

Perth and Kinross Council
Development Management Committee – 21 August 2013
Report of Handling by Development Quality Manager

Mixed use development incorporating housing, employment land (Class 4) new vehicular access and pedestrian access, open space, landscaping and associated infrastructure (in principle) on land to the West Of Cherrybank Gardens, Perth

Ref. No: 12/01692/IPM
Ward No: 10 - Perth City South

Summary

This report recommends approval of the outline application to formally establish the acceptability of a mixed use development incorporating housing, employment land (Class 4), open space, landscaping and associated infrastructure at land to the west of Cherrybank.

The development of the employment land is considered to comply with the current adopted Development Plan. The housing element does not comply with the adopted Development Plan however there is sufficient weight that can be attached to the Proposed Local Development Plan which represents the Council's settled view on the allocation of strategic land for this area as well as the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy.

Taking all these factors into account the application is recommended for approval, subject to conditions.

BACKGROUND

- 1 The planning application site is located to the western edge of Perth next to Broxden Roundabout which forms one of the main gateways into the city. The site extends to some 25.63 Hectares and is predominantly in agricultural use at present. The M90 motorway is located to the South of the site with Cherrybank Gardens to the East and the A93 Glasgow Road to the North of the site.
- 2 The topography of the site slopes from the M90 down to the Glasgow Road. A number of watercourses run through the site on a north/south axis; existing detention ponds (that are part of the Perth Flood Defence scheme) are within the northern part of the site. The former Broxden steading/millhouse occupied the western part of the site; this structure has been demolished.
- 3 Perth Park and Ride as well as Roadside Services have been developed to the south of the existing Glasgow Road/Broxden Avenue/Lamberkine Drive roundabout; these services are directly adjacent to the site. A mix of residential, educational and business uses are located to the North of the site's Glasgow Road boundary.

PROPOSAL

- 4 This proposal seeks to formally establish the principle for the development of a mixed use development which includes the following elements:-
- 5 Housing - Residential development is proposed to the eastern site compartment which is adjacent to the Cherrybank Gardens. It is expected that the site could accommodate up to 200 residential units, however the detailed layout and house types to be provided would be assessed at the detailed application stage. The indicative phasing for the residential development estimates the delivery of 50 units per year over a four year programme starting with development in the north east corner followed by the north west then south east and finally the south west.
- 6 Class 4 employment use - The Business Park is located to the western extremities of the site and is also expected to be brought forward in a phased manner. Phase 1 of the Business Park would be located between Broxden Roundabout and the Park and Ride with access taken from Broxden Avenue. The second phase would be located to the east of the Park and Ride with the majority of this business land being accessed via Broxden Avenue. The remaining element would be accessed from a new junction on the A93 Glasgow Road.
- 7 Vehicular accesses - The proposal includes the formation of two new accesses onto the Glasgow Road which are to be controlled by signals. The west access is intended to cater for residential properties as well as the business land not served by the existing Glasgow Road roundabout. The eastern access would predominantly cater for the eastern residential land compartment.
- 8 Pedestrian accesses - A network of pedestrian and cycle routes are to be integrated into the site. The new signals on the Glasgow Road are to include pedestrian and cycle provision thereby enabling access to existing traffic free routes to school and the wider area. A link over the M90 bridge to the Core Path Network will be created as well as links into the park and ride, Necessity Brae and the boundary of Cherrybank Gardens site.
- 9 Open space and landscaping - Perimeter planting to the southern boundary of the site which adjoins the M90 will be retained and reinforced. Where earth bunding is required on this boundary landscape planting will be formed once the earthworks have been completed. A linear landscaped park is to be formed along the western most watercourse which will incorporate a viewing point and neighbourhood park. Landscaping on the north boundary is intended to create a 'green corridor' along the Glasgow Road with further intertwined green spaces within the site linking residential, business and recreational spaces.
- 10 Other associated infrastructure - Drainage infrastructure in the form of a sustainable urban drainage system (SUDS) is to be incorporated into the northern extremities of the site. An internal street network to serve the business and housing land phases is also detailed.

Environmental Impact Assessment (EIA)

- 11 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 12 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 13 A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case an Environmental Statement was required due to the project's size, nature and location.
- 14 The scope of the Environmental Statement was laterally defined by the competent authority and statutory consultees. This required the following issues to be addressed in the Statement:-
 - Socio Economics
 - Landscape and Visual
 - Cultural Heritage
 - Water Quality Drainage and Hydrology
 - Ground Conditions
 - Ecology
 - Air Quality
 - Noise
 - Transport.

PRE-APPLICATION CONSULTATION

- 15 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The content of the PAN and revisions to the public event date were subsequently agreed by the Council under 11/00010/PAN.
- 16 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the content of the measures agreed through the Proposal of Application Notice.

NATIONAL POLICY and GUIDANCE

- 17 The Scottish Government expresses its planning policies through the National Planning Framework 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework

- 18 The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2010

- 19 The SPP is a statement of Scottish Government policy on land use planning and contains:
- the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
 - concise subject planning policies, including the implications for development planning and development management, and
 - the Scottish Government's expectations of the intended outcomes of the planning system.
- 20 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraph 25: Determining planning applications
 - Paragraph 33: Sustainable Economic Growth
 - Paragraphs 34 – 44: Sustainable Development and Climate Change
 - Paragraph 66: Housing
 - Paragraphs 77 - 84: Location and Design of New Development
 - Paragraphs 86 – 88: Affordable Housing
 - Paragraphs 89 – 91: Other Housing Requirements
 - Paragraphs 110 – 112: Historic Environment
 - Paragraph 123: Archaeology
 - Paragraphs 125 – 148: Landscape and Natural Heritage
 - Paragraphs 149 – 158: Open Space and Physical Activity
 - Paragraphs 165 – 176: Transport
 - Paragraphs 196 – 211: Flooding and Drainage
 - Paragraph 215: Waste Management
 - Paragraph 255: Outcomes

21 The following Scottish Government Planning Advice Notes (PAN) are also of interest:

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 33 Development of Contaminated Land
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- 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 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

Designing Places

22 The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.

Designing Streets: A Policy Statement for Scotland

23 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 is intended to sit alongside the 2001 planning policy document Designing Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

OVERARCHING COUNCIL PLANS

Perth & Kinross Community Plan (2013 – 2023)

24 Key aim – Creating a safe and sustainable place for future generations:

- Improved infrastructure and transport links
- A sustainable natural and built environment

Perth & Kinross Corporate Plan 2013 – 2018

25 Corporate Plan Vision is of a confident and ambitious Perth and Kinross, to which everyone can contribute and in which all can share. Through our

strategic objectives we aim to maximise the opportunities available to our citizens to achieve their potential.

26 The strategic objectives are:

- Giving every child the best start in life
- Developing educated, responsible and informed citizens
- Promoting a prosperous, inclusive and sustainable economy
- Supporting people to lead independent, healthy and active lives
- Creating a safe and sustainable place for future generations includes – Building a vibrant and successful area through the following objectives:

Perth & Kinross Economic Development Strategy (2009 – 2014)

27 In line with the Perth & Kinross Community Plan; the vision of the Economic Development Strategy is to create and sustain vibrant, safe, healthy and inclusive communities in which people are respected, nurtured and supported and where learning and enterprise are promoted.

DEVELOPMENT PLAN

28 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No.1 Housing Land 2000).

TAYplan Strategic Development Plan 2012

29 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”

Policy 1: Locational Priorities

30 Seeks to focus the majority of development in the region’s principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region’s additional development over the plan period and make a major contribution to the region’s economy.

Policy 2: Shaping Better Quality Places

31 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 32 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Policy 5: Housing

- 33 States that Local Development Plans shall, *“Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 year supply of effective housing land by 2015 to support economic growth.”*

Policy 8: Delivering the Strategic Development Plan

- 34 States, *“To ensure that quality is designed in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010”.*

Perth Area Local Plan 1995 (Incorporating Alteration No.1 Housing Land 2000)

- 35 Under the Local Plan the site lies within an area where the following policies are applicable:

Policy 1: General Policies

- 36 Developments will be judged against the criteria including a good landscape framework, compatible with its surroundings in land use terms and should not cause unacceptable environmental impact, the scale, form, colour and design should accord with the existing pattern of building, sufficient spare capacity in local services to cater for the development and the site should be large enough to satisfactorily accommodate the development.

Policy 4: Pipeline consultation zones

- 37 The Proposals and Inset Maps identify pipeline consultation zones where the Council will seek the advice of the Health and Safety Executive (HSE) or the Central Scotland Water Development Board on development proposals. The District Council will also seek the advice of the HSE on the suitability of any proposals for a new notifiable installation within the Plan area or any proposal for development within the consultation distance of any other notifiable installation.

Policy 22: Archaeology

- 38 The Council will seek to protect unscheduled sites of archaeological significance. Where development is proposed in such areas there will be a strong presumption in favour of preservation in situ and where in exceptional circumstances preservation of the archaeological features is not feasible the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.

Policy 30: Public Access and Informal Recreation

- 39 The Council will seek to improve public access to the countryside and informal recreational provision, particularly adjacent to Perth city, within the Areas of Great Landscape Value and along the banks of the Tay.

Policy 41: General residential and Background Policies

- 40 Proposals Map B identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved. Where sites in other uses become available for development, housing will generally be the most obvious alternative use. Some scope may exist for infill development, but only where this will not significantly affect the density, character or amenity of the area concerned. Small areas of private and public open space will be retained where they are of recreational or amenity value to their surroundings. Change of use to hotel, boarding and guest house use will be permitted normally only on the main radial routes in the city.

Policy 41 A: General residential and Background Policies

- 41 The Council will seek to achieve the highest possible provision of affordable housing in areas of particular need, including the major development sites at Inveralmond and Almond Valley, subject to the availability of resources from Scottish Homes and other agencies.

POLICY 43: General residential and Background Policies

- 42 The Council will seek the provision of appropriate areas of amenity and recreational open space as an integral part of new housing development. Recreational open space should, in general meet the standards of the National Playing Fields Association of 2.43 ha per 1,000 population, and should also comply with the Council's approved policy relating to the provision of play space.
- 43 The appropriate level of amenity space will need to be assessed for each site, having regard to factors which will include the size and density of the development, the physical characteristics of the site including features to be retained, the character of the surrounding area, and the existing amenity provision in the vicinity.

- 44 In exceptional circumstances it may be appropriate for open space provision to be made on land outwith the development site; in such cases the Council may seek a financial contribution from the developer. Where open space provision is required within a development site to make good a deficiency elsewhere the District Council will be prepared to make an appropriate financial contribution.

Policy 48: Business Uses

- 45 Proposals Map B identifies areas for business uses which are generally defined by Classes 4 and 6 of the 1997 Use Classes (Scotland) Order and include: light industry, offices, storage and distribution. Within these areas retail uses, except for the sale of motor vehicles, will not be in accordance with the Local Plan. The development of hotels in business areas may be considered acceptable on visually attractive sites on the main radial routes within the city unless the development would conflict with the Roadside Services Policy (Policy 69). The following factors will be taken into account in considering new proposals in business areas:

- *Business uses should be compatible with the amenity of adjoining residential areas.*
- *Business uses should contain a high proportion of landscaping and open space. Support will be given to business uses, which encourage this.*
- *Business proposals should only generate traffic appropriate to their location.*

Proposal 9: Business Sites

- 46 The Council will support the following sites being developed for business uses to meet the requirements of the Structure Plan and in particular to provide high amenity sites for single users.
- 47 The Broxden South site is allocated under reference B2 which seeks the delivery of offices, high technology and compatible uses, high quality hotel and conference centre set in a high quality landscape on 27 Hectare site with the existing steading/horse mill being retained.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN - PROPOSED PLAN JANUARY 2012

- 48 On 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plan will eventually be replaced by the Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this

application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

49 The principal relevant policies are in summary:

Policy PM1A – Placemaking

50 Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

51 The design and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B - Placemaking

52 All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines.
- (c) The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

Policy PM2 – Design Statements

53 Design statements will normally need to accompany a planning application if the development:(a) comprises five or more dwellings; or (b) is a non-residential use greater than 0.5 ha in area; or (c) affects the character and/or

appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument. A design statement may also be required to accompany a Planning Application for other forms of development where design sensitivity is considered a critical issue. If applicants are uncertain as to whether a design statement is expected, or on the level of scope and detail that will be appropriate, then the views of the Council should be sought.

Note: Further guidance can be found in Planning Advice Note (PAN) 68 Design Statements.

Policy PM3 – Infrastructure Contributions

- 54 Where the cumulative impact of new developments will exacerbate a current, or generate a future 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. In calculating the impact of new developments the Council will look at the cumulative long-term effect of new development. Contributions will be sought for: (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure. The requirements of this policy may be secured through legal agreements to deliver planning obligations and will be concluded between the applicant and the Council, prior to the issue of planning permission.

Note: Supplementary Guidance explaining how Developer Contributions will be implemented is published, with detailed contribution policies for Primary Education and the Auchterarder A9 junction, with this Plan. Further Supplementary Guidance covering other issues including: Transport, Infrastructure and Community Facilities and Green Infrastructure will be developed during the Plan period.

Policy ED1: Employment and Mixed Use Areas

- 55 Policy ED1A: Areas identified for employment uses should be retained for such uses. Within these areas any proposed development must be compatible with surrounding land uses. In addition all the following criteria will be applied to development proposals in these areas (individual sites may also have specific requirements): (a) Proposals should not detract from the amenity of adjoining, especially residential, areas; (b) The local road network should be suitable for the traffic generated by the proposals; (c) There should be good walking, cycling and public transport links to new employment generating uses; (d) Proposals for retail uses in employment areas will not generally be acceptable unless they are ancillary to an acceptable use on the site.

- 56 Policy ED1B: Areas identified for mixed use are intended to promote the integration of employment-generating opportunities with housing, thereby reducing the potential need to commute between home and employment. Within these areas a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they are compatible with the amenity of adjoining uses and meet the criteria (a)-(d) above. Proposals for a mixed use opportunity site that comprises predominantly one use will not be acceptable.

Note: Supplementary Guidance will expand on the type of employment uses most suited to the relevant areas.

Policy RD1 – Residential Areas

- 57 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable. Generally encouragement will be given to proposals which fall into one or more of the following categories of development and which are compatible with the amenity and character of the area: (a) Infill residential development of a similar density to its environs; (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area; (c) Proposals which will improve the character and environment of the area or village; (d) Business, home working, tourism or leisure activities; (e) Proposals for improvements to community and educational facilities.

Policy RD4 – Affordable Housing

- 58 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

TA1 – Transport Standards and Accessibility Requirements

Policy TA1A: Existing Infrastructure

- 59 The Plan identifies existing transport infrastructure; encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.

Policy TA1B: New Development Proposals

- 60 All development proposals that involve significant travel generation should be well served by, and easily accessible to all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available. Development proposals should: (a) be designed for the safety and convenience of all potential users; (b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements and new roads; (c) incorporate appropriate levels of parking provision to the maximum parking standards laid out in SPP; (d) fit with the strategic aims and objectives of the Regional Transport Strategy; (e) apply maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport.
- 61 In certain circumstances developers may be required to: (a) prepare and implement travel plans to support all significant travel generating developments; (b) prepare a Transport Assessment and implement appropriate mitigation measures where required. Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where: (a) direct links to the core paths networks are or can be made available; (b) access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available; (c) it would not have a detrimental effect on the capacity of the strategic road and/or rail network; (d) the transport assessment identifies satisfactory mechanisms for meeting sustainable transport requirements. Where site masterplans are prepared, they should include consideration of the impact of proposals on the core paths network and local and strategic transport network. Cycling and Walking Development proposals which take into account and promote cycling and walking will be supported. Particular attention must be paid to access arrangements and cycle parking facilities.
- 62 Car Parking Development proposals should apply maximum on-site parking standards, including disabled parking, to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport. Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate. In rural areas where public transport is infrequent, less restrictive standards may be applied. Developers of town centre sites will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

Policy CF1 – Open space Retention and Provision

- 63 The Plan identifies Sports Pitches, Parks and Open Space. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply: (a) The proposed development is ancillary to the principal use of the site as a recreational

resource; (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational resource; (c) 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; (d) A playing field strategy prepared in consultation with Sport Scotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

Policy CF1B: Open Space within New Developments

- 64 The Council will seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate. Where it is physically impossible or inappropriate to meet the open space provision onsite, consideration may be given to the provision of a suitable alternative. In areas where there is an adequate quantity of accessible open space in a locality, a financial contribution towards improvement or management of existing open space may be considered an acceptable alternative.

Policy CF2 – Public Access

- 65 Development proposals that would have an adverse impact upon any (proposed) core path, asserted right of way or other well used route, or that would otherwise unreasonably affect public access rights will be refused, unless those impacts are adequately addressed in the plans and suitable alternative provision is made.

Policy HE1B: Non-Designated Archaeology

- 66 The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.
- 67 If discoveries are made during any development, work should be suspended, the local Planning Authority should be informed immediately and mitigation measures should be agreed.

Policy NE2 – Forestry, Woodlands and Trees

- 68 The Council will support proposals which: (a) deliver forests and woodlands that meet local priorities as well as maximising the benefits for the local economy, communities and environment; (b) protect existing woodland,

especially woods with high natural, historic and cultural heritage value; (c) seek to expand woodland cover, particularly in association with larger scale development proposals and/or developments on the edges of settlements, near to existing woodland or identified green corridors, in the greenbelt and in areas of degraded landscape; (d) encourage the protection and good management of amenity trees, or groups of trees, important for amenity or because of their cultural or historic interest; (e) ensure the protection and good management of amenity trees, safeguard trees in Conservation Areas and on development sites and secure new tree planting in association with development; (f) seek to secure establishment of new woodland in advance of major developments where practicable.

Policy NE2B – Tree surveys

- 69 Tree surveys should accompany all applications for planning permission where there are existing trees on a site. In exceptional cases where the loss of individual trees or woodland cover is unavoidable, the Council will require mitigation measures to be provided.

NE3 – Biodiversity

- 70 The Council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species. The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) when making decisions about all applications for development. Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular developers may be required to: (a) ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. Large developments that will have an impact on the environment may require an Environmental Impact Assessment; (b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity; (c) include mitigation measures and implementation strategies where adverse effects are unavoidable; (d) enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.

Policy NE4: Green Infrastructure

- 71 Development will contribute to the creation, protection, enhancement and management of green infrastructure by the:(a) incorporation of green infrastructure into new developments, particularly where it can be used to mitigate any negative environmental impact of the development; (b) incorporation of high standards of environmental design; (c) protection of the countryside from inappropriate development whilst supporting its positive use

for agriculture, recreation, biodiversity, health, education and tourism; (d) protection, enhancement and management of open spaces and linkages for active travel or recreation, including links between open spaces and the wider countryside; (e) protection, enhancement and management of existing species and habitats and the creation of new habitats and wildlife corridors, including trees, hedgerows and woodlands where appropriate; (f) protection, enhancement and management of watercourses, floodplains and wetlands which are important contributors to the network of blue and green corridors for the alleviation of flood risk, wildlife, recreation and the amenity needs of the community.

Policy EP2: New Development and Flooding

- 72 There will be 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. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the following diagram and considers that areas of: (i) medium to high flood risk are not suitable for essential civil infrastructure; (ii) low to medium flood risk are suitable for most forms of development; and (iii) little or no flood risk shown present no flood related constraints on development. All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change. To allow for adaption to increased flood risk associated with climate change, development should not: (a) Increase the rate of surface water run-off from any site; (b) Reduce the naturalness of the river; (c) Add to the area of land requiring flood protection measures; (d) Affect the flood attenuation capability of the functional flood plain; nor (e) Compromise major options for future shoreline or river management.

Policy EP11: Air Quality Management Areas

- 73 Within or adjacent to designated Air Quality Management Areas, where areas of degraded air quality are already identified, development proposals which would adversely affect air quality may not be permitted. Within these areas, where a development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify any impact on air quality and appropriate mitigation measures. Proposals and mitigation measures must not conflict with the actions proposed in the Air Quality Action Plan. In addition, there will be a presumption against locating development catering for sensitive receptors in these areas which may result in exposure to elevated pollution levels. Notes: 1. Sensitive receptors include (amongst others) children and older people i.e. the location of a children's nursery or a care home in areas where high pollution levels are evident may not be appropriate. 2. Currently there is only one Air Quality Management Area in Perth

74 The site specific allocations in the Proposed Local Plan are as follows:-

Ref	Location	Size	Uses
MU1	Broxden, Glasgow Road	9.6 ha 4.5 ha 2.4 ha	200 Residential General employment uses Mixed Use
Site Specific Developer Requirements			
⇒ A masterplan will be required for the comprehensive development of this site setting out the phased release of both the housing and employment land.			
⇒ Flood Risk Assessment required for all watercourses and overtopping of ponds, which will define the open space which will be protected in perpetuity, and to ensure that development does not increase the risk of flooding elsewhere particularly on the Craigie burn in areas such as Murray Place, Queens Avenue, Queen Street and Windsor Terrace. Extent of functional flood plain to be determined.			
⇒ Cycle paths, core paths and rights of way to be incorporated into masterplan and designed to improve active transport links to Perth.			
⇒ Built form and layout to respond appropriately to the slope on this visually prominent site and open space to provide a green wedge into the city and links to the Green Belt.			
⇒ Paths within the site linking to the wider core path network.			
⇒ Enhancement of biodiversity and habitats.			
⇒ Financial contribution to education provision in line with the Council's supplementary guidance.			

Ref	Location	Size	Uses
E2	Broxden	4.5 ha	General employment uses
Site Specific Developer Requirements			
⇒ Flood Risk Assessment required which will define the open space which will be protected in perpetuity for Flood Risk reasons.			
⇒ Flood Risk Assessment must demonstrate that development does not increase the risk of flooding elsewhere particularly downstream on the Craigie Burn.			
⇒ Open space to also provide a green wedge into the city and links to the Green Belt.			
⇒ Cycle paths, core paths and rights of way incorporated into masterplan and designed to improve active transport links to Perth.			
⇒ Enhancement of biodiversity and habitats.			

OTHER POLICIES

75 In addition the following documents are relevant in the determination of the application:-

Affordable Housing Policy

76 This policy is applicable to all new housing sites (even ones identified in the Local Plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site however for developments of less than 10 units commuted payments may be acceptable.

Planning Guidance Note – Developer Contributions May 2009

77 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note – Primary Education and New Housing Development May 2009

- 78 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

Tayside Landscape Character Assessment (TLCA) 1999

- 79 The Tayside Landscape Character Assessment (TLCA) is published by Scottish Natural Heritage. The TLCA is a 'material consideration' when considering any development proposal in Perth & Kinross.
- 80 The Broxden site is within *Lowland Hills landscape* character unit. Under the heading of Development in the Landscape Guidelines the following strategies are recommended which reflect the sensitivities of the landscape and the pressure for change acting upon it.
- Focus new development in existing towns and villages so as to reinforce the historic pattern of settlements and to protect the rural character of other parts of the lowland glens.
 - Discourage the simplistic grafting of housing estates onto the edge of settlements.
 - Encourage more imaginative schemes which respond to the existing patterns of layout, structure, massing and scale.
 - Encourage the wider use of vernacular designs, materials and colours, while allowing for modern interpretations of traditional styles.
 - Consider positive ways of addressing the interface between settlements and the surrounding countryside. These could include:
 - screening;
 - new buildings which integrate surrounding areas ;
 - key vistas and views ;
 - landmark features;
 - gateways and approaches .

81 Planning Site History

00/00362/OUT -National Garden for Scotland offices, business units, hotel, restaurant, trunk road service area and associated roads parking and landscaping (in outline) on 16 July 2001 Application Permitted

01/00698/REM - Partial reserved matters for development of: Site preparatory work including Trunk Road Service Area including a petrol filling station, park and ride car park, landscaping etc 22 August 2001 Application Permitted

02/00341/REM Erection of new petrol filling station on 14 May 2002 Application Permitted

02/00348/REM Erection of new travel lodge hotel (80 bedrooms) fast food burger outlet and restaurant/bar landscape works and associated car parking/roads as part of trunk road service area (Reserved Matters) at 17 July 2002 Application Permitted

04/01500/OUT Renewal of planning consent 00/00362/OUT for development of a National Garden for Scotland (including entrance, plant sales, retail, restaurant and exhibition facilities); Scottish Tartan Centre; offices and Class 4 Business units; Hotel and restaurant development and associated facilities; Trunk Road Service Area (including: Travelodge, family restaurant/pub, petrol filling station and associated infrastructure); Roads and Transport Infrastructure; parking; landscaping and associated features and ancillary development (in outline) 22 November 2004 Application Permitted

07/01729/OUT Renewal of existing consent (04/01500/OUT) for the formation of a national garden of Scotland (including entrance, plant sales, retail, restaurant, exhibition facilities), roads and transport infrastructure, parking and landscaping and associated features (in outline) 12 September 2008 Application Withdrawn

11/00010/PAN Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure 12 October 2011

CONSULTATIONS

Scottish Government

- 82 Under the Environmental Impact Assessment (Scotland) Regulations 2011 the Scottish Government are a statutory consultee to any submitted EIA. The comments detailed below are representative responses to either the content of the Environmental Statement and the appropriateness or otherwise of the submitted development proposal.

Transport Scotland (Scottish Government)

- 83 No objection subject to mitigation measures being secured to deliver road network improvements and a green travel plan.

Historic Scotland (Scottish Government)

- 84 No objection. Confirm that the proposal will not have any significant impacts on Scheduled Monuments and their setting, Category A listed buildings and their setting, gardens and designed landscapes and Historic Battlefields which fall within their remit.

Perth and Kinross Heritage Trust (Archaeology)

85 No objection.

Scottish Environment Protection Agency

86 Object unless conditional control is imposed on the consent which would ensure the delivery of a detailed sustainable urban drainage system during the consideration of the detailed planning application for the site.

Scottish Natural Heritage

87 The proposal is unlikely to have a significant effect on the qualifying interests of the River Tay Special Area of Conservation (SAC) either directly or indirectly, therefore an appropriate assessment is not required. The strict application of SEPA Pollution Prevention Guidelines (PPG) governing the management of active development sites should be a condition of the consent.

Scottish Water

88 No objections to the planning application.

Environmental Health

89 Noise and Air Quality – Conditional control recommended to secure noise and air quality mitigation.

90 Waste Advisor – Due to the scale of the housing element the development should incorporate suitable location/locations for the provision of recycling facilities to compliment the kerbside recycling services offered in the area.

Executive Director (Education & Children Services)

91 The application falls within the Craigie Primary School Catchment area. As this application is 'in principle' it is not possible to provide a definitive answer on whether the school will be at capacity and whether the Primary Education and New Housing Development 2009 Developer Contribution Policy would be applicable. In this case a condition should be attached to enable this aspect to be considered at the detailed submission stage.

Affordable Housing Officer

92 No objection subject to conditional control.

Flood Officer

93 No objection. However conditional control on certain issues is required to enable resolution through the detailed design stage.

Perth & Kinross Heritage Trust - Archaeology

94 No objection.

REPRESENTATIONS

95 The application has attracted two letters of representation against the proposal.

The issues raised by objectors are summarised as follows:

- Noise pollution
- Over intensive development
- Overlooking
- Road safety issues and impact of traffic

Response to issues

96 The appraisal section of this report responds to the material planning concerns raised.

ADDITIONAL STATEMENTS

Environment Statement	Submitted
Screening Opinion	Undertaken
Environmental Impact Assessment	Yes
Appropriate Assessment	Appropriate assessment not required.
Design Statement/Design and Access Statement	Submitted
Report on Impact or Potential Impact	Transport Assessment, Flood Risk Assessment and Drainage Strategy submitted

APPRAISAL

Policy Appraisal

97 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the TAYplan 2012 and the Perth Area Local Plan 1995 (Incorporating Alteration No.1 – Housing Land 2000). The Perth and Kinross Council Local Development Plan – Proposed Plan January 2012 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.

98 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

- 99 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The site is within the Tier 1 settlement of Perth and within the Perth Core Area therefore complies with this Policy.
- 100 The adopted Perth Area Local Plan allocates the land nearest Broxden for business use as part of a larger business allocation (site B2) in the area. 27 hectares of land is allocated in total for office, high technology and compatible uses, high quality hotel and conference use. Some of this has already been developed over the years. The north eastern part of the application site is within business site B5 at Pitheavlis - a 5.5ha allocation for offices, high technology and compatible uses which has not been developed. This allocation demonstrates that the principle of business use development of the site is acceptable.
- 101 The residential component of the proposal is contrary to the terms of the Adopted Perth Area Local Plan as the site is identified for business uses. However the Proposed Local Development Plan (PLDP) identifies the site for employment uses site E2 and mixed use site MU1. The PLDP recognises the issues surrounding the economic viability of providing employment land and adopts a more flexible approach by allocating a high value residential component to cross subsidise the employment land.
- 102 The proposal and the general layout of uses complies with the general layout shown in the PLDP however the site does not include the entire MU1 site. The developer requirement for a comprehensive masterplan for the entire area cannot be met. This issue is discussed in greater detail under the 'Transport' heading. However for completeness this matter can be controlled by condition to ensure this matter is pulled together in a comprehensive masterplan which would guide subsequent applications.
- 103 It is considered that the proposal accords with the majority of the policy requirements detailed in the Proposed Plan. The development of residential units and general employment land as detailed in the layout plan and phasing plan is consistent with the allocation of the Proposed Plan.
- 104 The PLDP represents the Council's settled view and is a material consideration. There are six representations made on site MU1. Two of these are in support of the plan, two relate to the identification of the site to accord with the application boundaries and the creation of a separate site to the east, one relates to the development of the former Scotland's Garden site and the Council taking a lead in the development of a masterplan for the entire area and one which indicates that the site should not be developed until the other land in the vicinity is developed, the site not be developed for high density business or housing as it is very prominent and Cherrybank Gardens should be regenerated through the development. There are two representations in relation to site E2, one in support of the site and one indicating that it should be extended eastwards to include the site of the former Broxden farmhouse.

- 105 The principle of business development and therefore built development on this site has been established by the zoning in the Adopted Local Plan. All but one of the representations relates to the rearranging of the site boundaries or the preparation of a masterplan for the entire PLDP site. The plan submitted with the application is in accordance with the developer requirements in the PLDP and establishes a framework which is appropriate for the proper development of the area. The addition of linkages between this site and the remaining land which is in a different ownership is required to connect the sites and the wider area. This is discussed in greater detail later in this report. The other representation relates to matters outwith the control of the Development Plan or to issues of detailed design which will be dealt with through subsequent planning applications. In this particular case there are no issues raised which would make the application premature in advance of the PLDP examination.

Content and Adequacy of the Environmental Statement

- 106 The purpose of the EIA process is to examine the likely significant environmental effects from a proposed development having regard to the project and its nature, size or locality. Through the EIA process, a proper understanding of the interaction between the project and its location should be assessed to determine if the effects on the environment are likely to be significant and if there are associated mitigation measures which make this acceptable.
- 107 Part II, Schedule 4 of the Environmental Impact Assessment (Scotland) Regulations 2011 outlines the information required to be included in any EIA. The basic content and the associated background information of the Environmental Statement are considered to meet the basic requirements of those regulations.
- 108 Due to this being a multi-staged approach, through which further details are required to be submitted and formally approved, Council officers are satisfied with the baseline findings at this stage.

Socio-Economics

- 109 The socio-economic assessment within the Environmental Statement has determined that the project will have a positive effect in terms of job creation in the area during the construction period and once the proposed employment land is developed and operational. The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve housing and employment land requirements.
- 110 Policy 3 (Managing TAYplan's Assets) supports employment land within principal settlements and in particular Class 4 office development. The proposed development in terms of its employment element proposes Class 4 business use and therefore complies with this policy. Bringing effective employment land forward also complies with the adopted Local Plan Policy 48.

- 111 Although the delivery of housing land does not adhere to the Adopted Local Plan it complies with the site allocation in the PDLP and policy ED1 which relates to Mixed Use Site which I attach weight to. Tayplan Policy 5 (Housing) promotes that land for housing should be allocated to ensure there is a minimum of 5 years effective land supply at all times. The Policy also promotes a mix of housing types, size and tenure including the appropriate level of affordable housing. The development of potentially 200 residential units will help contribute to the required housing numbers to meet the projected population growth within the Perth Core Area and will make a significant contribution towards meeting the shortfall in short to medium term effective housing land.
- 112 Consequently, the proposal assists in delivering the visions contained within Perth and Kinross Council's Community Plan, Corporate Plan and Economic Development Strategy.

Landscape and Visual

- 113 The landscape assessment concludes that there would be no significant adverse long-term impacts on landscape character or on any designated landscape as a result of the proposed development. Development of the business park zone would create a more cohesive landscape, resulting in significant medium- and long-term character improvements for the area. The rural surroundings of Perth would experience a long-term negligible impact as a result of the proposals.
- 114 Having reviewed the Landscape and Visual Impact Assessment it is considered that potential visual effects occur at properties to the north of the proposed site where the LVIA predicts that they may only be mitigated in the longer term by maturing tree planting. Based on this assumption mitigation structure planting and earthworks should be prioritised and carried out in the early stages of the development phases in order to minimise the long term visual effects of the development and this should be incorporated and agreed with through the phasing plan for the development site. There is an opportunity for this proposal to develop a more cohesive and improved character along the Glasgow Road, one of the main access routes into Perth - this can be secured through conditional control.

Cultural Heritage

- 115 Archaeology:-

Seven sites and features of cultural heritage interest have been identified by the developers' assessment using a range of desk-based sources, consultations and a field visit. All the sites and features recorded are associated with medieval or later rural settlement and agrarian activity and are judged to be of no more than low heritage value/sensitivity.

- 116 Although mitigation measures have been proposed in the Environmental Statement to offset direct effects on archaeological assets Perth and Kinross

Heritage Trust (PKHT) have advised there are other well preserved and upstanding examples of 19th Century farmsteads in Perth and Kinross. Excavation of the remains at Broxden Farm as well as the parish boundary would not add to the existing knowledge of these building types and taking account of Scottish Planning Policy paragraphs 110-124 which relate to the historic environment and the planning process they recommend no conditional control in this instance.

117 Listed Buildings:-

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is applicable due to the potential impact the development may have on the adjacent listed buildings. This legislation requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.

118 In this case the category C listed group of laundry, coach house and hen house at West Woodlands lies approximately 200m to the north of the site. Pitheavlis Cottages which are category B listed are approximately 70m to the east of the proposals boundary. Both groups retain a sense of their original semi-rural setting, although West Woodlands has been eroded more significantly due to encroaching development associated with the development of the Oakbank area.

119 The proposed landscaping and flood protection belt at the lowest, northern edge of the development site will protect the setting of West Woodlands to a degree by preserving an open, green character along the Glasgow Road corridor.

120 Pitheavlis Cottages will retain their prominence against a largely open landscape backdrop. However the close proximity of proposed residential development phase 3 to the west will significantly change this landscape character. The tree/landscaping belt around the perimeter of the site will mitigate this to an extent but the scale, height, density, materials and detailed design of the proposals, particularly of the residential zones next to these buildings, will need to be of a suitable quality and character to relate respectfully to the cottages - this will be considered and controlled at the detailed stage.

Water Quality, Drainage and Hydrology

121 The proposed development lies within the catchment of the River Tay. Runoff from the site enters the Scouring Burn, which becomes Craigie Burn downstream and east of the site before discharging into the River Tay in the South Inch area of Perth.

122 An assessment of flooding risk from the three local watercourses as well as Scouring Burn and Craigie Burn has been undertaken and forms the submitted Floodrisk and Drainage Strategy for the site.

- 123 There are three watercourses which run through and along boundaries of the site - they are all small in nature. The Eastern Watercourse runs along the boundary of the site which is adjacent to the Cherrybank Gardens site before entering a culvert under the A93. The Central Watercourse runs north through the site and enters a culvert under the A93. The Western Watercourse drains into two flood storage ponds which forms part of the Perth Flood Defence Scheme.
- 124 This report indicates that the risk of flooding from the East Watercourse and Central Watercourse is low. Culverts under the A93 are predicted to convey the 200 year design flows for the streams; however, due to relatively small culvert sizes there is a risk of blockage. If the culverts are blocked a small area in the immediate vicinity of the culverts could be at risk of flooding below the level of the A93. However, flood waters accumulating in this area would spill on the A93 before affecting any other parts of the site. The Western Watercourse runs in a large valley and discharges into the flood storage ponds, there is no risk of flooding from this watercourse.
- 125 The Scouring Burn and Craigie Burn run east on the north side of the A93. As the channel and surrounding areas are lower than the site, there is no risk of flooding from these burns.
- 126 During the construction phase of the development there is potential for increase surface water runoff, sediment and other pollution associated with construction activities. The estimated impact on the water environment during the construction phase will be local and reversible once complete.
- 127 Following the completion of construction the development has the potential to increase surface water runoff and pollution associated with traffic and other human activities. Standard sustainable drainage measures (SUDs) are proposed to limit discharge to watercourses to greenfield runoff rates and also treat runoff from hard standing areas of the development. This will negate any adverse impact of the development on the water environment.
- 128 Consultation with the Council's Flooding Section confirms they have no objection to the application as the site is located outwith SEPA's 1 in 200 flood map. They are also content with the strategy for the site as the SUDs ponds provide a benefit to flood risk by reducing discharge rates by 50% of Greenfield runoff for the application site. The Flooding Section request that 5 metre maintenance strip along both banks of each watercourse are provided, with floor levels of properties being a minimum 0.4 metres higher than the adjacent watercourse maintenance strip and capacity issues associated with culverts addressed at the detailed design stage. Conditional control can ensure that the phasing and construction phases achieve the necessary control of drainage arrangements to meet the requirements of the Flooding Section.
- 129 Scottish Water has been consulted on the application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their infrastructure. Conditions will ensure that foul flows are connected to the public drainage network.

Ground Conditions

- 130 Desktop research associated with the Environmental Statement indicates that the majority of the site has remained in a largely 'greenfield' use and this subsequently confirmed by trial trenching and site investigations. This showed the made ground to be restricted to the Service Station area which is accessed off Broxden Avenue. The soil cover across the remainder of the area is of natural derivation, therefore contaminated land is not expected across the vast majority of the site.
- 131 Based on the review of information relating to ground conditions the site has no specific intrinsic geological value and the development would have no detrimental effect on the geomorphological character of the site. Although the land has some agricultural value that would be lost as a result of the development, this is not considered to be significant given the surrounding land uses and agricultural access constraints associated with the site.
- 132 The main effects of the development on ground conditions will be during the construction period due to the disturbance and movement of soil. Following the implementation of mitigation measures for the construction and operation period the proposals will have a negligible residual impact on ground conditions.

Ecology

- 133 Due to the nature of the proposals significant amounts of vegetation within the site will be removed and habitat sterilisation will occur. However, with the exception of a recently planted area of semi-natural woodland in the western sector of the site, all development will take place on areas currently valued at low ecological value.
- 134 The redevelopment of the site includes significant replanting and reinforcement of extant linear features as depicted in the proposed masterplan. The creation of a network of native internal hedgerows, tree lines and a significant section of woodland in the southern and central sectors of the site as well as along the watercourses will give rise to a significant positive long-term improvement in connectivity for the site.
- 135 As part of the Environmental Impact Assessment scoping exercise, a range of potential significant effects were identified for the ecology of the site relating to the proposed development. A number of detailed surveys have been conducted to identify and mitigate any such effects on potentially extant habitat or species, the results and conclusions of which form the Ecological Impact Assessment (EclA) contained within the Ecology Chapter of the Environmental Statement.
- 136 The potentially major negative effects predicted in the EclA include sediment discharge to the TAY SAC during construction; partial loss of an area of semi-natural broad-leaved woodland; loss of small areas of optimal breeding, foraging, commuting and roosting habitat for bats, and potentially adverse effects on otters.

- 137 Respective mitigation measures to address these effects include the production of an Environmental Construction Management Plan; significant landscaping with native woodland; the provision of bat roosting boxes, and further surveys to be conducted on the potential presence and/or use of the site by otters.
- 138 It is considered that with the appropriate provision of and adherence to a detailed Environmental Construction Management Plan as well as the full implementation of the recommended mitigation and enhancement measures, the development will not have a major adverse effect on the local environment.

Air Quality Construction Phase

- 139 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to create the development pads are likely to be the main source as well as construction vehicular movement distributing material within, to and off the site.
- 140 The Environmental Statement confirms that residents living in proximity to such a site can potentially be affected by dust up to 1 km from the source, although continual or severe concerns regarding dust sources are likely to be experienced near to dust sources, and generally within 100 metres.
- 141 To assess the effects associated with dust and particulate matter releases during the construction phase of the development a qualitative and generic assessment was undertaken using guidance published by the Building Research Establishment (BRE 2005) and the Greater London Authority (GLA 2005). This confirmed that dust is likely to be blown eastwards from the site towards properties off the B9112 Necessity Brae. Given the distance of potential receptors the assessment confirms that the likelihood of a dust nuisance occurring is considered small which could be limited further by deploying Best Practice Measures. This could be incorporated into the Construction Environmental Management Plan (CEMP) to help reduce the impact of construction activities.

Perth's Air Quality Management Area

- 142 Perth and Kinross Council declared the whole of Perth an Air Quality Management Area (AQMA) in May 2006 after a Detailed Assessment concluded that there would be areas of exceedances for NO₂ and PM₁₀ where relevant exposure occurred. A further Assessment was completed in 2007 and confirmed the conclusions of the Detailed Assessment. It recommended that Perth and Kinross Council retain the city wide AQMA for NO₂ and PM₁₀. An associated Air Quality Action Plan (AQAP) has been produced which incorporates aims and measures to reduce levels of NO₂ and PM₁₀ around Perth to below the National Standard, as such any developments which increase levels of the pollutants would be in conflict with the AQAP.
- 143 In support of the application an Air Quality Assessment has been undertaken to take account of the potential impacts in terms of air quality on current and

future receptors in the vicinity and surroundings of the proposed development in respect of current and predicted traffic levels.

- 144 Initial concerns were raised regarding the Air Quality Assessment. This resulted in an updated assessment being undertaken with the outcomes reflected in the Environmental Statement. Consultation with the Council's Environmental Health Section confirms they have no objection on Air Quality grounds subject to conditional control to secure mitigation.

Noise

- 145 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.

- 146 In support of the application a detailed noise assessment for the site has been undertaken. This focuses on two aspects; the noise arising at existing residential properties due to the development of the site and noise levels that would likely be experienced by the proposed residential properties which are in close proximity to the M90 motorway.

- 147 Construction and Operational Noise arising at existing residential properties:-

It is recognised that the development of this site will undoubtedly result in an element of disturbance to neighbouring properties from the status quo due to building works and the operation of new land uses. Consultation has been undertaken with the Council's Environmental Health Service who advise that the predicted increase in noise at existing residential property is negligible. The Environmental Statement highlights that noise from construction activities can be minimised through mitigation measures and this can be secured through the Construction Environmental Management Plan (CEMP).

- 148 Noise Levels at the Proposed Housing Areas:-

Two scenarios have been modelled in this element of the study to assess how noise from the M90 will affect the proposed housing within the site.

- 149 These scenarios are for daytime and night-time noise levels across the development area. Noise levels have also been predicted at exposed and sheltered elevations assuming simple two storey dwellings based on locations of the proposed dwellings in the masterplan layout which is intended to represent the worst case exposure.

- 150 The noise modelling is depicted in table 10.6 of the Environmental Statement. This shows daytime levels up to L_{Aeq} 68dB, 64dB and 63dB at the west, mid and east zones respectively with night time levels of 59dB, 55dB and 54dB with the inclusion of a 4 metre high bund as a mitigation measure. The

Environmental Health Section of the Council confirm that these levels are extremely high and make reference to PAN 1/2011 and the associated Technical Advice Note (TAN) which gives advice on assessing new developments near existing transport sources. Whilst this guidance is not prescriptive, it does give examples of how development could be accommodated in close proximity to transport corridors and targets external daytime level of 55dB (A).

- 151 The applicant as part of their assessment has considered predicted noise levels with the dwellings orientating in a certain manner so that noise is shielded from noise sensitive areas and rooms within the house. The levels given for this scenario are 60dB (A), 58dB (A) and 57dB (A) for west, mid and east respectively and 51dB (A), 49dB (A) and 48d (A) for the corresponding night time levels. In this case Environmental Health advise that the levels are not as low as guidance but they are low enough so that the significance can be designated as *Slight/Moderate* for which TAN states: "*These effects, if adverse, whilst important are not likely to be key decision making issues*".
- 152 Overall the Environmental Health Section offers no objection to the Noise Levels at the Proposed Housing Areas as long as mitigation measures are controlled by condition.

Transport

- 153 The site masterplan provides for a road link for vehicles between the east and west employment sectors, behind the southern most boundary of the Park and Ride site. The masterplan also proposes a pedestrian/cycle link be created between the development site and the existing local facilities provided at Broxden. It is anticipated that this link will be provided through the existing Park and Ride car park, therefore also providing direct access to the Park and Ride facilities.
- 154 It is proposed that access to the development will be achieved from three points on Glasgow Road. Access to the employment site at the west sector of the development will be taken from the existing roundabout at Glasgow Road/Broxden Avenue/Lamberkine Drive and via Broxden Avenue.
- 155 Access to the east sector of the development is proposed from two new access points: at the western end of Glasgow Road, close to the existing Glasgow Road/Broxden Avenue/Lamberkine Drive roundabout (to serve the employment component), and at the eastern end of Glasgow Road, close to the priority junction at Woodlands (to access the residential aspect). To improve overall accessibility and permeability to the site these accesses will be linked internally although not directly for vehicles.
- 156 The site masterplan also provides for a pedestrian / cycle link directly onto Necessity Brae. However, this does not meet the aspirations of the Council in terms of ensuring permeability between this site and the neighbouring Cherrybank site which is zoned under the Proposed Local Development Plan. Consequently conditional control is required to ensure a vehicular connection to this site boundary is secured.

- 157 Overall the access strategy provides alternative vehicle access onto Glasgow Road and permeability for pedestrians and other non motorised users through the site connecting with the Broxden Park & Ride, local facilities and Necessity Brae.

Transport Wider Network

- 158 Broxden Interchange has known performance issues with extensive queues identified in the Perth and Kinross Council Traffic and Transport Issues Draft STAG Report May 2009. Modelling of the roundabout has indicated that capacity will be further impacted upon by this proposed development.
- 159 The applicant's Environmental Statement acknowledges that effect of each development phase on the road network has to be addressed and mitigated. Transport Scotland's and Perth & Kinross Council's aspirations for the wider road network are acknowledged in the ES and potential solutions are reported. However the ES confirms that consultation with the local and trunk roads authorities and the Council will have to be undertaken at the detailed planning stage of the development in order to bring forward a mutual understanding of the wider network improvement aspirations and required improvements to allow this development site to come forward. The use of a negative suspensive condition, commonly referred to as a 'Grampian condition', can ensure this is undertaken.

Sustainable Transport

- 160 In terms of sustainability the site is located in a highly sustainable location adjacent to the Park & Ride that will encourage the use of public transport; the Park & Ride provides a frequent and attractive service into Perth city centre and to the bus and rail stations. Similarly, the express coach services operating from the Park & Ride offer regular and affordable longer distance options for commuters and leisure travellers. A travel plan for the site should take advantage of the sustainable modes of transport. Transport Planning and Transport Scotland recommend conditional control to secure a travel plan. The masterplan also incorporates the provision of paths and cycle paths that are linked to the existing core path network that should encourage future residents and employees to walk and cycle.
- 161 It is likely that paths on land beyond the M90 will absorb much of the additional demand for walking and riding generated by the development but not without wear and tear. The Greenspace Team has identified some limited resources within the 2015 to 2016 capital budget to improve paths in the area, however, this will not be sufficient. Mitigation associated with the corepath network is required - this can be secured through the use of a further Grampian condition.

Pipeline

- 162 A gas pipeline runs through the application site. The agent acknowledges the presence of this infrastructure and notes that the design of the layout will require to be discussed with the operator to inform the detailed design of the layout.

Detailed Design Requirements.

- 163 The general approach to development, utilising existing landscape features to shape the layout and tie it to the overall site context is supported. The design concept includes generous open space and takes account of the site's importance as a gateway into the City of Perth. Detailed design of these areas should be sensitively guided by existing field boundaries, planting and watercourses, enhancing existing views, natural features and the setting of listed and other buildings.
- 164 All building design should reflect the age of the building, contemporary in appearance and form, avoiding a pastiche or pattern book approach. Designs should be site specific, considering localised identity, outlook and solar orientation. Innovative, architectural design will be supported and a comprehensive design statement will be required to fully justify the architectural and urban design approach.
- 165 At this stage I do not consider that the development phases would impact on the amenity enjoyed by neighbouring land uses in terms of overlooking or overshadowing but these elements will be looked at and assessed in greater detail once comprehensive layout plans and building designs have been submitted.
- 166 Overall, the proposed house numbers are not approved at this stage. It is intended that the scale of development will be ascertained through the outcome of the detailed applications and phasing plan, which will then inform associated infrastructure requirements and facilities including education and community facilities, public transport improvements and carbon reduction measures.

LEGAL AGREEMENTS

- 167 None.

DIRECTION BY SCOTTISH MINISTERS

- 168 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 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

- 169 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 170 The development of the employment land is considered to comply with the current adopted Development Plan. The housing element does not comply with the adopted Development Plan however there is sufficient weight that can be attached to the Proposed Local Development Plan which represents the

Council's settled view on the allocation of strategic land for this area as well as the Council's overarching economic, social and environmental objectives contained within the Community Plan, Corporate Plan and the Economic Development Strategy.

171 On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions:

- 1 Application for the approval required by a condition imposed on this Planning Permission in Principle shall conform with the requirements of Regulation 12 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and of Section 59 (2) and (3) of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006 and, in particular, must be made before whichever is the latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the planning permission in principle,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, or
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.
- 2 No works in connection with the development hereby approved shall take place unless full details of the siting, design, external appearance and landscaping of the development and the means of access serving the development (hereinafter referred to as the 'matters specified by condition') have been submitted to and approved in writing by the Planning Authority. The specified matters include:
 - (i) a phasing plan for the whole site;
 - (ii) an updated masterplan which shall include a road link from residential phase 1 to connect to the site boundary with Cherrybank Gardens;
 - (iii) details of all cut and fill operations in the construction of development phases, including the formation of a 4.0 metre bund to the south east corner of the site.
 - (iv) a detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development phase, relative to existing ground levels and a fixed datum point. A 5.0 metre maintenance strip along both banks of each watercourse running through the site shall be incorporated into the levels survey with floor levels of properties adjacent to maintenance strip being 0.4 metres higher than the outer level associated with the maintenance strip;

- (v) the siting, design, height and external materials of all buildings or structures;
- (vi) the details of all roads, footpaths and cycleways throughout the development;
- (vii) details of any screen walls/fencing to be provided;
- (viii) measures to maximise environmental sustainability through design, orientation and planting or any other means; and
- (ix) details of all landscaping, planting and screening associated with the development;
- (x) full details of the proposed means of disposal of foul and surface water from the development.

3 Prior to the start of any work on the site, an agreed construction programme shall be submitted to and approved in writing by the Planning Authority. The construction programme shall accord with the phases outlined below.

- (i) phase 1 of the business land development must be fully serviced before the occupation of the first residential dwelling associated with phase 3;
- (ii) phase 2 of the business land development must be fully serviced before the occupation of 50% of the residential dwellings associated with phase 4;
- (iii) the road link required by condition 2(ii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site before the occupation of 50% of the residential dwellings associated with phase 4;
- (iv) the 4.0 metre bund required by condition 2(iii) of this consent must be installed up to the application site boundary with the Cherrybank Gardens site and landscaped before the start of construction of residential dwellings associated with phase 3.

Once approved, the development shall proceed in accordance with the approved construction programme, unless otherwise agreed in writing by the Planning Authority.

4 Notwithstanding the details on the indicative masterplan and prior to the commencement of any works in connection with each phase a development brief shall be provided for the area covered. The briefs shall specify:

- (i) the height and appearance of all new structures;
- (ii) the use of appropriate external materials including walls, fences and other boundary enclosures;
- (iii) the surfacing of all new roads, parking areas, cycleways and footpaths;
- (iv) the lighting of all streets and footpaths;
- (v) the layout of play areas and the equipment to be installed;
- (vi) maintenance of all open space and treed areas not included in private house plots;
- (vii) details of car charging points to be provided within the development;
- (viii) Appropriate layout design measures should be incorporated into the residential phases to reduce noise within gardens and at first floor bedrooms on exposed elevations. Houses within the application site

facing the M90 with direct line of sight should be orientated so that private gardens are sheltered from motorway noise. All windows should be provided with suitable acoustic installation with a sound reduction index equivalent to 30dB RWA. All windows should be provided with trickle vents and a sound reduction index equivalent to 35 dB RWA.

Once approved, all development in the respective areas shall be carried out in accordance with the approved briefs.

- 5 A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for each phase for the written approval of the Planning Authority, in consultation with SEPA. All work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of dwellings or buildings associated with that phase of development. The scheme shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C697) and should incorporate source control.
- 6 Where any watercourse crossings are required, details of the proposed water crossings shall be submitted as part of the matters specified by condition application for that phase of development and thereafter installed to the satisfaction of the Planning Authority.
- 7 Foul drainage from the site shall be drained to the mains sewerage system by means of adoptable sewerage and plant, the details of which shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Water, and thereafter complied with.
- 8 Schemes of hard and soft landscaping works shall be submitted as part of the matters specified by condition application for that phase of development. Details of the schemes shall include:
 - (i) existing and proposed finished ground levels relative to a fixed datum point;
 - (ii) existing landscape features and vegetation to be retained;
 - (iii) existing and proposed services including cables, pipelines and substations;
 - (iv) the location of new trees, shrubs, hedges, grassed areas and water features;
 - (v) a schedule of plants to comprise species, plant sizes and proposed numbers and density;
 - (vi) the location, design and materials of all hard landscaping works including walls, fences, gates, any other means of enclosure, street furniture and play equipment;
 - (vii) an indication of existing trees, shrubs and hedges to be removed;
 - (viii) a programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development on that part of

the site, or such other date as may be agreed in writing with the Planning Authority.

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

- 9 No development shall commence on any phase of the site until the core path network has been upgraded to mitigate the impact of that development phase all to the satisfaction of the Planning Authority in consultation with the Greenspace Team.
- 10 No development shall be occupied on any phase of the site until the local road network improvements identified in the Transport Assessment report dated 08 April 2013 by JMP Consultants Limited have been implemented and made operational to mitigate the traffic implications of each development phase, to the satisfaction of the Planning Authority.
- 11 No part of the development shall commence until provision has been made towards a road improvement scheme that mitigates the impact of the proposed development on the Trunk Road Network. The details of this provision shall be agreed in writing with the Planning Authority in consultation with Transport Scotland Trunk Road Network Management Directorate.
- 12 No part of the commercial development shall be occupied until a Green Travel Plan (GTP) has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The GTP will have particular regard to the provision of walking, cycling and public transport access to and within the site and will identify measures to be provided regarding the system of management, monitoring, review, reporting and the duration of the plan.
- 13 The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance approved in November 2012 which requires a 25% allocation of affordable units within the development all to the satisfaction of the Council as Planning Authority.
- 14 The development shall be in accordance with the requirements of the Council's Primary Education and New Housing Development Policy approved in November 2012 all to the satisfaction of the Council as Planning Authority.
- 15 Prior to Commencement of development, a detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency and Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements.

Thereafter the development shall be fully undertaken in accordance with the approved CEMP.

- 16 Prior to commencement of development, a detailed Site Waste Management Plan (SWMP), including specific measures to minimise the use of raw materials and methods to reduce, re-use or recycle waste material on site where appropriate, shall be submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. Such details shall be submitted not less than two months prior to the agreed scheduled commencement date. Thereafter the development shall be fully undertaken in accordance with the approved SWMP.
- 17 The lighting scheme for the development site shall be submitted to and approved in writing by the Planning Authority. Once approved, the lighting installation shall be implemented in accordance with the approved details as part of the works on site.
- 18 Any plant and equipment, such as air conditioning, mechanical extraction, air receivers etc, must be designed and installed so as to prevent noise disturbance to adjoining properties.
- 19 For each phase of the development, a site specific plan, detailing bin storage areas, kerbside collection locations and recycling facilities shall be submitted to and approved in writing by the Planning Authority and thereafter undertaken in accordance with the approved details.
- 20 No development phase shall commence until detailed calculations have been provided and approved in writing by the Planning Authority in consultation with the Flooding Section to confirm that flows through culverts within the site and on the A93 can be conveyed. Should the culverts fail to convey the 1/200 return period flow then mitigation measures shall be submitted for written approval by the Planning Authority and thereafter installed and delivered prior to the occupation of dwellings or buildings associated with that phase of development
- 21 A scheme of mitigation to improve air quality shall be submitted to and approved in writing by the local Planning Authority prior to commencement of development. The approved scheme shall be implemented before the occupation of that phase of the development all to the satisfaction of the Council as Planning Authority.

REASONS

- 1 In accordance with the terms of Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc (Scotland) Act 2006.
- 2 This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 3 In order to ensure the implementation and completion of the business land component of the proposal as this is the element of the proposed development which the Planning Authority considers will bring economic and social benefits to the area.
- 4 In order to give further consideration to those details which have still to be submitted.
- 5 To ensure adequate protection of the water environment from surface water run-off.
- 6 To ensure the integrity and where possible improvement of the existing watercourses on the site.
- 7 In the interests of public health and to prevent pollution.
- 8 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.
- 9 To secure and enhance existing public access.
- 10 To ensure that the development proposals will not have a significant detrimental impact on the operation of the local road network.
- 11 To ensure that the development proposals will not have a significant detrimental impact on the operation of the trunk road network.
- 12 To promote sustainable travel modes.
- 13 To comply with the Council's approved policy on affordable housing.
- 14 To comply with the Council's approved Education Contributions policy.
- 15 In the interests of visual amenity; to ensure necessary facilities are in place; and to minimise pollution risks arising from construction activities.
- 16 To accord with the Zero Waste Plan which seeks to minimise waste production and reduce reliance on landfill for environmental and economic reasons.
- 17 In the interests of the amenity of the area and to avoid excessive light pollution.
- 18 To prevent disturbance from noise.
- 19 To ensure there is adequate provision for waste disposal and recycling.
- 20 To ensure the provision of an acceptable drainage system in the interests of the amenity of the area and for the protection of the water environment as well as alleviating the potential risk of flooding due to impedance of flood flows and reduction of flood storage capacity.

- 21 To prevent the deterioration of air quality above a level that would be detrimental to the amenity of the area.

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure(Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be :
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.
- 4 Applicants are advised that should their application for 'matters specified by condition' be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for 'matters specified by condition' within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 5 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.

- 6 The applicant is advised to take cognisance of Transport Scotland's consultation response on the planning application when formulating their documentation to discharge condition 11 which relates to the Trunk Road Network.
- 7 The definition of 'fully serviced business land' in condition 3 means the delivery of road infrastructure (including service road and pavements with access/junctions into business land plots, street lighting, road signage and sustainable urban drainage scheme) with services provided to each business plots access/junction to include electricity connection, water supply connection, foul drainage connection, gas connection and telecommunication connection.
- 8 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 9 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 10 The applicants are advised that they must apply to the Roads Authority for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
- 11 Paths to be constructed as part of a development should reflect likely patterns of use: pedestrian, bikes, horse riders and wheelchairs as appropriate. Specifications should be based on those in "Lowland Path Construction - A Guide to Good Practice" published by SNH, Scottish Enterprise & the Paths for All Partnership.
- 12 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 13 The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 14 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

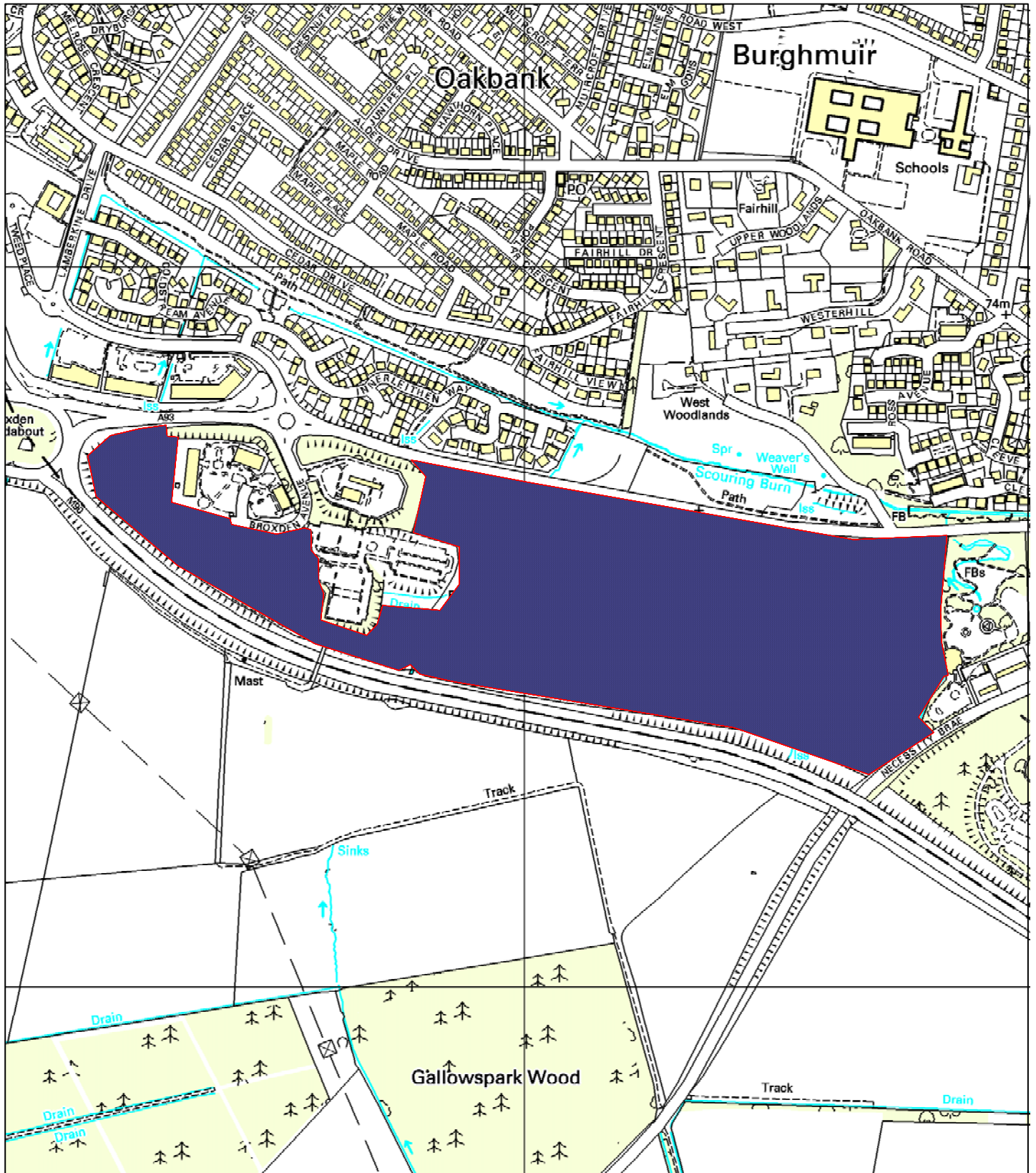
Background Papers: 2 letters of representation
Contact Officer: John Russell Ext 75346
Date: 29 July 2013

Nick Brian
Development Quality Manager

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↑ Scale
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