

Perth and Kinross Council
Planning & Development Management Committee – 18 December 2018
Report of Handling by Interim Development Quality Manager (Report. No 18/399)

PROPOSAL: Erection of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, Sustainable Urban Drainage System (SUDS) pond, play area, open space, landscaping and associated works (Matters Specified in Conditions 16/01348/IPM) (Phases 2-5).

LOCATION: Land south west of Dobbies Garden Centre, East Huntingtower, Perth.

Ref No: [18/01038/AMM](#)

Ward No: 9 - Almond and Earn

Summary

This report recommends approval of the application for the erection of 208 dwellings, 30 flats, 11 garages and associated infrastructure. This development would represent the second phase for residential development at the former auction mart site, East Huntingtower, Perth. Development has commenced on Phase 1 (18/00412/AMM). The development is considered to comply with the current Development Plan. The application is recommended for approval, subject to conditions.

BACKGROUND AND PROPOSAL

- 1 The site, which extends to approximately 10 hectares in area, is located to the south of the A85 Trunk Road and to the west of the A9 Trunk Road as it bypasses Perth's western periphery. It is currently accessed from the A85 along with existing businesses which would also serve as the access for this proposed development.
- 2 To the northeast of the site is Phase 1 of the wider In Principle site ([16/01348/IPM](#)), which was approved by Planning & Development Management Committee in July 2018 and is currently under development ([18/00412/AMM](#)). The Glover Arms public house at East Huntingtower is located to the north west and between the site and the A9 to the east is Dobbies garden centre. Beyond the A9 lies an established residential area with the closest housing being approximately 120 metres from the site. There are a number of houses directly opposite the access into the site, along the A85. The site is bounded to the west by the former agricultural mart landholding, which is defined by a hedge and core path running north-south. The adopted Core Path METH/15, which is located within the application site boundary to the west, continues along a west-east direction some distance to the south of the application site, along what was the southern boundary of the former mart site.
- 3 The site gradually contours down in the form of plateaus from south to north which levels out beyond the site to the south of Huntingtower Castle. The current application site encompasses the majority of the wider development site.

Landscaping around the site is already well established due to the use of planting to screen the previous development, the majority of which was undertaken to minimise the impact of development on the edges of the site that border onto open countryside, notably along its western edge. The existing woodland along the southern boundary will be required to be felled to eradicate the Giant Hogweed in this area.

- 4 The site is located within the settlement boundary of Perth as defined by the Perth and Kinross Local Development Plan (LDP) 2014. It is not allocated for a particular use but is classed as a brownfield site due to its previous use and current condition. As advised, the entire site benefits from Planning Permission in Principle ([16/01348IPM](#)).
- 5 As advised, this is the second application for Approval of Matters Specified in Conditions (AMSC) and represents Phases 2-5 of the development site. The development proposed comprises of 208 dwellinghouses, 30 flats, 11 garages, formation of roads infrastructure, SUDS pond, play area, open space landscaping and associated works. This proposal includes all the affordable housing required for the site (within Phase 2). A range of terraced, detached, semi-detached house types and flats are proposed, with the following composition:
 - 24 x 3 bedroom flats
 - 6 x 1 bedroom flats
 - 33 x 3 bedroom dwellings
 - 7 x 5 bedroom dwellings

70 affordable dwellings

 - 10 x 2 bedroom dwellings
 - 75 x 3 bedroom dwellings
 - 83 x 4 bedroom dwellings

168 open market dwellings
- 6 All the house types and buildings, including the flats, for these phases will be two-storey in form and are proposed to be finished externally with white rendered walls and dark grey tiles. The affordable units, as Phase 2, will be located within the eastern half of the site and are proposed to be managed to be maintained by a Registered Social Landlord (RSL).
- 7 The application has been accompanied by a significant level of supporting information that was included for Phase 1 in particular information relative to the 'pre-commencement' conditions included in the In Principle permission ([16/01348/IPM](#)). Phase 1 commenced in September 2018.

Environmental Impact Assessment (EIA)

- 8 An Environmental Statement (ES) was submitted and assessed as part of the [09/02126/FLM](#) application for retail development. The In Principle application ([16/01348IPM](#)) was re-screened for an EIA and it was found that an EIA was not

required as the previous ES showed there to be low environmental impact and little has changed over the intervening years. The applicant has submitted a suite of up-to-date supporting assessments for Phases 2-5, which assess flood risk, drainage, transport, ecology, noise, air quality and contaminated land. This information addressed the environmental information needed for the proposal and does not alter the position in respect of the EIA, which is not required at this AMSC stage.

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.

Scottish Planning Policy 2014

- 10 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
 - Affordable Housing: paragraphs 126 – 131
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
 - Managing Flood Risk and Drainage: paragraphs 254 – 268
 - Promoting Sustainable Transport and Active Travel: paragraphs 269 - 291
- 11 The following Scottish Government Planning Advice Notes (PAN) are relevant to the proposal:
- PAN 2/2010 Affordable Housing and Housing Land Audits
 - PAN 1/2011 Planning and Noise
 - 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 65 Planning and Open Space
 - PAN 67 Housing Quality
 - PAN 68 Design Statements
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places
 - PAN 79 Water and Drainage
 - PAN 83 Masterplanning

Designing Streets 2010

- 12 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 and sets out Government aspirations for design and the role of the planning system in delivering these.

Creating Places 2013

- 13 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.

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 2014.

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:
- 17 *"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."*
- 18 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.

Policy 2: Shaping Better Quality Places

- 19 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

Policy 6: Developer Contributions

- 20 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport),

green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

Policy 8: Green Networks

- 21 Seeks to protect and enhance green and blue networks by ensuring that:
- i. development does not lead to the fragmentation of existing green networks;
 - ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
 - iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

Perth and Kinross Local Development Plan 2014

- 22 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 23 The LDP 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.”
- 24 Under the LDP, the following policies are of particular importance in the assessment of this application.

Policy PM1A - Placemaking

- 25 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 26 All proposals should meet all eight of the placemaking criteria.

Policy PM1C - Placemaking

- 27 Proposals of more than 200 houses or 10 ha should create a sustainable neighbourhood and seek to meet the key needs of residents or businesses either within or adjacent to the development. A Masterplan will be required in most cases.

Policy PM2 - Design Statements

- 28 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation

Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy PM3 - Infrastructure Contributions

- 29 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 30 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy RD4 - Affordable Housing

- 31 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1A - Transport Standards and Accessibility Requirements

- 32 Encouragement will be given to the retention and improvement of transport infrastructure identified in the Plan.

Policy TA1B - Transport Standards and Accessibility Requirements

- 33 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 34 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 35 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy HE1B - Scheduled Monuments and Non Designated Archaeology

- 36 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy HE2 - Listed Buildings

- 37 There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy NE2A - Forestry, Woodland and Trees

- 38 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 39 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 40 All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 41 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction

- 42 Sustainable design and construction will be integral to new development within Perth and Kinross. Proposals for new buildings must be capable of meeting one of the standards set out in the table.

Policy EP2 - New Development and Flooding

- 43 There is a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP3B - Water, Environment and Drainage

- 44 Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

Policy EP3C - Water, Environment and Drainage

- 45 All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

Policy EP8 - Noise Pollution

- 46 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

Policy EP11 - Air Quality Management Areas

- 47 Development proposals within or adjacent to designated Air Quality Management Areas which would adversely affect air quality may not be permitted.

Policy EP12 - Contaminated Land

- 48 The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 49 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 50 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be

considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

- 51 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

- 52 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions and Affordable Housing Supplementary Guidance April 2016.
 - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014.
 - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014.

Perth and Kinross Local Transport Strategy

- 53 The Local Transport Strategy (LTS) for Perth & Kinross is located within 'Shaping Perth's Transport Future – A Transport Strategy for Perth and the wider region' (2010). The LTS sets out the Council's transport vision.

SITE HISTORY

- 54 The relevant planning history is:

00/01747/OUT: Relocation of existing car auction mart and erection of health and fitness centre, hotel with restaurant facilities and class 4 business premises. Application withdrawn December 2004.

08/01513/IPM: In Principle Permission sought for a Mixed Use Development. Application appealed due to non-determination but withdrawn by the applicant in October 2010 prior to determination by Directorate of Planning and Environmental Appeals (DPEA).

09/02126/FLM: Detailed planning permission for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Application approved by Development Management Committee 19 April 2013

12/00392/FLL: Detailed planning permission for the erection of a petrol filling station (PFS). Approved under delegated powers April 2013.

13/01795/MPO: Modification of Planning Obligation associated with 09/02126/FLM. Application approved by Development Management Committee November 2013.

16/00002/PAN Proposal of Application Notice for renewal of 09/02126/FLM for erection of Class 1 of retail superstore and petrol filling station. Content of PAN approved February 2016.

16/00004/PAN Proposal of Application Notice for residential development. Content of PAN approved June 2016.

16/00695/FLL Renewal of 12/00392/FLL for erection of petrol filling station. Application withdrawn April 2018.

16/00696/FLM Renewal of 12/02126/FLM for erection of Class 1 retail superstore and petrol filling station with associated landscaping and engineering works. Notification of Intention to Grant approved by Development Management Committee September 2016. Application withdrawn April 2018.

16/01348/IPM In Principle application for residential development. Application approved by Development Management Committee January 2018 following the conclusion of a Section 75 legal agreement.

18/00412/AMM Residential development of 43 dwellings and formation of SUDs pond (Phase 1). Application approved by Planning and Development Management Committee July 2018. Development commenced on site September 2018.

CONSULTATIONS

EXTERNAL

Scottish Environment Protection Agency (SEPA)

55 No objection.

Scottish Water

56 No objection.

Transport Scotland

57 No objection.

Methven and District Community Council

58 No response received.

Perth & Kinross Heritage Trust

59 No objection.

Health and Safety Executive (HSE)

60 The HSE's online assessment tool (PADHI+) confirmed that no pipeline infrastructure will be impacted.

Scottish Gas Network

61 No response received.

INTERNAL

Strategy and Policy

62 No objection to the proposal. This site is located within the settlement boundary of the LDP where the principle of development is favourably considered.

Community Greenspace

63 Following a change in location of the proposed play area to a more central location no objection is offered.

Transport Planning

64 No objection.

Environmental Health

65 No objection but recommends a conditions regarding noise is included with any permission.

Developer Contributions

66 No objection.

Structures and Flooding

67 No objection.

Waste Services

68 No objection.

REPRESENTATIONS

69 None received.

ADDITIONAL STATEMENTS

70	Environment Statement	IPM Screened - Not required
	Screening Opinion	Yes at IPM stage
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement / Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Updated Transport Statement, Updated Ecological Assessment, Updated Noise Assessment, Drainage Assessment, District Heating Assessment, Tree Survey, Archaeological Assessment, Geotechnical Report, Green Travel Plan

APPRAISAL

Policy Appraisal

71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from policy. The most relevant policies of the Development Plan are listed in the policy section above.

Principle

72 The principle of residential development has been established through the approval of planning permission for residential use (16/01348/IPM) with an indicative density of 270 dwellings being identified. Development of Phase 1 for 43 dwellings has commenced recently at the northern end of the site. This proposal would take the cumulative total to 281 units, comprising 251 dwellinghouses and 30 flatted properties. There are no concerns with the principle of this scale of development; however, its appropriateness is assessed in the detailed matters below.

Phasing and Delivery

73 Conditions 3 and 4a) of the In Principle permission require a detailed phasing plan to be submitted with the first AMSC application. A phasing plan was submitted for the

18/00412/AMM Phase 1 application and an updated phasing plan was submitted for this application. This plan clearly identifies how the developer anticipates the build out of the overall site to take place. This application, as Phases 2-5 of the proposal, seeks to provide 171 open market dwellings and 70 affordable units. Phase 2 shows the provision of 70 affordable dwellings along the eastern edge of the site. This almost meets the affordable housing requirement of 25% (70.25 units) for the overall site early in the development. A financial contribution for the remaining 0.25 unit would still be required either through an up-front payment or via a Section 75 Legal agreement before the decision notice could be released. This is considered to be acceptable and the applicant has confirmed a Registered Social Landlords (RSL) has been identified for the maintenance and management of the affordable units once constructed.

- 74 Phase 3 will see the provision of 59 open market dwellings and the open space and play area requirements for the overall site along the western half of the site. Phases 4 and 5 will deliver 109 open market dwellings within the southern half of the site. Physically separating Phases 4 and 5 is an existing landscape bund that is proposed to be retained. The phasing of the development of the site is considered to be acceptable and satisfies In Principle conditions for site development progressing from north to south. The proposed phasing and delivery is sensible and the early delivery of all the affordable units is welcomed and will ensure the proposal complies with LDP Policies PM1 - Placemaking and RD4 – Affordable Housing.

Design and Layout

- 75 A masterplan including an indicative layout plan for the site was submitted as part of the 'In Principle' application. This sets out the principal components of the proposed development. Phases 2-5 are in line with the masterplan for the site.
- 76 In these phases, the proposal includes some cut and fill following an initial scrape back to ensure the levels work appropriately within the site. In compliance with In Principal Condition 4b) the amount of cut and fill required is, however, reasonably minor and any fill required will come from the scrape back.
- 77 The street layout is clear and defined through the site and is considered to be easily usable by all users including waste services and helps ensure the proposal complies with Designing Streets (2010). The proposed layout and linkages ensure the site is extremely permeable for all modes of transport including pedestrian and cyclist, with connections with the adjacent footpath and core paths being provided. Public transport connections are available within a close walking distance on the A85 and the roads have been designed to accommodate buses if required.
- 78 Within Phase 2, the terraces of affordable dwellings located within the eastern section for the site are compact but do meet the Council's minimum size requirements for garden grounds. All the affordable dwellings are located together because they will be managed and maintained by a RSL who have stated a preference for the units to be grouped together from a management perspective rather than spread throughout the site. Therefore, while such grouping is generally discouraged in national policy, the proposal here is accepted on the basis of ease of management and because the 70 affordable housing units are being brought forward as an entire phase, very early within the development.

- 79 Phases 3-5 will see the provision of 168 two-storey open market housing, in a mix ranging from 2 to 4 bedroom in size. The proposed mix and layout is considered to be acceptable with good connections and permeability to each phase and the surrounding area.
- 80 In terms of house design, the proposed dwellings and flats are of a typical modern form with the use of white rendered walls and dark grey roof tiles. These designs are considered to provide a simple yet acceptable appearance and material palette. The massing and scale of the dwellings shown on the proposed layout plan can be accommodated within the plots without having an adverse impact on the amenity of nearby properties or on each other.
- 81 The proposed 2 metre high boundary acoustic fencing and evergreen hedge planting will help to enhance the residential amenity of properties and protect them from noise associated with the A9 and A85 trunk roads. The phased development of the site has necessitated that infrastructure such as SUDS and open space is provided on both Phase 1 (under construction) and with Phases 2-5 proposed here. The Council's Structures and Flooding team have confirmed the SUDS arrangements are acceptable, which is discussed in more detail below. Similarly, Community Greenspace is content with the open space proposals, including the central location of the Local Equipped Area of Play (LEAP). It is considered that a central core of green space in this manner with a separate delivery of the SUDS basin is acceptable on this occasion.
- 82 The proposal is considered to be in line with PAN 77 - Designing Safer Places and LDP Policy PM1 Placemaking. It will well laid out and broadly accords with the masterplan submitted as part of the In Principle approval. Overall, through the development of a long-standing brownfield site the proposal makes a positive contribution in respect of to the delivery of homes and complements the surrounding environment.

Traffic and Transport

- 83 The biggest single constraint facing the Perth Area is the capacity of the roads infrastructure in and around Perth. To help alleviate these issues planning permission has now been granted for a new A9/A85 junction as part of the proposed Cross Tay Link Road (CTLR) project. The A9/A85 works are underway and is close to completion. This is designed to help alleviate congestion issues at this location.
- 84 An updated Transport Statement has been submitted with the application and this has been reviewed by both Transport Scotland and the Council's Transport Planning team.
- 85 Transport Planning is satisfied that the statement accurately reflects the impact of the development on the local road network and demonstrates the site's potential accessibility by sustainable modes. The site provides two access points along the western boundary to connect with the adjoining LDP site H70 known as Perth West (Condition 21). No objection or concerns have been raised by Transport Scotland.

Sustainable Transport

- 86 The application site is adjacent to the A85 and the proposed site layout plan shows connections to the existing adjacent footpath and core path to ensure future residents have a choice of sustainable modes of transport to travel into Perth city centre and the surrounding area. A Green Travel Plan has been submitted with a view to minimising private single occupancy car usage whilst encouraging the use of public transport, car sharing, cycling and walking. The Green Travel Plan (Drawing Ref: 18/01038/74) has been reviewed by Transport Planning and is considered to be acceptable, provided a Construction Traffic Management Plan (CTMP) is submitted and agreed and nearby bus stops are upgraded (Conditions 2, 23 and 24).
- 87 Although an improvement to the adjacent Core Path (METH/15) to the west of the site has been requested by Strategy and Policy, this was not required through a condition or a planning obligation at the In Principle stage. Therefore, this matter cannot be looked at this stage of the planning process. The applicant is, however, required to provide direct access connections to the Core Path (Condition 20).

Trunk Road Network

- 88 Transport Scotland requires a developer contribution to help mitigate the proposal's direct impact on Broxden roundabout and a Condition 14 was imposed in the In Principle permission. The applicant has agreed the level of financial contribution with Transport Scotland and arrangements for its payment have been made (Condition 3).

Lighting

- 89 Conditions 4k) 4l), 20 and 24 from the In Principle permission all cover street lighting and, in particular, the impact of new lighting on the trunk road networks. Due to positioning, Phases 2-5 will not have any impact on the A85 but development is proposed adjacent to the A9. Consequently, a Lighting Plan has been submitted to assess any light spillage within or outwith the site. The Plan is considered to be acceptable with no adverse comments received from either Transport Scotland or Environmental Health. A condition is proposed to ensure there is no light spillage onto the A9 in particular following the lighting installation (Condition 11).

Noise

- 90 It had previously been agreed, in consultation with Environmental Health, that the noise assessment for the new housing should be based on an external amenity criterion for garden levels of 55 dB(A) Leq and that preferably internal limits of 35 dB(A) Leq daytime and 30 dB(A) Leq for night time be met with windows open.
- 91 The revised noise impact assessment (Drawing Ref: 18/01038/61), dated 25 May 2018, and additional information of 24 September 2018, demonstrate that the external amenity criterion for garden levels of 55 dB(A) Leq can be achieved throughout the site. This is subject to mitigation measures in the form of a 1.5 metre high acoustic fence on the south and east boundaries and a 3.5 metre acoustic fence on the south easterly boundary of the site.

- 92 The garden areas can achieve a good level of external amenity, but the upper floor rooms would struggle to meet the desired internal amenity levels with windows open as recommended in PAN 1/2011.
- 93 Because the source noise is traffic generated and the site has In Principle planning permission, as well as being proposed to be allocated in LDP 2, Environmental Health are satisfied that a windows closed assessment is acceptable in this case. This conclusion is reached on the basis that a good level of internal amenity can be achieved with windows closed (comfortably below the 30 dB(A) criteria) and reasonable external amenity levels can be achieved.
- 94 Environmental Health further advised that acceptable internal levels can be achieved day and night as long as suitable glazing and trickle vents are provided within the window units. The submitted information detailing which windows are affected appears to be at odds with the revised noise calculations, which indicates that more properties will require to have windows closed to achieve the day and night time internal amenity criteria. In light of this, Environmental Health have requested specific planning conditions are applied to any permission to ensure acceptable noise levels will be achieved for all properties (Conditions 15, 16 and 17). Provided the conditions are met the proposal will comply with LDP Policy EP8 – Noise Pollution.

Air Quality

- 95 During the In Principle application a detailed Air Quality Assessment was submitted and reviewed by Environmental Health. Even with the predicted increase of particulates, the levels are well below the required standards and Environmental Health has not raised any air quality issue regarding this phase. Condition 27 of the In Principle permission; however, remains relevant to ensure there is no adverse impact from dust during the construction period and this condition is proposed again (Condition 22).

Contaminated Land

- 96 Condition 36 of the In Principle requires a detailed Ground Investigation and Reclamation Statement to be submitted and approved before any development can commence on site. This statement has been submitted alongside this application and no concerns have been expressed by Environmental Health (Land Quality).

Natural Heritage

- 97 LDP Policy NE3 requires development proposals to avoid detrimental impact on biodiversity and protected species. An updated Ecological Appraisal provides a baseline habitat survey of the site and identifies any potential ecological constraints on the overall site. While no protected species were identified during the survey there are known to be bat roosts locally, at Huntingtower to the north and at Newhouse Farm to the south west of the overall site. A proposed condition will ensure appropriate mitigation is delivered (Condition 10).

- 98 As advised, invasive non-native species such as Giant Hogweed have been found at a number of locations on the overall site and in particular within the woodland at the southern end of the site. A Giant Hogweed Remediation Plan has been submitted and is also contained within the Construction Environmental Management Plan (CEMP) that has been submitted and approved for the Phase 1 development. The CEMP will need to be updated and submitted for Phases 2-5 and a condition is recommended to secure this (Condition 2). As part of the Giant Hogweed Remediation Plan, the Giant Hogweed will be buried and capped within the site. The woodland at the southern end of the site needs to be felled and re-planted as the trees may contain spores from the Giant Hogweed and allow it to grow again. The details for the replanting scheme, to provide an important biodiversity and screening resource in this location, are recommended to be secured through a condition (Condition 18).

Trees

- 99 With the exception of the trees that are required to be felled at the southern boundary, as discussed above, there are areas of trees along the western boundary with the core path that need to be protected during the development. The submitted landscape plan shows they will be protected to the required BS5837 2012 standard (Condition 12).

Structures and Flooding

Flood Risk

- 100 SEPA reviewed the information submitted for Phase 1 to address Condition 22 of the In Principle permission. From the information submitted the CCTV survey has identified a surface water drain which serviced the previous mart to the south. It identified the "head of line" and they accept and support that this is not a live culvert and therefore the flood risk of the site is low. The pre-commencement element of in Principle Condition 22 has therefore been satisfied.
- 101 The submitted information has also confirmed the Newton Burn is outwith the application boundary and not at risk of flooding the site. There are no other sources or concerns in regards to flood risk.

Drainage

- 102 LDP Policy EP3 requires all development to have sufficient drainage infrastructure to serve the development. Within a settlement, the main aim is to ensure that the public services can accommodate the development.
- 103 Following the submission of additional details, Structures and Flooding have confirmed the proposed drainage arrangements for Phases 2-5 are acceptable and satisfy the pre-commencement elements of conditions attached to the In Principle permission. Conditions are recommended for this application to secure delivery of the drainage arrangements during construction and for the final scheme (Conditions 6 and 7).

Developer Contributions

- 104 A Section 75 legal agreement has been secured for the 16/01348/IPM to ensure necessary infrastructure is delivered for the site and surrounding area. The S75 is future proofed for higher dwelling numbers as the financial contributions are based on house completions. It covers:
- Primary School Delivery
 - Transport Infrastructure Contributions
 - Public Transport Improvement
 - Affordable Housing Provision
 - Open Space, Play Area Provision and Maintenance
 - Contribution towards pedestrian footbridge across A9.
- 105 Condition 14 of the 16/01348/IPM permission requires the applicant to agree with Transport Scotland a level of financial contribution towards mitigating the overall sites impact on the Broxden roundabout. I can confirm that a figure has now been agreed between the applicant and Transport Scotland and arrangements for payment are made (Condition 3).
- 106 The Section 75 will also ensure Conditions 33, 34, 35 from the In Principle permission will be met.

District Heating

- 107 As per Phase 1, the applicant has submitted a District Heating Assessment and whilst they state it would currently not be viable for the site, they are prepared to futureproof their site by leaving room next to the service strips for new pipelines. Conditional control will ensure this futureproofing can be delivered (Condition 5). The pre-commencement element of In Principle Condition 32 has been satisfied. A district heating pipeline plan for Phase 1 has been submitted and agreed and a similar scheme is required for Phase 2-5, which it is anticipated would take a similar format to the provision made for the first phase (Condition 5).

Sustainability

- 108 The housing layout has been developed to maximise solar gain into properties where possible to allow the benefit of passive light and heating from the sun. In-roof Photovoltaic panels will be installed to ensure they are in compliance with current sustainability requirements. All house types are however designed for future adaptability and will be future proofed, should district heating become a viable option.
- 109 As already mentioned, the proposal is adjacent to the A85 and in close proximity to bus stops. It also connects with public footpaths and a core path which links to the National Cycle Route. These will provide residents with choice of sustainable modes of transport and an alternative to the car.

Archaeology

- 110 PKHT confirms that the proposed development site lies within an area that is considered to be highly archaeologically sensitive. A large proportion of the proposed development site contains cropmarks (MPK2204 & MPK 2185) likely to represent archaeological remains that have been identified through aerial survey. The site lies to the south east of Huntingtower; an area of extensive archaeological remains and historic significance, including Scheduled Monuments (SM 3630) and Huntingtower Castle.
- 111 A Desk Based Assessment carried out in advance of the first and second phase, identifies three zones as having potential undisturbed archaeological remains out with areas of existing structures. This application includes the most northerly identified zone, located adjacent to the A85, and is of high archaeological potential. This assessment and the recommendation for an initial archaeological evaluation of up to 10% in each area was agreed by PKHT.
- 112 It is therefore recommended that a negative suspensive condition for a programme of archaeological works is attached to any permission to ensure the development does not destroy significant archaeological remains. There is a need to assess the character, condition and significance of the archaeological deposits presumed to be present, and the extent to which the development will impact upon them. This evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation, post-excavation analysis and publication of these deposits. A Written Scheme of Investigation (WSI) has been submitted and agreed by PKHT for Phase 1 and is also required for Phases 2-5 and therefore a condition is recommended (Condition 4).

Economic Impact

- 113 The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city. The overall economic impact will be positive for the local area.

LEGAL AGREEMENTS

- 114 A legal agreement has been secured for the 16/01348/IPM planning permission to secure infrastructure that will be impacted by the current proposal.

DIRECTION BY SCOTTISH MINISTERS

- 115 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

- 116 The proposal fully accords with National Guidance and Development Plan policy in relation to residential development on an urban brownfield site. The proposal is acceptable in terms of its design, density, siting and landscape impact. The development can be satisfactorily accessed, together with the implementation of the current junction improvements to the A85/A9 junction.

RECOMMENDATION

A Approve the application subject to the following 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 that the development is carried out in accordance with the plans approved.

- 2 No later than two months prior to the commencement of development hereby approved, an updated 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 felling, construction and operation programmes for Phases 2-5 shall be submitted to and be approved in writing by the Council as Planning Authority, in consultation with Scottish Environment Protection Agency.

The CTMP shall identify measures to control the use of any direct access onto the A85 trunk road. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

The CEMP shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the development shall be fully undertaken in accordance with the CEMP.

Reason - In the interest of protecting environmental quality; to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

- 3 No dwelling shall be occupied until the agreed level of financial contribution with Transport Scotland to address the impact of the development at the Broxden Roundabout on the A9 trunk road has been paid to Transport Scotland.

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

- 4 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 - The site lies adjacent to areas of archaeological significance.

- 5 Prior to the commencement of development a scheme, including a layout plan and cross-sections, that identifies the location and confirms adequate space within the below ground service zone is available to allow for possible future provision of district heating pipes shall be submitted for the further written agreement of the Council as Planning Authority. The scheme must include timescales and any phasing for provision of the service zone within the site. The agreed scheme shall thereafter be implemented in accordance with the agreed details and timescales.

Reason - To allow district heating to be incorporated within the site at a future date.

- 6 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 prevent flood risk; to ensure that the efficiency of the existing drainage network is not affected.

- 7 Prior to commencement of development, full surface water drainage proposals to identify details proposed to mitigate plots at a level below the road shall be submitted to and approved in writing by the Council as Planning Authority in consultation with the Flood Authority. The details as approved shall be implemented in full, concurrent with development and completed prior to the occupation the relevant dwellinghouse to which the drainage measures relate.

Reason: To alleviate flood risk at affected properties.

- 8 No part of the development shall be occupied until a MOVA (or equivalent) traffic signal control system is installed and operational at the A85/Huntingtower Park access signalised junction. This should be linked to an equivalent system at the A85 signalised junction with the A9 northbound on /off slip roads. The details of this shall be agreed in writing with the Planning Authority, in consultation with Transport Scotland.

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

- 9 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 interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 10 The conclusions and recommended action points within the supporting updated Ecological Appraisal 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).

- 11 All external lighting to be installed shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land including the A9 and that light spillage beyond the boundaries of the site is minimised to the satisfaction of the Council as Planning Authority.

Reason - In the interest of residential amenity; to ensure that there will be no distraction or dazzle to drivers on the road, and; that the safety of the traffic on the road will not be diminished

- 12 All existing trees and hedgerows shown to be retained (as detailed on plan refs: 18/01038/39 and 18/01038/40) shall be protected by suitable fencing in accordance with BS5837 2012 (Trees in Relation to Construction). No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written agreement of the Council as Planning Authority.

Reason - To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

- 13 Any existing planting which, within a period of 5 years from the completion of each approved phase of 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.

- 14 Construction work shall be limited to Monday to Friday 07:00 to 19:00 and Saturday 08:00 to 13:00 with no noisy works out with these times or at any time on Sundays or Bank Holidays.

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

- 15 Prior to the commencement of development hereby approved, the developer shall submit a glazing specification for all windows to bedrooms for the entire development, for the written approval of the planning authority. The windows shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq,16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved window specification shall be installed to the satisfaction of the planning authority, prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

- 16 Prior to the commencement of development hereby approved, the developer shall submit a scheme including a plan of the affected properties for the proposed means of ventilation for all bedrooms that are required to be closed to achieve internal sound levels, as detailed below, for the written approval of the planning authority. This shall enable each bedroom to be adequately ventilated without the need for opening windows and thus minimising noise ingress. The sound insulation performance for the ventilation system shall have a minimum sound insulation performance to ensure that first floor bedrooms can achieve the following internal sound levels:

- Daytime 35 dB LAeq,16 hour
- Night time 30 dB LAeq, 8 hour

Thereafter the approved scheme of ventilation shall be installed to the satisfaction of the planning authority prior to the occupation of each dwelling.

Reason - In the interests of residential amenity.

- 17 Prior to the commencement of development hereby approved, the developer shall submit a scheme, including timescales for the proposed eastern bund, eastern and southern acoustic barrier as outlined in Section 5 - Summary of Committed Mitigation and Figure 2 – Committed Mitigation of the Updated Noise Assessment (Dated 25/05/2018) prepared by ITP Energised, for the written approval of the Planning Authority. Thereafter these shall be constructed in accordance with the approved scheme.

Reason - In the interests of residential amenity.

- 18 Prior to the commencement of the development hereby approved, details of the proposed southern boundary woodland felling and re-planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. The re-planting scheme as subsequently agreed shall be implemented prior to the completion of or bringing into use of the development, whichever is the earlier. 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

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

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

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

- 20 The adopted Core Path (METH/15) must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

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

- 21 That notwithstanding the detail on the approved site plans (principally drawing ref: 18/01038/81), and for the avoidance of doubt, the two 'future access' points on the western boundary of the site which connect to LDP site H70 (Perth West), via Core Path METH/15, shall be constructed up to the edge of the western boundary in full, in conjunction with the occupation of plots 68 for the north most link and 132 and 281 for the south most link.

Reason - To ensure that suitable access can be effectively provided into the adjoining allocated site H70 of the Perth and Kinross Local Development Plan 2014.

- 22 Dust mitigation measures as detailed in the Air Quality Impact Assessment document (ref: 16/01348/16) by Energised Environments dated 11 August 2016 associated with the In Principle permission 16/01348/IPM shall be followed at all times during construction.

Reason - In the interests of residential amenity.

- 23 In conjunction with Condition 2, and two months prior to the commencement of works, on the development, the applicant shall submit for the written approval of the Planning Authority a Construction Traffic Management Plan (CTMP) which shall include the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) 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;

- f) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- g) 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;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.
- l) The CTMP as approved shall be strictly adhered to during the entire site construction programme, to the satisfaction of the Council as Planning Authority.

Reason - In the interests of vehicle and pedestrian safety.

- 24 Prior to occupation of any residential units within Phases 2-5, the applicant shall replace and reposition where necessary the existing bus shelters to the rear of Travelodge (ref: 64803954), on the A85 (ref: 64802267) and on Castle brae (ref: 64800164) with new 3 bay enclosed bus shelters, with permanent internal electric power supply for lighting, flag mount bracket and flag and bus box carriageway markings with clearway to design, position and specification to the satisfaction of Perth & Kinross Council's Public Transport Unit.

Reason – In the interests of sustainable travel.

B JUSTIFICATION

The proposal is contrary to the Development Plan but there are material considerations to justify a departure there from.

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contribution, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

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 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 developer is advised to contact Mr David Strachan, Archaeologist to discuss terms of reference for work required Tel 01738 477080.
- 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 Environmental Protection Agency.
- 7 The applicant is advised that in terms of Sections 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 Environmental Protection Agency (SEPA).
- 8 The applicant is advised they must consult with Transport Scotland, Trunk Road and Bus Operations through its Management Organisation (Transerv, Broxden House, Broxden Business Park, Lamberkine Drive, Perth PH1 1RA) on the terms and conditions, under Roads legislation, that require to be agreed to enable works within the trunk road boundary to be approved.
- 9 There is evidence of Hogweed present on the overall site. This is an invasive species which may require a licence from SEPA for its disposal. Advice should be sought from the Scottish Environmental Protection Agency (SEPA).
- 10 Any changes to the approved site layout plan that requires a planning application shall also require a revised noise impact assessment to be submitted to demonstrate

that the layout will not adversely affect the resultant noise levels to external and internal amenity spaces.

- 11 A felling licence may be required for the removal of the southern boundary woodland. Forestry Commission Scotland should be contacted for advice.
- 12 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 16/01348/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: Decision Notice 16/01348/IPM

Contact Officer: Steve Callan

Date: 6 December 2018

Anne Condliffe
Interim Development Quality Manager

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.
You can also send us a text message on 07824 498145.
All Council Services can offer a telephone translation facility.