

Perth and Kinross Council  
Planning & Development Management Committee – 16 March 2022  
Report of Handling by Head of Planning & Development (Report No. 22/49)

<b>PROPOSAL:</b>	Erection of a replacement school including formation of playing fields, parking, landscaping and associated works
<b>LOCATION:</b>	Perth High School, Oakbank Road, Perth, PH1 1HB

Ref. No: 21/01646/FLM  
Ward No: P10- Perth City South

### **Summary**

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

## **1 BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The proposal is for the erection of a new secondary school, within the grounds of and which would replace the existing Perth High School, in the south-western area of Perth city. The surroundings are mainly residential areas to the north, south and west, whilst Oakbank Primary School is immediately to the east, with Fairview School, Viewlands Primary School and Perth Academy lying further east.
- 2 The existing secondary school was opened in 1971 and occupies the southern area of the site, with an existing Multi Use 3G sports pitch in the south-west corner. Grass pitches and playing fields occupy the northern area of the site and an existing bus drop off area in the south-east corner, with a car park to the west, to the south of the school building. The bus drop off and carpark are accessed from Oakbank Road.
- 3 The replacement school is to be developed in the western area, whilst the current school continues to operate. Once the new school is operational, the existing building will then be demolished. Thereafter, the remaining pitches, landscaping etc will be completed as a final phase.
- 4 The new school building will be spread over three levels, with an additional lower ground floor in the southern part as a result of changing site levels. The new building is triangular in form with the floorplans split into subject areas and featuring large double height spaces for breakout, dining and a theatre space. New sports pitches will be laid out to the north/east of the site.

- 5 There are two new access points on Viewlands Road West to provide a main school entrance with visitor and accessible parking and a second for servicing. The existing carpark will be retained on Oakbank Road, whilst the remaining Oakbank Road entrance will see bollards restrict access to pedestrians and cycles, etc. Further pedestrian paths will also provide access from various points.

### **PRE-APPLICATION CONSULTATION**

- 6 The proposal is classed as a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The applicant was therefore required to undertake formal pre-application consultation with the local community. The submitted Pre-Application Consultation (PAC) Report outlined that a public exhibition was held locally on 28 October 2019 with around 200 people attending and feedback forms submitted. The main issues raised were possible traffic congestion; the positioning of the school on the site; proximity of the building to residential properties on the western boundary; the existing allotment; impact on trees; and several indications of interest in relation to sustainable design aspects of the design, solar panels, green roof, heat pumps, etc.

### **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 An EIA screening exercise (19/02051/SCRN) was carried out in relation to the proposal, concluding that EIA was not required. On this basis, an EIA Report was not required, however an overview of environmental considerations is contained in the submitted Planning Statement.

### **National Policy and Guidance**

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

### **National Planning Framework 2014**

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

### **The Scottish Planning Policy 2014 (SSP)**

- 10 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.

11 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
- Promoting Sustainable Transport and Active Travel: paragraphs 269 – 291

### **Planning Advice Notes**

12 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**

13 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**

14 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**

15 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**

- 16 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.”*

- 17 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 10: Connecting People, Places and Markets

## **Perth and Kinross Local Development Plan 2**

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

- 19 The principal relevant policies are, in summary;

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 2: Design Statements
- Policy 5: Infrastructure Contributions
- Policy 14: Open Space
- Policy 17: Residential Areas
- Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
- Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
- Policy 40B: Forestry, Woodland and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposal

## **OTHER POLICIES**

### **Developer Contributions and Affordable Housing Supplementary Guidance April 2020**

- 20 This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

### **Placemaking Supplementary Guidance March 2020**

- 21 The Council has prepared Placemaking Supplementary Guidance (2020) to support Policy 1 (Placemaking) of the Perth and Kinross Local Development Plan 2 (2019). It is to be used in the assessment of planning applications and to assist in the placemaking process.

### **Supplementary Guidance Flood Risk and Flood Risk Assessment**

- 22 This document provides guidance relating to the Perth and Kinross Local Development Plan (LDP) 2 Policy 52: New Development and Flooding, and Policy 53: Water Environment and Drainage

## **SITE HISTORY**

- 23 **11/00674/FLL** Installation of a new multi-use sports pitch with flood lighting and athletics sprint track.
- 24 **12/02177/FLL** Erection of sports hall, associated changing facilities, offices and classroom accommodation.
- 25 **13/01927/FLL** Modification of planning permission Ref: 12/02177/FLL Erection of sports hall, associated changing facilities, offices and classroom accommodation.
- 26 **19/00007/PAN** The scope of a public consultation exercise relating to the proposed development of a replacement school and formation of playground areas, sports pitches, parking areas, landscaping and associated works was agreed on 21 October 2019.
- 27 **19/02051/SCRN** A Screening Opinion that an EIA was not required in relation to the development of a replacement school was issued by PKC on 9 January 2020.

## **CONSULTATIONS**

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

## External

- 29 **Scottish Water:** No objection. Advise there is currently sufficient capacity to service the development in both Perth Water Treatment Works and Perth City Waste Water Treatment Works.
- 30 **Scottish Environment Protection Agency:** No objection. Discussions confirmed that no formal response was required.

## Internal

- 31 **Environmental Health:** No objection, subject to conditions regarding operational noise and potential contaminated land.
- 32 **Transport Planning:** No objection, subject to conditions controlling access details, submission of a Construction Traffic Management Scheme and Travel Plan.
- 33 **Structures & Flooding:** No objection, subject to conditions regarding drainage.
- 34 **Development Contributions Officer:** No objection. Confirm no contributions required.
- 35 **Biodiversity/Tree Officer:** No objection, subject to conditions regarding protected species, tree protection and nesting birds.
- 36 **Planning & Housing Strategy:** No objection. Advise of satisfaction that proposals complies with the Local Development Plan.
- 37 **Commercial Waste Team:** No objection, confirm waste provision is acceptable.
- 38 **Perth & Kinross Heritage Trust:** No objection, advising of no archaeological implications.

## REPRESENTATIONS

- 39 Three representations have been received. The main concerns relate to:
- Landscaping
  - Road safety
  - Anti-social behaviour around access points
  - Noise disturbance during construction
  - Impact on residential amenity
  - Inappropriate scale and mass
- 40 These issues are addressed in the Appraisal section below.

## ADDITIONAL STATEMENTS

41	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Habitats Regulations Appraisal concludes AA Not Required
	Design Statement or Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Flood Risk Assessment; Bat Survey; Ecological Assessment inc Tree Survey; Drainage Impact Assessment; Transport Assessment; Noise Impact Assessment; Energy Statement Planning Statement

## APPRAISAL

- 42 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 assessed in detail below. In terms of other material considerations, this includes matters such as the Council's other approved policies and supplementary guidance.

### Principle

- 43 The existing Perth High School building and wider site sits partially within an area zoned under Policy 17 'Residential Areas' within which proposals for improvements to community and educational facilities are encouraged. The remainder of the site sees an open space designation covering the existing playing fields. Development of open spaces is generally resisted, but Policy 14 includes an exception where '*proposals involving the loss of a recreational facility, the facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users.*' In this regard, it is welcomed that a variety of informal and formal open spaces for sports and socialising will be provided as part of the overall development. Comparing the existing and proposed facilities it is considered that the completed development will provide greater benefit than the existing provision.

- 44 Policy 1 Placemaking and the supplementary guidance are also applicable. Together they seek to ensure that the design and siting of new development respects the character and amenity of the place, with a number of assessing criteria.
- 45 The proposal complies in principle with Policy 1, 14 and 17. There are a number of other relevant policies relating to residential amenity, noise, surface water, biodiversity, trees and access, etc. which are covered in more detail below.

### **Design and Layout**

- 46 The existing school is to remain operational during construction to ensure continuity of education facilities. The delivery model saw a series of options explored where development was limited to areas of the site not occupied by existing buildings. As a result of the various options, the final design sees the replacement school sited in the west of the site. It is noted that this option will see the use of current recreational and social spaces affected in the short term, although they will ultimately be replaced as part of the wider project.
- 47 The proposed building is broadly triangular (or boomerang) in form with a diverse range of spaces within the building. The building will predominantly be over 3 levels but will also incorporate a lower ground floor to utilise the changing topography to the south.
- 48 The internal arrangement will feature subject classroom areas, offices etc on each floor interspersed with a series of larger more flexible spaces which vary in function. The south-western part of the building is dominated by a partly triple height dining/social space which is connected to an external dining terrace. The focal point is a multi-purpose auditorium space in the heart of the building.
- 49 Externally due to the scale of the building the elevations are tall. The use of extensive areas of glazing, feature corners and prominent entrances break up their mass. A varied mix of finishing materials is shown on the plans the details of which will be secured by condition (Condition 18)
- 50 Externally there are a number of areas proposed, an external dining space is on the southwest side of the building, a service area is to the northwest, sports pitches are located to the east (football pitch, rugby pitch, all weather pitch and MUGA) and there is an allotment, garden and social spaces throughout the site.
- 51 In terms of layout, maintaining an operational existing school leaves limited options, but the proposed arrangements work well and optimises use of available space. In terms of the design, finishes and siting the proposal is considered to comply with LDP2 Policy 1 – Placemaking and the associated Supplementary Guidance.

## **Residential Amenity**

- 52 The proposed school is positioned to the west of the site, with the triangular footprint setting the elevations off at an angle from the boundary. At the closest point the building is 20.8 metres from the neighbouring rear property boundaries. At this closest point the 2<sup>nd</sup> floor is cut back on the corner to form a terrace, which sets back windows further from the boundary. The Placemaking Supplementary Guidance outlines general considerations for the spacing of residential development in relation to boundaries and windows which advises 9 metres window to boundary distances. Although guidance for residential accommodation, this can be used as a general guide in this case to consider the spacing between the school and the closest neighbours. It is considered that the design of the building and intervening distance, combined with boundary treatments is adequate to mitigate the impacts of the development on existing residential amenity along this boundary. To the north and south, existing dwellings are located across public roads and at these points the elevations are offset. To the south there is an existing woodland tree belt and to the north a separating distance in excess of 60 metres which is adequate to mitigate impacts.
- 53 The proposal includes the formation of two new vehicular access points at Viewlands Road West, one of which is the service access. This service access, whilst being designed offset, is opposite a dwellinghouse. However, this arrangement is not dissimilar to the existing Perth HS and Oakbank PS access, which also face two existing dwellinghouses. As a result of proposed level of use and being off set, the new access is not considered to unacceptably impact residential amenity.
- 54 The proposals also include a lighting scheme, and to protect residential amenity from potential light spillage, a condition is recommended. (Condition 3)

## **Air Quality**

- 55 The site is located within Perth's Air Quality Management Area (AQMA).
- 56 The Transport Assessment submitted predicts that there will be a total of 329 vehicular trips in the morning peak hour and 315 in the afternoon peak. It should however be noted that the school is a replacement facility and therefore the trips being generated are not new and will not alter from the existing patterns. The new school will have the same capacity as the existing school with the same number of staff and using the same car parking facilities and drop off arrangements. In addition, entrance points from the external network are generally in the same locations. During site observations, there appeared to be no significant, lasting congestion issues surrounding morning and evening peaks, so it is considered that the trip generation of the school does not requiring any mitigation.

- 57 As the transport assessment indicates that there will be no significant increase in traffic, there is no requirement to proceed to a detailed Air Quality Assessment.

### **Noise - Operational**

- 58 The school is well established at this site and Environmental Health consider that the replacement school building will not adversely affect residential amenity in relation to noise from daily operations.
- 59 An air source heat pump (ASHP), sprinkler system and sub-station will be incorporated, within timber enclosures. Given that the distance between neighbouring properties and the proposed ASHP (c.60m), and between neighbouring properties and the sub-station (c.8m), EH consider that acceptable noise levels are achievable. However, as there is the potential for noise from plant to adversely affect residential amenity, a condition, based on Noise Rating levels, is proposed to protect residential amenity. (Condition 2)

### **Construction and Demolition**

- 60 There is the potential at the construction stage for noise to adversely affect residential amenity, however this is a short-term impact and not a long-term consequence of the development. EH recommend a condition to control construction hours and whilst this would be a duplicate of a control which is already within the power of Environmental Health to enforce, on this occasion, due to the proximity of neighbouring residential properties and to ensure consistency with the recently approved replacement North Muirton Primary School, it is recommended that control of construction hours is included as a condition. (Condition 19)
- 61 There are several sensitive receptors including residential properties and the existing school and as stated above, the site is within Perth's AQMA. As a result, EH recommend that a dust management plan is submitted by the contractor prior to the construction stage of the development. (Condition 4)
- 62 It is therefore concluded that there is no unacceptable impact on residential amenity and, subject to the conditions proposed, the proposal complies with LDP2 Policies 17, 55, 56 and 57.

### **Contaminated Land**

- 63 A search of historical records shows the presence of areas of filled ground on the proposed site and therefore a condition is required to deal with any potential contamination. (Condition 5)

### **Roads and Access**

- 64 The existing access on Viewlands Rd West will be retained and will continue to serve Oakbank Primary School but not the future Perth High School. The new School will be served by the two new accesses onto Viewlands Road

West. The existing accesses on Oakbank Road will be retained, one of which will continue to serve the existing carpark and the other will be utilised as a pedestrian/cycle access with bollards.

- 65 The site will provide 117 car parking bays plus 10 bays for visitors, 7 for motorcycles and 7 accessible bays. This meets the National Roads Development Guide. There are also 50 cycle spaces provided and an area annotated for the development of a cycle store. Based on the pupil/staff numbers, the National Roads Development Guide indicates that 563 cycles spaces should be considered. It has been agreed with Transport Planning that this number is too high, particularly due to the large number of pupils who arrive at Perth High School by school bus from outlying areas as well as the high number of pupils who walk as a result of the large number of residential properties in close proximity. It is therefore considered that appropriate levels can be determined and adjusted accordingly. A condition will be added to ensure that increased cycle parking is provided, advised in the region of 120 spaces and that the details of a covered cycle storage area are agreed. (Condition 9)
- 66 The site layout also indicates 7 EV charging points, which will provide charging for two vehicles (i.e.14 EV spaces).
- 67 Concerns were raised in letters of representation regarding the visibility splays of the two new access points onto Viewlands Road West. Transport Planning colleagues visited the site and note that the required visibility splays are achievable and they have no concerns.
- 68 Transport Planning also confirm that discussions have taken place on site involving the Public Transport and Road Safety Team regarding measures to improve bus infrastructure and pedestrian safety, which are to be investigated separately outwith the planning process.
- 69 The proposed development includes several pedestrian paths with several gated access points. The proposed pedestrian access point from Jock's Way, the lane to the west has been noted as an area of concern in relation to anti-social behaviour and it has been requested that the gates be locked out with school hours. This is not a planning issue but it is a matter which local residents may wish to discuss directly with the Council's Education Service.
- 70 It is recommended that a Traffic Management Scheme is submitted and that a Travel Plan is prepared in advance of the school opening and updated at regular intervals. Conditions have been recommended to secure these. (Condition 7 & 8).
- 71 An existing bus shelter (located on Viewlands Road West) needs to be relocated and a condition is required so that the details can be agreed. (Condition 6)
- 72 Overall, the proposal is considered to comply with LDP2 Policy 60: Transport Standards and Accessibility Requirements.

## **Drainage and Flooding**

- 73 The site is not located within an area of Flood Risk and Scottish Water have no objection, as the site will utilise the existing drainage connections. The submission is supported by a Flood Risk Assessment and Drainage Impact Assessment.
- 74 The surface water drainage will be a combination of utilising the existing connection and an underground attenuation system. Whilst the preference of the Council is generally for above ground solutions, it is recognised that this may reflect the available space and land uses (health & safety, etc.). It was recommended that consideration be given to rainwater harvesting which presents an opportunity to remove some surface water from the piped drainage system. This has been incorporated by the inclusion of a rainwater garden into revised landscaping plans.
- 75 Pre-commencement conditions for the detailed drainage design is requested as is temporary surface water measures. (Condition 10 and 11). It is considered that the proposal complies with LDP2 Policy 52 - New Development and Flooding and Policy 53 - Water Environment and Drainage.

## **Landscape**

- 76 Due to the school's proximity to existing residential properties, three of the boundaries north, south and west will feature the retention of some existing trees and a mix of new planting proposals, particularly on the western boundary. This western boundary will feature two areas of planting: a woodland block to tie in with the existing woodland along the southern boundary; and an area to the north featuring planting in tree groups. This will provide screening but not result in an enclosed/tunnel effect along the narrow pedestrian lane (Jock's Way). The planting groups feature a mix of tree species, which are being proposed at a relatively advanced level of growth/height, thereby providing reasonable immediate screening.
- 77 In contrast, the east boundary is open, providing a relationship with Oakbank Primary School. The rear of the school, to the west, which includes the proposed service yard and dining terrace is currently fully secured by a 2.4m high weld-mesh fence.
- 78 In addition to the boundary planting the proposed development includes an allotment, gardens, raingarden and landscaped areas for seating and dining.
- 79 The landscape proposals for the site are considered to be substantial and to comply with Policy 1 Placemaking.

## **Natural Heritage and Biodiversity**

- 80 Policy 40: Forestry, Woodland and Trees states that there will be a presumption in favour of protecting woodland resources. Where the loss of

woodland is unavoidable, mitigation measures in the form of compensatory planting will be required.

- 81 The proposed landscaping contains several positive elements and many recommendations outlined in the Tayside Biodiversity Partnerships 'Incorporating Biodiversity into Development' have been included and are welcomed. This includes compensatory planting for lost trees, with mainly native species such as Scots Pine. Species to encourage bats have also been included.
- 82 Policy 41: Biodiversity seeks to protect and enhance all wildlife and habitats, whether formally designated or not, considering 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.
- 83 The ecological survey information submitted is comprehensive and considered to be an exemplar in accordance with publicised best practice. All methods in the submitted Updated Ecology Report are also best practice. Dusk and dawn surveys carried out in July 2019 confirmed the presence of a non-breeding roost used by common and soprano pipistrelle bats. The results of these bat surveys remain valid until May 2022, following advice from NatureScot.
- 84 The provision of bat boxes (on the proposed building and in existing trees) is welcomed and will contribute towards the School Bats Project in the Tayside Local Biodiversity Action Plan 2016-2026.
- 85 For all wild bird species in Great Britain, it is an offence to intentionally or recklessly kill, injure or take a bird; take, damage, destroy or interfere with a nest of any bird while it is in use or being built; or obstruct or prevent any bird from using its nest. As such clearance of vegetation should not take place during the bird breeding season between 1st March and 31st August inclusive.
- 86 The submitted Updated Ecology Report notes the presence of house sparrow, swallow and starling. This development will positively contribute to local biodiversity by providing nest boxes for house martin, swallow, swift and sparrows. This will also contribute towards the Sparrows on the Edge Project in the Tayside Local Biodiversity Action Plan 2016-2026.
- 87 Enhancement for biodiversity should be an objective of all planning projects and can be realised in several ways depending on location, surrounding habitats and landscape character. This proposal contains several enhancement measures such as native planting, bird and bat boxes and the creation of a raingarden.
- 88 Conditions are recommended in relation to trees, landscaping and protected species. (Conditions 12, 13, 14 and 15) As a result of the measures outlined

above, the proposal is considered to comply with Policy 40 Forestry, Woodland and Trees and Policy 41 Biodiversity.

### **Sustainable Development**

- 89 Policy 32 requires that proposals for all new buildings are required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. The submitted Energy Statement includes information detailing the overall energy strategy, including a range of passive, active and technological (green) measures to meet Building Standards/Passivhaus compliance. It is highlighted that the proposal will include air source heat pump and solar PV technologies. The Energy Statement outlines that the required CO2 emissions reductions will be met (15.97% improvement) through implementation of the measures outlined. Whilst reference is made to the specific 10% requirement being met through Low and Zero Carbon Generating Technologies the associated calculations do not appear to specifically detail the % reduction from the proposed ASHP(s) and solar PV technologies, which is the focus of Policy 32. Further calculations should be submitted to specifically outline the 10% requirement being met to ensure compliance with Policy 32. This can be conditioned. (Condition 16).
- 90 The Energy Statement outlines that the proposal is aiming to meet 'Passivhaus' standard, which falls within one of the listed exemptions in relation to Policy 34 Sustainable Heating and Cooling. A statement should be submitted to confirm that this high level of sustainable building design is being delivered. (Condition 17),
- 91 It is considered that the objectives of LDP2 Policy 32 and 34 can therefore be met.

### **Waste Collection**

- 92 The site plan details a large bin storage area, within a timber fenced enclosure, located to the west of the school building adjacent to the service access road. The bin store is approx. 36sq metres which is adequate and revised plans meet the Commercial Waste Teams requirements. Turning facilities have been provided to allow a refuse lorry to service the development.

### **Developer Contributions**

- 93 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth. The proposal is a replacement school, and directly supports Council objectives. Contributions for Transport Infrastructure is therefore not required.

## **Economic Impact**

- 94 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **VARIATION OF APPLICATION UNDER SECTION 32A**

- 95 This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to the bin storage area, SUDS improvements, inclusion of biodiversity enhancements and further tree information.

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 96 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 97 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**

- 98 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.
- 99 Accordingly, 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 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 order to safeguard the neighbouring residential amenity in the area.

3. 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.

4. Development shall not commence until a full site-specific Construction Method Statement (CMS) is submitted for the written agreement of the Council as Planning Authority in consultation with Environmental Health. The CMS shall include a Dust Management Plan (DMP) for the control of dust and noise mitigation measures for the control of noise at the demolition/construction stages. Thereafter the development shall be fully undertaken in accordance with the agreed CMS.

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

5. Development shall not commence on site until an evaluation for the potential of the site to be affected by contamination by a previous use has been undertaken and, as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) has been submitted for consideration and accepted by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation shall be undertaken to identify;

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

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

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

6. Prior to the development hereby, approved being completed or brought into use, the existing cantilever bus stop shelter and flag (located on Viewlands Road West) shall be relocated to a suitable location as required and to the satisfaction of the Planning Authority and in consultation with the Public Transport Unit.

Reason - In the interests of road safety

7. Prior to the development hereby, approved being completed or brought into use until a detailed Travel Plan (TP), aimed at encouraging more sustainable means of travel, has been submitted to and agreed in writing by the Council as Planning Authority. The TP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided (including the provision of new and/or enhanced public transport services), any phasing, the system of management, monitoring, review, reporting and the duration of the Plan. The TP as agreed shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason - In the interests of road safety

8. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), 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) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
  - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
  - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
  - (i) details of information signs to inform other road users of construction traffic;
  - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
  - (k) co-ordination with other significant developments known to use roads affected by construction traffic;

- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense 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.

9. Prior to the commencement of development details of a secure waterproof cycle parking facility with a recommended 120 spaces, the final number of spaces shall be submitted and agreed in writing with the Council as Planning Authority. The facility as agreed shall be provided prior to the occupation or use of the approved development.

Reason - To encourage active travel and meet advice within Scottish Planning Policy on transport.

10. 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 provision of effective drainage for the site.

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

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

12. The conclusions and recommended action points within the supporting biodiversity survey by Direct Ecology dated 17 December 2019 and updated 26 January 2022 (plan ref 49 and 71) submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

13. Prior to the commencement of any works on site a phased plan showing tree protection measures for all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be submitted and agreed in writing. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. The protection measures, once in place, shall be inspected and agreed by the Enforcement Tree Officer prior to any work for each phase being undertaken and shall remain in place for the duration of construction.

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

14. All trees on site, other than those marked for felling on the approved plans, shall be retained.

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

15. 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, with any planting which fails to be-come 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 and to ensure the satisfactory implementation of the proposed planting scheme.

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

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

Reason – To ensure the proposal complies with Policy 32.

17. The Energy Statement outlines that the proposal is aiming to meet Passivhaus standard which falls within one of the listed exemptions in relation to Policy 34 Sustainable Heating and Cooling. An energy statement shall be submitted by the applicant/agent prior to occupation of the development to confirm that this high level of sustainable building design is being delivered.

Reason – To ensure the proposal complies with Policy 34.

18. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used 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 of the development, whichever is the earlier.

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

19. 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 (as identified by Scottish Government).

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

## **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 required

## **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. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. In accordance with Regulation 41 the notice must be:

- Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
3. 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.
  4. 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.
  5. 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](mailto: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.
  6. No work shall be commenced until an application for building warrant has been submitted and approved.
  7. The findings and recommendations contained with the Bat Survey remain valid for until May 2022. An updated Bat Survey will be required to be undertaken prior to any works commencing. Failure to do so could potentially leave you open to prosecution should any bats be harmed as a result of the works. 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.
  8. 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.
  9. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the

nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

10. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to drainage and bin storage.

Background Papers: 3 letters of representation  
Contact Officer: Joanne Ferguson  
Date: 3 March 2022

**DAVID LITTLEJOHN**  
**HEAD OF PLANNING & DEVELOPMENT**

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