of the merits of an alternative use. This departure is not considered to be significant as the loss of employment land represents a marginal (-1%) loss of available land within the Perth Core Area. The principle of considering the development of the site for housing is therefore accepted.
- 54 TAYplan policy 2 - Shaping Better Quality Places, refers to the Planning Authority's role in balancing competing interests to make optimum use of the land. In this regard it is considered that development of the site for employment purposes is now not the optimum use of the land. Whilst the principle of residential development is contrary to LDP2, the loss of 1.9ha of employment land is considered as able to be absorbed by other allocated strategic sites identified in LDP2. As such the principle of 49 dwellings immediately next to a development of 234 dwellings is now considered to be acceptable.

Design, Scale and Layout

- 55 The proposed layout broadly follows on from the first four phases and takes account of the site's importance as a gateway into Perth. The design parameters have been guided by existing planting, watercourses and natural features. Whilst the layout takes satisfactory cognisance of Designing Streets and the National Roads Development Guide.
- 56 The proposal consists of two-storey detached, and semi-detached dwellings providing a mixture of house types for the current market. The street layout is considered to be acceptable and reflects Designing Streets (2010) policy objectives.
- 57 The proposed layout and travel linkages ensure the site's connectivity with all modes of transport, especially pedestrians and cyclists. Particularly a footpath connection to Glasgow Road and the Broxden Park and Ride is proposed, linking with public transport connections to Glasgow, Edinburgh and Aberdeen (Condition 8).
- 58 The massing and scale of the dwellings can be accommodated within the plots, without having an adverse impact on residential (i.e. overlooking or overshadowing) or other amenity and works within the parameters of the established landscape framework. The proposed density of 24.5 per ha is acceptable and most dwellings will benefit from garden sizes in excess of the Councils Placemaking Supplementary Guidance 2020.
- 59 In terms of house design and finish, the elevations and external finishes are consistent with Phases 1 to 4 of Charlotte Gate, as such the material composition is considered acceptable.

- 60 Overall the proposal is considered appropriate in terms of design, scale and form and satisfies the policy objectives of Designing Places, Designing Streets and Council Placemaking Policy. It is considered that the proposed density of development represents an efficient use of the site whilst still respecting the surrounding environment. Overall, the design, density and layout is acceptable and complies with LDP2 Policy 1 – Placemaking.

Landscape

- 61 No public open space (POS) or children's play area is proposed. However, a good quality play area is already in place 300m from the proposed development, near the south-eastern boundary and site entrance to Charlotte Gate. This provision is considered to adequately meet the requirements for the combined developments. However, planting will be required on the northern boundary embankment to help screen the site. (Condition 4).

Residential Amenity

Noise

- 62 A Noise Impact Assessment (NIA) was submitted to support the application, which has been reviewed by Environmental Health. The NIA assessed the predicted noise levels, from road traffic on the M90 and adjacent roads and includes all 'committed' developments. The road traffic flows used were based on pre Covid-19 conditions.
- 63 The predicted road traffic noise at the proposed residential properties were assessed in line with the relevant British Standards (BS8233:2014) for internal daytime (0700 to 2300) and night time (2300 to 0700) criteria noise levels. Further, assessment against WHO guidelines and TAN/PAN 1/2011 for nighttime noise outside from road traffic and outdoor living area daytime noise was also undertaken. .
- 64 The NIA concluded that further mitigation is required to ensure that outdoor living areas and internal rooms during both daytime and nighttime periods, at the most exposed elevations, comply with the established criteria. The report therefore recommends that a 1.8 metre high acoustic barrier be installed along the southern boundary of the gardens for plots 418 to 431 and on the northern boundary for plots 401 to 411. In addition the installation of acoustic glazing (to achieve 33dB Rw) and trickle vents (to achieve 35dB Dn,e) are recommended for all ground floor and first floor habitable room windows on the most exposed elevations.
- 65 Environmental Health are in agreement with the NIA and that the proposed mitigation will ensure that the residential amenity of future residents is not adversely affected by traffic noise. With these mitigations in place the proposed development will be compatible with LDP2 Policy 56 – Noise Pollution (Conditions 11 to 13).

Air Quality

- 66 An Air Quality Assessment (AQA) was originally requested by Environmental Health (EH), due to the proximity to an approved hydrogen fuelling development

immediately west of the proposed site. However, following confirmation that this development will not be taking place, but rather forming part of the Perth West (20/00667/IPM) proposal, EH have confirmed that an AQA is no longer required.

- 67 Environmental Health also confirm that an AQA is not required to consider traffic, following further traffic information being submitted which indicated that the predicted traffic flow from the development would not exceed air quality guidance criteria. The proposed development is therefore considered to comply with LDP2 Policy 57 – Air Quality.

Visual Amenity

- 68 The visual impacts of the development will be quite limited, appearing as a continuation of the more expansive first four phases of residential development. As per the previous phases, additional planting on the northern edge of the site will be required to integrate the development visually, when viewed from Glasgow Road and beyond (Condition 4).

Roads and Access

- 69 The proposal sees the continuation of the road from Charlotte Gate - Phase 4 and will loop back on itself. Access and egress will therefore be through Phases 1-4 and the existing junctions on Glasgow Road and Necessity Brae.
- 70 A Transport Statement (TS) submitted has been reviewed by both Transport Scotland and the Council's Transport Planning team and neither have raised any issues.
- 71 In terms of access to sustainable forms of transport, plans have also been submitted for an off-site path connection between Phase 3 of Charlotte Gate and the Broxden Park and Ride. This path will run to the south of the application site and the proposed layout shows that the 49 units will benefit from a connection to this path, so as to ensure a sustainable travel connection with the Park and Ride. Whilst the path is outwith the application site boundary, it is within the ownership of one of the applicants and the agent has confirmed it is deliverable. Condition 8 will ensure this path will be delivered.
- 72 Overall, the proposal does not raise any unacceptable transport issues and complies with LDP2 Policy 60 - Transport Standards and Accessibility Requirements and Policy 15 – Public Access.

Drainage and Flooding

- 73 A Flood Risk Assessment (FRA) has been submitted and assessed by both SEPA and the Council's Structures and Flooding Team. Following the submission of an updated FRA and other information, both are content that there is no flood risk in the vicinity of the site, or further downstream.
- 74 SEPA requested additional information to address information related to water-crossings and any additional information on the watercourse that will be crossed to access this development, including whether it would remain open or be culverted. It was confirmed that a 450mm culvert will be developed, being the

same size as the culvert entering the site. It is recommended that the road deck is set so that if water were to overtop the road it would flow across it and into the open channel downstream of the road before flooding any properties. (Condition 19)

- 75 SEPA confirm that the finished floor levels of the dwellings are above the culverted watercourse on the lower part of the site, but on the upper part of the site, closer to the M90, the ground levels on top of the culvert will be higher than the adjacent properties. A filter drain and overflow channel has thus been included within the proposals which would contribute towards mitigating the residual flood risk should the culvert block or capacity be exceeded. Maintenance of the culvert and overflow channel is important to ensure the culvert and overflow channel operates as designed. (Condition 17)
- 76 SEPA also advise that it is important that the nearby ponds, which form part of the Perth Flood Scheme, operate as designed. Structures and Flooding are satisfied that the ponds will continue to operate as designed, especially as significant works under the Flood Act have recently been carried out around the ponds and sediment removed, thereby increasing their capacity. Structures and Flooding are also satisfied with the culvert design and will help prevent any future flood risk further downstream such as that experienced during the thunderstorm event in August 2020.
- 77 In terms of water supply and waste water connection, Scottish Water have confirmed there are currently no capacity issues.
- 78 Conditions 7, 15, 17, 18 and 19 will ensure there will be no drainage or flood risk at the site or further downstream. With these conditions, the proposal complies with LDP2 Policies Policy 52 - New Development and Flooding and 53 - Water Environment and Drainage Conditions

Contaminated Land

- 79 The Council's Land Quality Officer has advised that searches of historical mapping have not identified any contamination that may cause a constraint to the proposed development and ensure compliance with LDP2 Policy 58 – Contaminated and Unstable Land.

Waste Collection

- 80 No issues have been expressed by the Council's Waste Services team other than advise that the developer should ensure that the width of road, particularly around corners is adequate for the refuse collection vehicle to manoeuvre safely.

Conservation Considerations

- 81 Perth and Kinross Heritage Trust (PKHT) have confirmed there are no areas of archaeological interest within the proposed site. The proposal therefore complies with LDP2 Policy 26: Scheduled Monuments and Archaeology.

Natural Heritage and Biodiversity

- 82 The Council's Biodiversity Officer has confirmed there is limited biodiversity value in the area of land that has been raised by the developer. They have requested that the land along the northern boundary will be required to be planted to help soften the visual impact when travelling along Glasgow Road (Condition 4). To enhance the biodiversity value, tree and hedge species native to Scotland are encouraged to ensure compliance with LDP2 Policy 41 – Biodiversity.
- 83 In terms of protected species, the Council will seek to protect and enhance all wildlife and habitats, whether formally designated or not, and consider natural processes in the area. Planning permission will not be granted for development likely to have an adverse effect on protected species unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated.
- 84 LDP 2 Policy 41 – Biodiversity also promotes measures to enhance developments for biodiversity. This could be realised by the inclusion of bat roosting bricks, boxes or tubes and bird nesting bricks or boxes integrated into the homes. Tree and house sparrows are red listed as birds of conservation concern and providing nest bricks or boxes for these species would enhance the biodiversity value of the site (Conditions 10).
- 85 Swifts are a Tayside Local Biodiversity Action Plan and Scottish Government priority species, protected under the Environmental Liability Directive and as an amber rated species, are noted on the Scottish Biodiversity List as in decline with Conservation Action required. This development could positively contribute towards swift conservation by incorporating swift bricks into the new dwelling houses (Condition 10).

Developer Contributions

- 86 The Council's Developer Contributions Officer has confirmed that no financial contributions are required towards primary education as the school within this catchment (Craigie Primary School) is not at capacity.
- 87 The site is located within the Transport Infrastructure contributions zone, a financial contribution towards the cost of delivering the transport infrastructure improvements is required for the release of all development sites in and around Perth. This contribution equates to £179,193 (49 x £3,657).
- 88 On-site affordable housing is not proposed, on the basis that a high number of units have already been constructed and occupied within Phase 2. Instead, an off-site financial contribution will be required to ensure the proposal does not conflict with LDP2 Policy 5 – Developer Contributions. The proposal is for 49 units and this sets a requirement for 12.25 affordable units (49 x 0.25) and equates to a contribution of £343,000 (12.25 x £28,000).
- 89 Previously, a Section 75 legal agreement was required to deal with the required developer contributions, but the agent has advised the landowner wishes to pay the required contribution up front. This will also ensure an earlier release of the decision notice. The decision notice shall not be issued until payment of £522,193 is made.

- 90 This does not prejudice other potential site-specific mitigation which may be sought by other consultees.

Economic Impact

- 91 There will effectively be a continuation of construction related employment from Charlotte Gate -Phase 4, into this development and once occupied the residents will add to the available expenditure in the area.

LEGAL AGREEMENTS

- 92 The applicant has confirmed the required developer contributions of £522,193 towards affordable housing provision and transport infrastructure will be paid up front rather than require a legal agreement as per previous phases. Planning permission cannot be released until these contributions have been received.

DIRECTION BY SCOTTISH MINISTERS

- 93 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

- 94 To conclude, the application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account has been taken of LDP2 and several other material considerations, such as the ineffectiveness of the site and the marginal loss of allocated employment land. In this case, it is considered that there are sufficient material considerations present that justify setting Development Plan policy, in particular the Site E340 allocation in LDP and related Policy 7.
- 95 This departure is not considered to be significant as the area of the employment land lost, when considered against the overall allocation within LDP2, is marginal within the context of the available employment land within the Perth Core Area. Having established the loss of employment land is justified, regard has been given to the alternative residential development propose here. Given the residential development on the immediate neighbouring land use of the east and south, the proposed residential use would be complementary in land use and placemaking terms. The principle of developing the site for housing is now considered to be acceptable. The new land use is now regarded as being the most deliverable and optimum use of the land at this location.
- 96 Accordingly, the proposal is recommended for approval subject to receipt of the required developer contributions, which the applicant has indicated will be paid prior to issue of any planning permission, and the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.

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

2. Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface-water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2 2019.

3. Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development to the satisfaction of the Council as Planning Authority.

Reason: In the interest of pedestrian safety.

4. Prior to the commencement of development, authorised by this permission, a landscape strategy and plan addressing the following shall be submitted for the further approval of this Planning Authority;
 - a detailed planting scheme of the northern embankment (off-site), and
 - a detailed plan including planting associated to the path connection with Phase 3 and the Broxden Park and Ride (off-site)

The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted, as well as paths and hard landscaping elements, and the scheme as subsequently approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2 2019.

5. Prior to commencement of development, an updated and 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 to and approved in writing by the Planning Authority. 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. Thereafter the approved CEMP shall thereafter be fully respected and adhered to through the construction phase of the development.

Reason: To ensure the construction phase is carefully managed to minimise landscape impacts and mitigate for any associated impacts on ecology, neighbours, general public and the wider environment.

6. For the duration of all construction activities, where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: 'Trees in relation to construction, demolition and construction. Recommendations'.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

7. 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.

8. The occupation of the first dwelling hereby approved shall not occur until the proposed off-site footpath connection linking this site to both Phase 3 of the 'Charlotte Gate' residential development and the Broxden Park and Ride site, as shown in drawing number 20/00505/33 and 20/00505/35, has been delivered to the satisfaction of the Planning Authority.

Reason: In the interest of sustainable transport.

9. The occupation of the first dwelling hereby approved shall not occur until the proposed off-site land embankment along the northern boundary, as shown in drawing number 20/00505/33 and 20/00505/34, is completed to satisfaction of the Planning Authority.

Reason: In the interest of structural integrity and visual amenity.

10. Within the development hereby approved, 25% of two storey-dwellings shall contain a bird nesting brick or box. Prior to the commencement of development hereby approved, details a scheme that details the location and specification of the bird nesting bricks or boxes; bat bricks, boxes or tubes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, the bird nesting bricks or boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason: In the interest of enhancement of biodiversity.

11. Prior to the occupation of Plots 418 to 431 (inclusive), a 1.8-metre-high acoustic barrier shall be installed along the southern boundary of the gardens adjacent to these plots to accord with the fencing scheme and specifications set out in Figure 6 of the approved Noise Impact Assessment (document reference 'AS0788 Broxden Noise rev04' dated 21 October 2020) and drawing number 20/00505/32.

Reason: In the interests of residential and environmental amenity.

12. Prior to the occupation of Plots 401 to 411 (inclusive), a 1.8-metre-high acoustic barrier shall be installed along the northern boundary of the gardens adjacent to these plots to accord with the fencing scheme and specifications set out in Figure 6 of the approved Noise Impact Assessment (document reference 'AS0788 Broxden Noise rev04' dated 21 October 2020) and drawing number 20/00505/32.

Reason: In the interests of residential and environmental amenity.

13. Prior to the occupation of the relevant houses, acoustic glazing with a sound reduction index of 33dB R_w and a trickle vent reduction index of 35dB $D_{n,e}$ shall be installed in all ground floor and first floor habitable room windows on the most exposed elevation of dwellings within the plots as detailed in Figures 5.1 and 5.2 of the approved Noise Impact Assessment (document reference 'AS0788 Broxden Noise rev04' dated 21 October 2020) and drawing number 20/00505/32. The glazing and trickle vents as installed shall be retained.

Reason: In the interests of residential and environmental amenity.

14. Prior to commencement of the development, a detailed Construction Management Plan (CMP) detailing mitigation measures for dust and noise controls and specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved CMP shall be fully respected and adhered to through the construction phase of the development.

Reason: In the interests of residential and environmental amenity.

15. The discharge of any surface water drainage shall be limited to a greenfield betterment runoff rate of 50%. All discharge rates shall be agreed in writing with the Planning Authority, in consultation with the Flood Risk Team, prior to the commencement of works on site and thereafter implemented to the agreed rate.

Reason: To reduce flood risk.

16. No works shall take place within 10m of any flood apparatus constructed as part of the Perth Flood Prevention Scheme without the prior written approval of the Perth & Kinross Flooding Team.

Reason: Maintain the integrity of the Perth Flood Prevention Scheme defences.

17. Prior to the completion of the development, Watercourses 1, 2 and 3 (as referred to in the Flood Risk Assessment dated 2 August 2012 KC485) shall be inspected and cleared of any impediments likely to create any obstruction to the free flow of water within the development and for 300m (or length otherwise agreed with the Planning Authority) upstream and downstream of the proposed development; all to the satisfaction of the Council as Roads Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in accordance with LDP2.

18. The developer shall ensure that during the construction of the development that all surface water is controlled, treated and discharged under the principles of SUDS, as contained in the SUDS Manual (C697) and Site Handbook for the Construction of SUDS (C698) published by CIRIA, all to the satisfaction of the Council as Flood Authority.

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

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

Reason: In the Interest of vehicle and pedestrian safety and in accordance with the drainage policies of LDP2.

B JUSTIFICATION

There are material considerations that result in a recommendation to depart from the approved Development Plan.

C PROCEDURAL NOTES

Decision should not be issued until after the developer contributions are paid.

D INFORMATIVES

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
2. 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.

3. 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.
4. The applicant is advised that to enable any remaining negative suspensive conditions associated with the 20/00505/FLL planning approval to be fulfilled development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
5. The applicant is advised that in terms of Sections 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 that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
7. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
8. The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
9. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk.
10. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.
11. Hedgehogs are a key species in the Tayside LBAP and enhancing connectivity is an objective. There are records of hedgehogs in the area and the urban habitat and gardens will provide a suitable resource for hedgehogs. Commuting should be made possible by creating access gaps in wooden fences 13cm x 13cm at ground level.

12. Developer should note that refuse collection vehicles will only enter the site during development where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified collection point until full access is made available for refuse collection vehicles.
13. The developer should contact the Community Waste Team to discuss bin collections as the site progresses.
14. The road and pavement from the bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard-standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.
15. All domestic properties require an appropriate storage area for a minimum of 3 bins (1 for general waste, 1 for garden & food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.

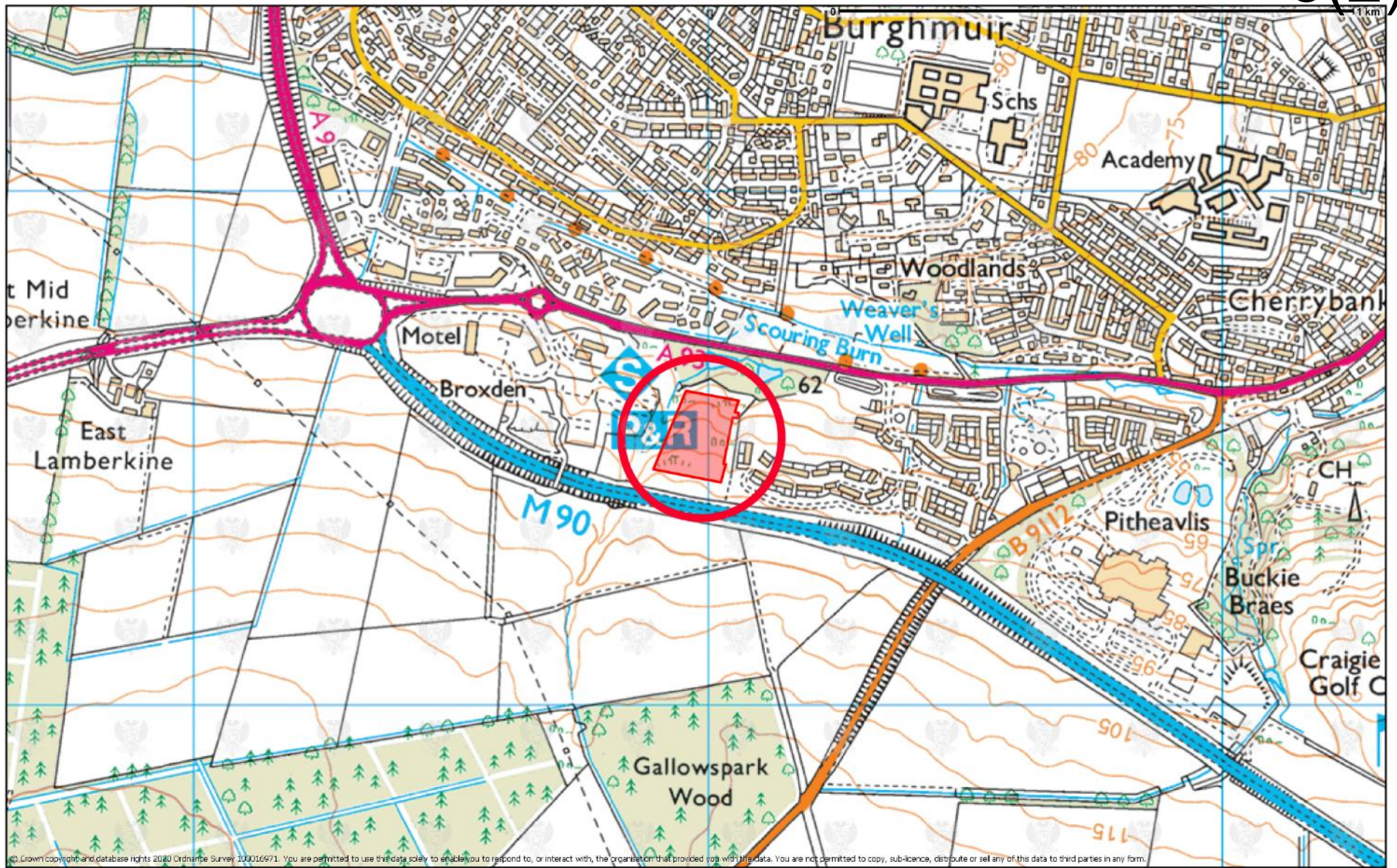
Background Papers: 1 letter of representation
Contact Officer: Steve Callan 01738 475337
Date: 3 December 2020

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:10000



20/00505/FLL

Erection of 49 dwellinghouses and associated works (allocated site E340)





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20/00505/FLL

Erection of 49 dwellinghouses and associated works (allocated site E340)



Perth and Kinross Council
Planning & Development Management Committee – 15 December 2020
Report of Handling by Head of Planning & Development (Report No. 20/246)

PROPOSAL: Renewal of planning permission 17/00958/IPL (Residential development) (in principle)

LOCATION: Land to the west of Highfield, Beech Hill Road, Coupar Angus

Ref. No: [20/00883/IPL](#)
 Ward No: P2 - Strathmore

Summary

This report recommends approval of an application for a renewal of an extant planning permission (in principle) for a small residential development in Coupar Angus. The development is considered to comply with the relevant provisions of the Development Plan, and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The application site relates to an infill area of land which is located within the settlement boundary of Coupar Angus. The 0.55ha site is a grassed paddock which has housing to the east, south and west with the north defined by the A923 sitting lower than the site. At the north eastern corner of the site is Beech Hill Road.
- 2 This planning application seeks the renewal of an extant 2017 planning permission (in principle) for a small residential development, which was a renewal of an earlier 2014 permission.
- 3 No details have been submitted by the applicant either previously or currently in support of the application in terms of a layout or the number of units, however the applicant has indicated that the vehicular access into the site will be from Beech Hill Road and not directly from the A923.

NATIONAL POLICY AND GUIDANCE

- 4 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

- 5 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. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The

document 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

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and 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.
- 7 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
 - Enabling Delivery of New Homes: paragraphs 109 -134

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

Creating Places 2013

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

Designing Streets 2010

- 10 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

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

DEVELOPMENT PLAN

- 12 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

- 13 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.”

- 14 There are no TAYPlan policies of specific relevance.

Perth and Kinross Local Development Plan 2019

- 15 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The 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.
- 16 Within LDP2, the site lies within the settlement boundary of Coupar Angus where the following policies are directly relevant.

- Policy 1 & 2: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 17: Residential Areas
- Policy 20: Affordable Housing
- Policy 41: Biodiversity

SITE HISTORY

- 17 [14/00303/IPL](#). Residential development (in principle). Decision Issued 27 June 2014. Application Approved

[17/00958/IPL](#). Renewal of planning permission 14/00303/IPL (Residential development) (in principle). Decision Issued 11 July 2017. Application Approved

CONSULTATIONS

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

External

19 **Scottish Water** – No objection.

20 **Perth And Kinross Heritage Trust** – No objection, subject to a condition.

Internal

21 **Development Negotiations Officer** – Recommend conditions.

22 **Transport Planning** – No objection, subject to conditions.

REPRESENTATIONS

23 Seven letters of representations have been received, one in support and six objecting to the proposal on the following grounds,

- Contrary to Local Development Plan 2
- Inappropriate land use
- Too dense a development
- Road safety issues
- Impact on existing private drainage
- Overlooking / loss of privacy
- Loss of open/green space
- Adverse impact on visual amenity
- Adverse impact on habitat/wildlife

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

25 In addition to the above, the following matters have also been raised but are not considered to be material planning considerations,

- Lack of interest in the site / lack of movement to implement earlier permissions
- Private access rights across the site.

ADDITIONAL STATEMENTS

26	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not applicable
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact	Not Required

APPRAISAL

- 27 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 2 (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 consideration of the Council's other approved policies and supplementary guidance, namely Placemaking Guide 2020 and the Development Contributions and Affordable Housing 2020. The site's planning history is also a material consideration, as is the limited change in land use policies since the previous approval in 2017.

Land Use

- 28 As was the position in 2017, within the adopted Local Development Plan, the site lies within the settlement boundary of Coupar Angus and is an area identified as being residential with compatible uses. Whilst LDP2 has been approved in the intervening period since the last approval on this site it replicates the content of the former LDP in relation to this site's status within the settlement of Coupar Angus.
- 29 LDP2 states that when new sites within settlement boundaries become available for development, their most obvious use will normally be for residential, unless identified for an alternative use by the plan. However, new infill residential developments within settlements will only be supported when they are considered to be compatible with the amenity and character of the area, and would be at a density which represents the most efficient use of the site while respecting its environs.
- 30 The key tests for the acceptability of this proposal is therefore whether or not a residential development on this site would have an adverse impact on the character or amenity (visual and residential) of the area.
- 31 In terms of the impact on the character of the area, the site is surrounded by existing housing and the character of the surrounding area is clearly residential. The proposed residential use is therefore entirely compatible with the existing (residential) character of the area.
- 32 In terms of the impact on both visual and residential amenity, as this is a planning in principle application, no details are under consideration at this stage. However, a suitability designed development with appropriately designed house types, layout, and at a suitable density would not compromise either the visual or residential amenity of the existing area.
- 33 It is noted that some concerns have been raised regarding the potential impact that the proposal will have on the visual amenity 'value' of the area, which is associated with the existing openness of the site. Some objectors are of the view that the openness of the site is a key characteristic of the local area

and that its removal would be to the detriment to the general amenity of the area.

- 34 Whilst these concerns are noted, the site is within private ownership and is not readily available for public use. Whilst the historic openness and 'green' appearance of the site does have a degree of visual amenity 'value' for the local neighbouring residents, the lack of a functional recreational purpose makes it difficult to make a valid argument for its retention as an area of private open space, particularly when the site has not been identified in either the current or previous LDP as an area of open space to be protected. It should be noted that the LDP2 identifies a number of areas of both private and public open space within settlements which have a high amenity value which should be protected, and this site is not one of them. A proposed land use of the site, for a residential development, is therefore considered to be acceptable.

Design and Layout

- 35 As this is a planning in principle application, there are no detailed issues to consider relating to the density, design or layout of the development. As the shape and size of the site would allow for many options to be brought forward, it is reasonable to take the view at this stage that a detailed scheme can be advanced that would be in line with the Council's placemaking standards in terms of plot sizes, separation distances etc and be designed so that there is no adverse impact on the existing residential amenity of any neighbouring properties.

Visual Amenity

- 36 In terms of the impact on the existing visual amenity of the area, a suitability designed development would not compromise the visual amenity of the area. The implications of the elevated nature of the site from the adjacent public road will be considered at the detailed stage, with levels, house types and siting all important matters to ensure that any development does not detract from the existing character of the area.

Residential Amenity

- 37 In terms of the impact on neighbouring residential amenity, subject to suitable details being brought forward, the development of this site should not compromise the residential amenity presently enjoyed by existing residents. Likewise, an acceptable level of residential amenity for any future residents of the site should be deliverable.
- 38 Any detailed submission will require to comply with the Council's placemaking standards.

Roads and Access

- 39 Several objections have raised concerns regarding the proposed vehicular access into the site. The applicant has indicated that the vehicular access will be via Beech Hill Road which adjoins the site at its north eastern corner. Beech Hill Road is narrow, but in road traffic safety terms would be suitable to

accommodate a small scale development. The exact specification of the vehicular access into the site, and the internal road and details of any access point will be advanced as part of a detailed planning application but will have to be meet with the Council's Road Standards (Condition 4).

Drainage and Flooding

- 40 The site lies within a publicly sewered area and therefore the site can connect to the public system. With regard to any existing infrastructure which may be located on the site, this is a civil matter between the parties involved which would be resolvable through a suitable technical solution.
- 41 The site is not at risk from flooding.

Contaminated land

- 42 There is no known contaminated land issues associated with the site.

Waste Collection

- 43 Details of the means of presentation for waste collection will be subject to the detailed submission.

Conservation Considerations

- 44 The site lies to the north west of a Category B listed building (Beech Hill House). The site is suitably distant and screened from the listed building to avoid any significant impact on its setting.
- 45 In terms of local archaeology, within the site there is some historical evidence of archaeology interest in the site. A condition will therefore be attached to the permission requesting aa written scheme of archaeological investigation. (Condition 5).

Natural Heritage and Biodiversity

- 46 Within the representations, concerns have been raised regarding the impact that this proposal will have on the local wildlife. There are no known protected species within the site, or within the immediate area.

Developer Contributions

- 47 As this is a planning in principle application, standard compliance conditions will be attached to the permission in relation to both Affordable Housing and Primary Education. (Conditions 2 & 3)

Economic Impact

- 48 With the exception of works associated with the construction phases, which may or may not be undertaken by local tradesmen, this development is unlikely to have a significant economic impact on the local area.

LEGAL AGREEMENTS

- 49 None required.

DIRECTION BY SCOTTISH MINISTERS

- 50 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

- 51 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and material considerations and in this case, it is considered that the development proposed does not conflict with the Development Plan and there are no material considerations which indicate otherwise.
- 52 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Approve the planning application, subject to the following conditions

1. The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.

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

2. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

3. The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2020 in line with Policy 20: Affordable Housing of the Perth & Kinross Local Development Plan 2 (2019), or such subsequent Guidance and Policy which may replace these.

Reason: To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2020.

4. Further to Condition 1 above, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

Reason: In the interest of road and pedestrian safety.

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

Reason: In order to comply with the Scottish Planning Policy.

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.

D INFORMATIVES

1. Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.

2. The applicant should be fully aware of the comments and recommendations made by Transport Planning in their memorandum dated 4 August 2020.

Background Papers: Seven letters of representation

Contact Officer: Andy Baxter 01738 475339

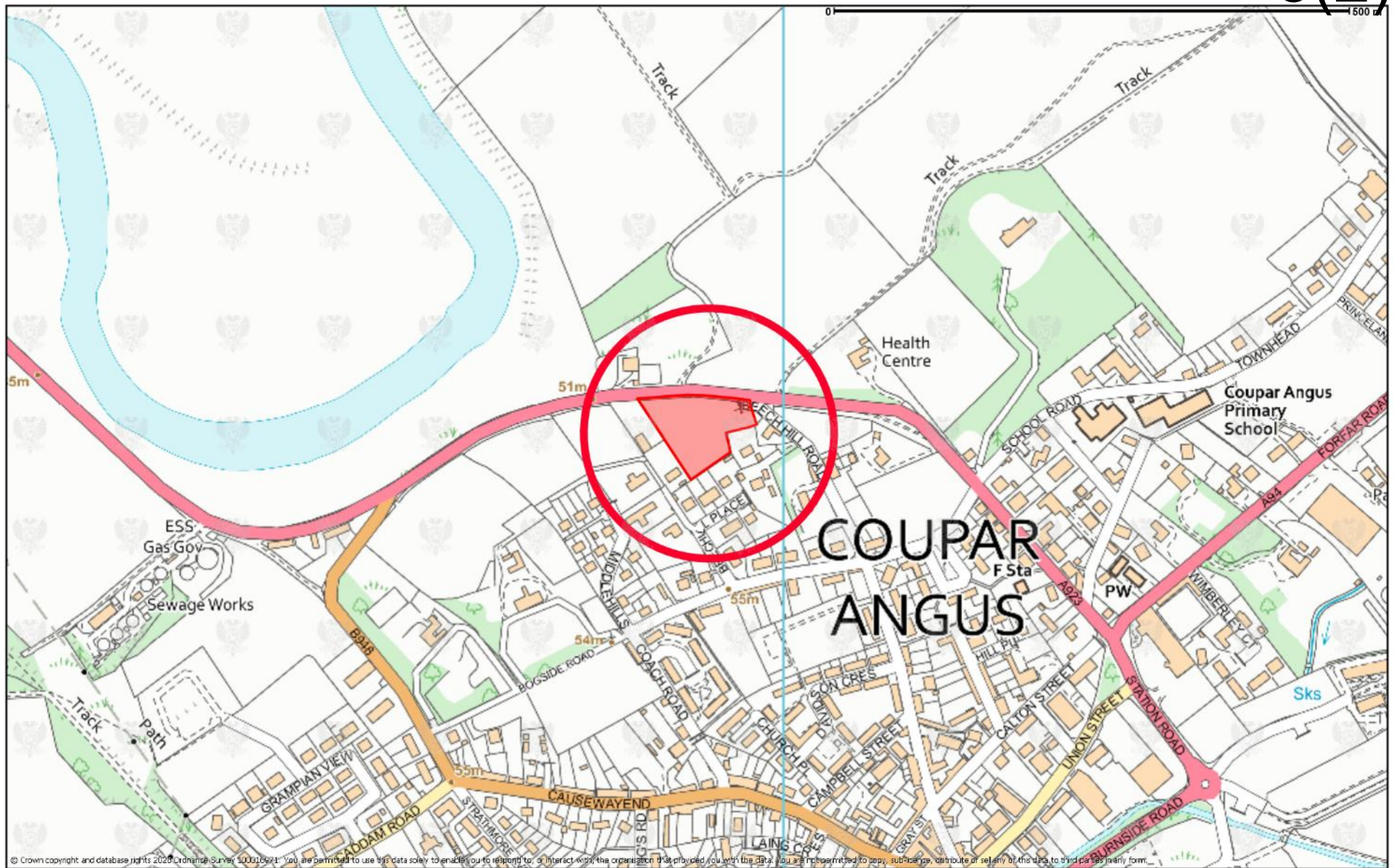
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DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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Scale 1:5000



20/00883/IPL

Renewal of planning permission 17/00958/IPL (Residential development) (in principle)



Perth and Kinross Council
Planning & Development Management Committee – 15 December 2020
Pre-Application Report by Head of Planning and Development (Report No. 20/247)

Proposed employment/business park (use classes 4, 5 and 6) and associated works, land north of Thomson Landscapes, Inchcape Place, Perth

Ref. No: [20/00009/PAN](#)

Ward No: P12 - Perth City Centre

Summary

This report is to inform the Committee of a potential forthcoming planning application in respect of a major employment/business park development (use classes 4, 5 and 6). The report also aims to highlight the key planning policies and the likely stakeholders who would be involved in the decision-making process, and to offer a brief overview of the key planning issues which are likely to be relevant to the proposal.

BACKGROUND AND DESCRIPTION

- 1 In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicant submitted a Proposal of Application Notice (PoAN) on 19 October 2020. The purpose of this report is to inform the Planning and Development Management Committee of a forthcoming planning application in respect of a major development. Pre-application reports give the Committee an opportunity to raise issues which it would like to see addressed in the planning application.
- 2 The site is located on land to the north of the established Food and Drink Park and extends to approximately 4 hectares.
- 3 The exact design, scale and details of any development proposals will be arrived at during further discussions and subsequent planning applications. The proposed development is, however, set out to include the following elements:
 1. Extension of Arran Road, and a new roundabout to serve new development plots;
 2. Parking provision;
 3. Surface water drainage including a new sustainable drainage system (SuDS);
 4. Infrastructure connections (potable and foul water, electricity, gas, telecoms);
 5. Landscaping and earthworks; and
 6. Ancillary items such as street lighting, fencing and signage.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2017 Regulations. An EIA screening request was submitted earlier this year (20/00612/SCRN) and a decision issued on 17 July 2020 that EIA was required.

PRE-APPLICATION PROCESS

- 5 The PoAN confirmed that an online public consultation event will be undertaken in line with current Scottish Government advice for pre-application consultation (PAC). The Ward Councillors, North Muirton, North Inch and Muirton, Scone and District and Luncarty, Redgorton and Moneydie Community Councils were notified. This new PAC exercise provides best practice, providing further engagement since the original consultation event in 2018, held for 17/00010/PAN. The results of the online community consultation will be submitted with the planning application as part of the required Pre-Application Consultation (PAC) Report.

NATIONAL POLICY AND GUIDANCE

- 6 The Scottish Government expresses its planning policies through the National Planning Framework (NPF) 3, the National Roads Development Guide 2014, Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN).

National Planning Framework

- 7 The 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. Under the Planning etc (Scotland) Act 2006, it is a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2014

- 8 The SPP is a statement of Scottish Government policy on land use planning. 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
 - Supporting Business and Employment: paragraphs 92 – 108
 - Valuing the Historic Environment: paragraphs 135 – 151
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Promoting Responsible Extraction of Resources: paragraphs 234 - 248
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 –291

- 9 The following Scottish Government Planning Advice Notes are likely to be of relevance to the proposal: -

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport

LOCAL POLICY AND GUIDANCE

TAYPlan Strategic Development Plan 2016-2036

- 10 TAYPlan sets out a vision for how the region will be in 2032 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 2032 the TAYplan region 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”

- 11 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

- Policy 1 – Location Priorities
- Policy 2 – Shaping better quality places
- Policy 3 – A First Choice for Investment
- Policy 7 – Energy, Waste and Resources
- Policy 10 – Connecting People, Places and Markets

Perth and Kinross Local Development Plan 2019

- 12 LDP2 was adopted by Perth and Kinross Council on 29 November 2019. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 13 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.”

- 14 The following policies are of particular importance in the assessment of this application:

- Policy 1: Placemaking
- Policy 2: Design Statements
- Policy 3: Perth City
- Policy 5: Infrastructure Contributions

Policy 7: Employment and Mixed Used Areas
 Policy 14: Open Space Retention and Provision: Open Space within New Developments
 Policy 15: Public Access
 Policy 23: Delivery of Development Sites
 Policy 26: Scheduled Monuments and Archaeology:
 Policy 29: Gardens and Designated Landscapes
 Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 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 47: River Tay Catchment Area
 Policy 52: New Development and Flooding
 Policy 53: Water Environment and Drainage
 Policy 55: Nuisance from Artificial Light and Light Pollution
 Policy 56: Noise Pollution
 Policy 57: Air Quality
 Policy 58: Contaminated and Unstable Land
 Policy 60: Transport Standards and Accessibility Requirements

LDP2 Allocation

- 15 E3 – 18.3ha allocated for employment uses. Site-Specific Developer Requirements include the requirement for a flood risk assessment and detailed landscape proposals.

OTHER POLICIES

- 16 The following supplementary guidance and documents are of particular importance in the assessment of this application: -
- Developer Contributions Supplementary Guidance July 2020
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
 - Perth and Kinross Community Plan 2017 - 2027
 - Perth City Plan 2015-2035
 - Perth and Kinross Corporate Plan 2018-2022
 - The Perth City Plan 2015 – 2035

PLANNING SITE HISTORY

- 17 [17/00010/PAN](#) A Proposal of Application Notice (PoAN) relating to proposed employment/business park uses was considered sufficient on 29 November 2017.
- 18 20/00612/SCRN A Screening Opinion, related to proposed employment/business park (use class 4,5 and 6) and associated works advised that an EIA Report was required on 17 July 2020 (EIA required).

CONSULTATIONS

19 As part of the planning application process the following would be consulted: -

External

- Scottish Environment Protection Agency (SEPA)
- Scottish Water
- Historic Environment Scotland
- Perth and Kinross Heritage Trust (PKHT)
- North Inch and Muirton Community Council

Internal

- Environmental Health
- Biodiversity Officer
- Strategic Planning and Policy
- Community Greenspace
- Transport Planning
- Structures and Flooding
- Waste Services
- Contribution Officer

KEY ISSUES AGAINST WHICH A FUTURE APPLICATION WILL BE ASSESSED

20 The key considerations against which the eventual application will be assessed include:

- a. Landscape and Visual Impact
- b. Scale, Design and Layout
- c. Relationship to nearby land uses
- d. Site Planning History
- e. Natural Heritage and Ecology
- f. Cultural Heritage including Archaeology
- g. Water Resources and Soils
- h. Air Quality
- i. Noise
- j. Transport Implications
- k. Sustainability

ADDITIONAL STATEMENTS WHICH WILL BE REQUIRED

21 In line with the EIA screening decision, it has already been determined that an EIA Report will be required.

22 An informal scoping exercise was undertaken, scoping in the following topic headings to be covered by the required Environmental Report:

- a. Water and Flooding
- b. Traffic and Transport

- c. Air Quality
- d. Cumulative Effects

23 The remaining supporting documents set out below were agreed to be addressed by standalone technical notes or assessments and did not require to form part of the Environmental Report:

- Habitat Survey
- Ground Conditions Survey
- Drainage Strategy
- Landscape and Visual Impact Assessment
- Cultural Heritage including Archaeology Assessment
- Design and Access Statement
- Pre-Application Consultation (PAC) Report
- Sustainability Assessment
- Planning Statement

CONCLUSION AND RECOMMENDATION

24 This report summarises the key issues which should be considered as part of the appraisal of any subsequent planning application which may be lodged in respect of this development and members are recommended to note these key issues and advise officers of any other issues which they consider should be included as part of the application and assessment.

Background Papers: None

Contact Officer: Callum Petrie 01738 475353

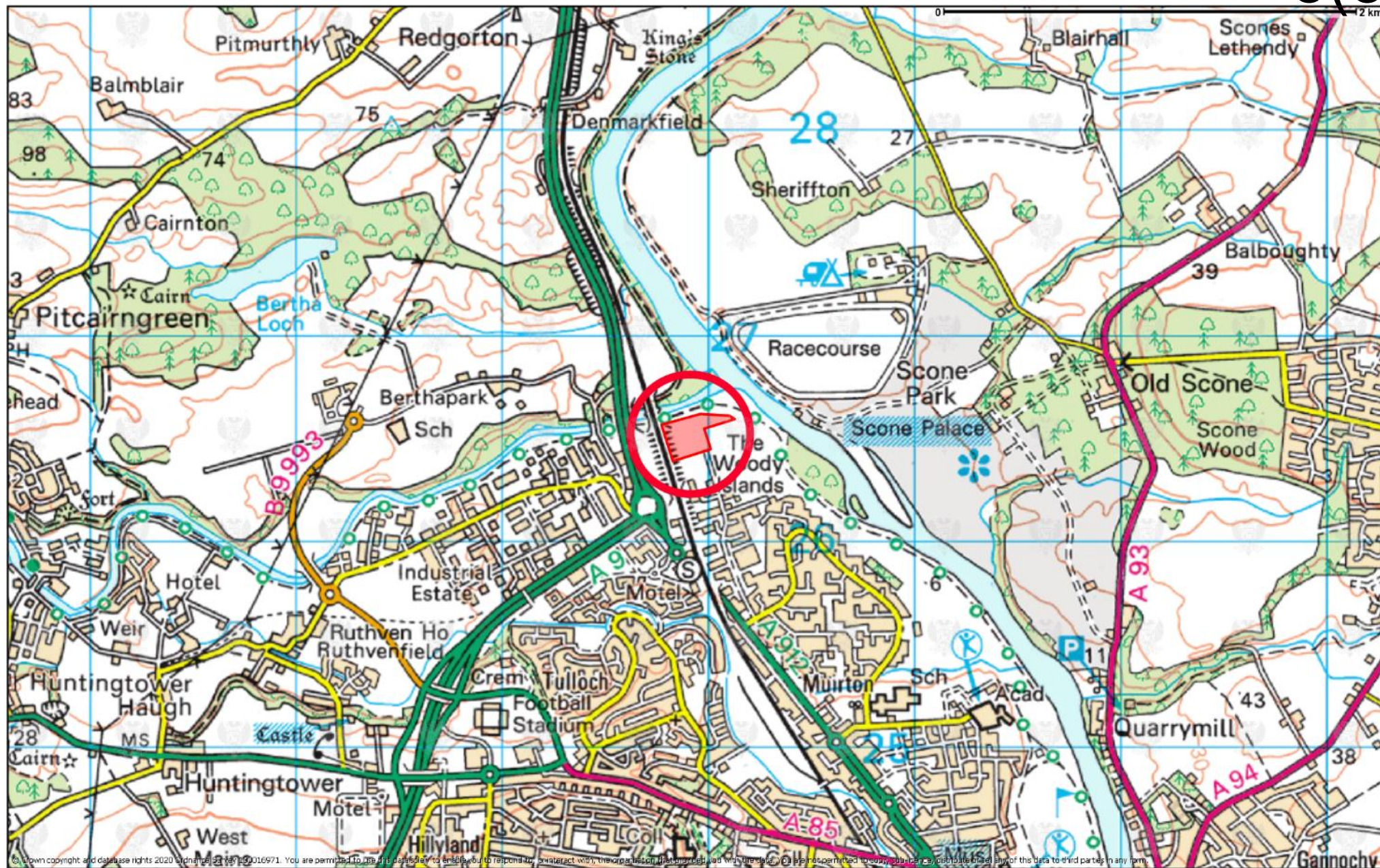
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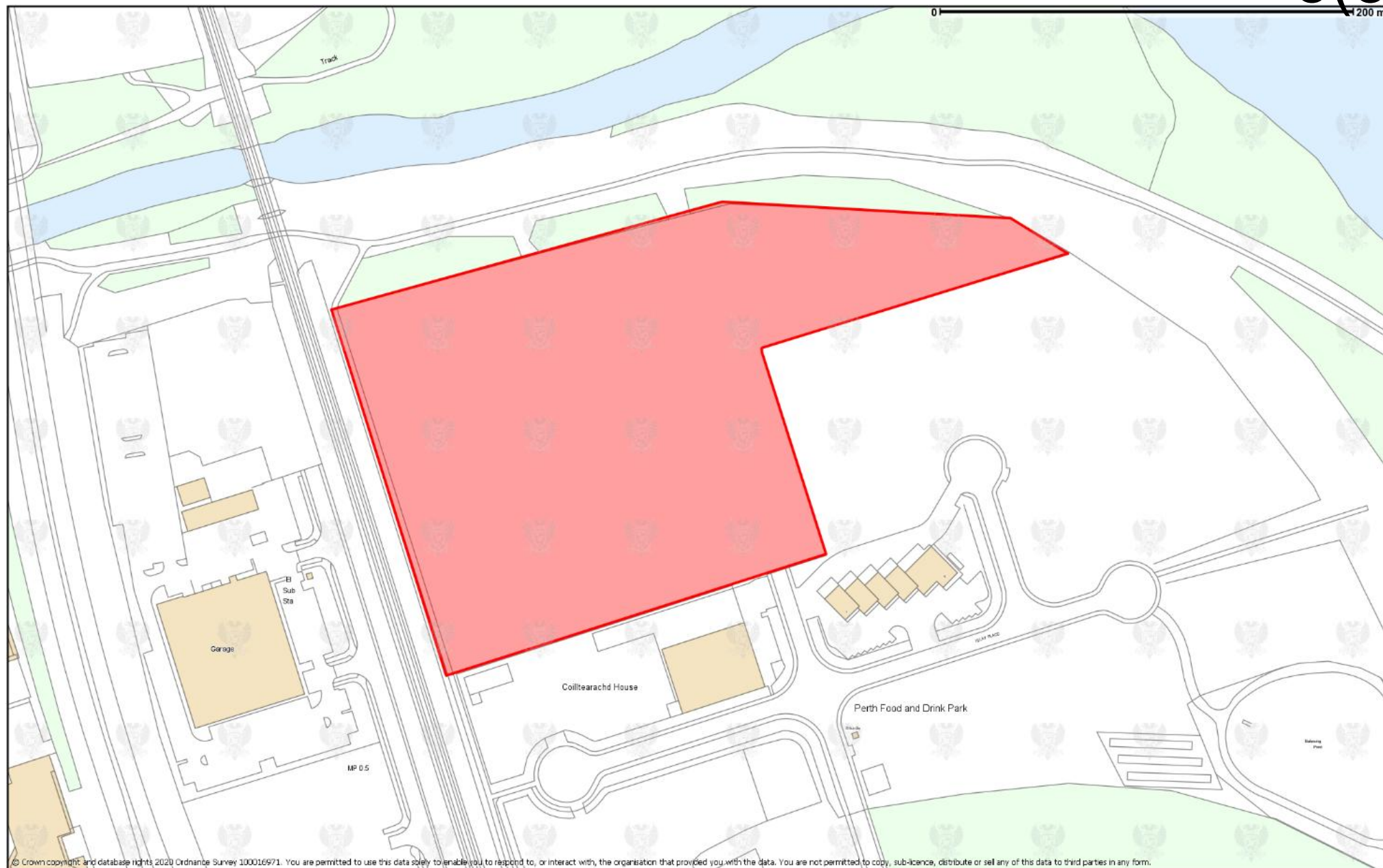
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20/00009/PAN

Proposed employment/business park (use classes 4, 5 and 6)
and associated works





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20/00009/PAN

Proposed employment/business park (use classes 4, 5 and 6)
and associated works



