

Perth and Kinross Council  
Development Management Committee – 13 July 2016  
Report of Handling by Development Quality Manager

Residential development of 203 dwellings (Phases 6-8) of Muirton Regeneration  
Masterplan Perth

Ref. No: 16/00401/FLM  
Ward No: N12 Perth City Centre

**Summary**

This report recommends approval of the application for a development comprising 203 residential units for the last three phases (6-8) of the Muirton Regeneration Area off Dunkeld Road in Perth as the development proposals are considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The planning application site is located 1.5km north of Perth City Centre and covers a site area of 5.13 hectares. The site is largely flat following demolition of over 600 tenement flats in the 1990's. The site does not benefit from any specific allocation in the Local Development Plan 2014 but is classed as urban brownfield land. A regeneration masterplan for Muirton that includes this site was first approved by the Councils Environment and Infrastructure Committee in 2004 and updated again in 2009. Immediately adjacent to the site are Phases 1 to 5 of the regeneration masterplan which has been an ongoing development since 2004. Phase 5 is currently under construction.
- 2 The site is bounded on all sides by existing development in particular residential with some commercial and retail uses to the west facing onto Dunkeld Road. Most of the existing residential units are the earlier phases of the Muirton regeneration and includes a mix of housing types, design and materials.
- 3 There are three existing roads within the site that connect into the existing street network. The connections are between Dunkeld Road, Gowans Terrace and Ainslie Gardens. There is also a link road that connects to Carnegie Place, which is currently blocked with bollards by PKC. There are also significant traffic calming measures designed into the previous development phases which link into the proposed site.
- 4 This proposal seeks to formally establish the final three phases of the approved masterplan development for the regeneration of Muirton. The proposed scale of development is for 203 dwellings with a mix of the dwelling types ranging from 1 to 4 bedroom units. 102 units will be affordable dwellings delivered by a Social Rented Landlord (Caledonia Housing Association) and the remaining 101 units will be open market dwellings. Of these, 20 of the private housing are Low Cost Home Ownership flats, 12 are private flats and 69 are semi-detached

or terraced dwellings. The 102 affordable houses are semi-detached, terraced or cottage style flats.

- 5 The proposed development largely integrates with the existing street layout and connections, that can be traversed by pedestrians, cyclists and by vehicles. Shared space is featured throughout the proposed development and there are pavement build outs proposed at certain locations to reduce traffic speeds. A hierarchy of streets has been proposed through the use of different paving types. Three areas of open greenspace, including a play area is proposed throughout the site.
- 6 The proposed principal materials include light and dark red brick and light and dark grey concrete roof tiles. Flats are proposed facing onto Dunkeld Road which provide a distinctive entranceway into the proposed development from the west. The flats are of a modern design and have been designed with consideration of neighbouring building lines.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

- 7 Due to the scale of the proposal it will require to be screened as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations. A screening request was submitted in January 2016 and it found that an EIA is not required in this instance.

## **PRE-APPLICATION PROCESS**

- 8 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. The Proposal of Application Notice (reference 15/00019/PAN) outlined a public exhibition was held on 16 December 2015 at North Inch Community Campus. The Ward Councillors for the area (Cllrs Barrett, Parrott, MacLellan and Stewart) were consulted by the applicant as well as North Inch and Muirton Community Council, North Muirton Community Council and Tulloch Residents Association. The results of the community consultation is submitted with the application as part of the Pre-Application Consultation (PAC) Report.

## **NATIONAL POLICY AND GUIDANCE**

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

### **National Planning Framework**

- 10 The NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc (Scotland) Act 2006 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 2014**

- 11 The Scottish Planning Policy (SPP) was published on 23 June 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
  - The preparation of development plans.
  - The design of development, from initial concept through to delivery.
  - The determination of planning applications and appeals.
- 12 Of relevance to this application are;
  - Paragraphs 24 – 35: Sustainability
  - Paragraphs 36 – 57: Placemaking
- 13 A successful Sustainable Place
  - Paragraphs 126 – 131 Affordable Housing
  - Paragraphs 135 – 151 Valuing the Historic Environment
- 14 A Natural, Resilient Place.
  - Paragraphs 219 – 233 Maximising the Benefits of Green Infrastructure
  - Paragraphs 254 – 268 Managing Flood Risk & Drainage
- 15 A Connected Place
  - Paragraphs 286 – 291 Promoting Sustainable Transport and Active Travel
- 16 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 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 2001**

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

### **Designing Streets 2010**

- 18 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.

### **National Roads Development Guide 2014**

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

## **DEVELOPMENT PLAN**

- 20 The Development Plan for the area consists of the Approved TAYplan Strategic Development Plan June 2012 and the Perth and Kinross Local Development Plan February 2014.

### **TAYPlan Strategic Development Plan 2012-2032**

- 21 TAYPlan sets out a vision for how the region will be in 2032 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

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

- 22 The following sections of the TAYplan 2012 are of particular importance in the assessment of this application.

#### **Policy 1 – Location Priorities**

- 23 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**

- 24 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**

- 25 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

#### **Policy 5: Housing**

- 26 Seeks to ensure there is a mix of housing type, size and tenure that meets the needs and aspirations of a range of different households throughout their lives including the provision of affordable housing.

## **Policy 6: Energy and Waste/Resource Management Infrastructure**

- 27 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

## **Perth and Kinross Local Development Plan 2014**

- 28 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 29 The LDP sets out a vision statement for the area and states that:  
*“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”*
- 30 Under the LDP, the following policies are of particular importance in the assessment of this application.

## **Policy PM1A - Placemaking**

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

## **Policy PM1B - Placemaking**

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

## **Policy PM1C - Placemaking**

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

## **Policy PM2 - Design Statements**

- 34 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

## **Policy PM3 - Infrastructure Contributions**

- 35 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community

facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

#### **Policy RD1 - Residential Areas**

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

#### **Policy RD4 - Affordable Housing**

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

#### **Policy TA1A - Transport Standards and Accessibility Requirements**

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

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

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

#### **Policy CF1B - Open Space Retention and Provision**

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

#### **Policy CF2 - Public Access**

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

### **Policy CF3 - Social and Community Facilities**

- 42 The loss or change of use of land or buildings used for community purpose will only be permitted where the availability of community facilities in the locality is not seriously affected, no suitable alternative community use can be found or alternative facilities of equivalent benefit and provided.

### **Policy NE3 - Biodiversity**

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

### **Policy NE4 - Green Infrastructure**

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

### **Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

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

### **Policy EP2 - New Development and Flooding**

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

### **Policy EP3A - Water, Environment and Drainage**

- 47 Proposals which do not accord with the Scotland River Basin Management Plan and any relevant associated Area Management Plans will be refused unless they are considered to be of significant specified benefit to society and / or the wider environment.

### **Policy EP3B - Water, Environment and Drainage**

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



### **Policy EP3C - Water, Environment and Drainage**

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

### **Policy EP3D - Water, Environment and Drainage**

- 50 Development over an existing culvert or the culverting of watercourses as part of a new development will not be supported unless there is no practical alternative. Existing culverts should be opened and redundant water engineering features removed whenever possible.

### **Policy EP8 - Noise Pollution**

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

### **Policy EP11 - Air Quality Management Areas**

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

### **OTHER POLICIES**

- 53 The following supplementary guidance and documents are of particular importance in the assessment of this application
- Developer Contributions Supplementary Guidance including Affordable Housing April 2016
  - Flood Risk and Flood Risk Assessments – Developer Guidance June 2014
  - Sustainable Design and Zero Carbon Development Supplementary Guidance May 2014
  - Green Infrastructure Supplementary Guidance (Draft) July 2014
- 54 **Open Space Standards (2001)** - Sets out the Councils adopted open space adoption standards for new residential developments, which gives developers three viable options to pursue/proposed as part of their development.

### **Perth & Kinross Corporate Plan 2013-2018**

- 55 Corporate Plan Vision includes – Promoting a prosperous, inclusive and sustainable economy. Creating safe and sustainable places for future generations.

## **The Perth City Plan 2015 – 2035**

- 56 This plan produced by the City Development Board sets out the long-term vision for Perth as one of Europe's great small cities. It sets out a framework for investment in strategic infrastructure, along with a 5 year delivery plan for economic development and placemaking.

### **PLANNING SITE HISTORY**

- 57 The following history is of particular importance.

**October 2004:** Masterplan approved by Environment and Infrastructure Committee for regeneration of the Muirton area following demolition of 600 tenement flats in the 1990's

**04/02282/FUL:** Phase 1 of Muirton Regeneration Masterplan with erection of 57 dwellings, new roads and associated landscaping. Approved under delegated powers February 2005

**06/01648/FUL:** Phase 2 and 3 of Muirton Regeneration Masterplan with the erection of 92 dwellings. Approved under delegated powers December 2006

**January 2009:** Revised and Updated Masterplan approved by Environment and Infrastructure Committee for the continued regeneration of the Muirton area

**09/01389/FLL:** Modification of Phase 3 of Muirton Regeneration Masterplan to amend layout of 27 dwellings. Approved by Development Management Committee November 2009

**10/01109/FLL:** General landscape work including play area provision associated with Muirton Regeneration Masterplan. Approved by Development Management Committee October 2010

**10/1700/FLL:** Phase 4 of Muirton Regeneration Masterplan with the erection of 40 dwellings and boundary treatment. Approved by Development Management Committee February 2011

**14/01443/FLL:** Phase 5 of Muirton Regeneration Masterplan with the erection of 25 dwellings and associated landscape work. Approved under delegated powers October 2014

### **CONSULTATIONS**

#### **EXTERNAL**

##### **Scottish Environmental Protection Agency (SEPA)**

- 58 No objection to the proposal.

**Scottish Water**

59 No response received.

**Transport Scotland**

60 No objection to the proposal.

**Historic Environment Scotland (HES)**

61 No objection to the proposal.

**North Inch and Muirton Community Council**

62 No response received.

**North Muirton Community Council**

63 No response received.

**Tulloch Residents Association**

64 No response received.

**INTERNAL**

**Strategic Planning and Policy**

65 No objection to the proposal.

**Transport Planning**

66 No objection to the proposal.

**Environmental Health**

67 Initially raised concerns regarding lack of information submitted in terms of air quality. They have revised their position to 'no objection'.

**Biodiversity Officer**

68 No objection to the proposal.

**Flood Risk and Structures**

69 No objections and are satisfied with the competency of the Flood Risk Assessment and Drainage Strategy. Specific conditions are recommended to ensure there is no flood risk to existing and future residential properties.

## **Community Greenspace**

- 70 No objection to the proposal.

## **Waste Services**

- 71 No objection to the proposal.

## **Developer Negotiations/Affordable Housing**

- 72 No developer contributions required as site is part of an ongoing regeneration masterplan since 2004.

## **REPRESENTATIONS**

- 73 The application has attracted 1 representation against the proposal with this being primarily concerned about the loss of a mature tree at Ainslie Gardens.
- 74 This issue is addressed under the Appraisal section of this report.

## **ADDITIONAL STATEMENTS**

75	Environment Statement	Screened – Not Required
	Screening Opinion	Submitted
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk Assessment, Transport Statement and Air Quality Assessment

## **APPRAISAL**

### **Policy**

- 76 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The determining issues here are whether the proposals in principle comply with current Development Plan policy, or if there are other material considerations, which justify departure from policy.
- 77 The most relevant policies of the Development Plan are TAYplan Strategic Development plan 2012 and Perth and Kinross Local Development Plan 2014 including Supplementary Guidance.

### **Principle**

- 78 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 proposed site is located within the Tier 1 settlement of Perth and is within the Perth Core Area and therefore complies with the objective of this policy.

### **Design, Scale and Layout**

- 79 The proposed layout broadly follows the parameters of the approved masterplan for the site and includes reasonably generous open space and takes account of the site's importance alongside a main route into the City of Perth. The proposed layout takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open space, the children's play area and the main pedestrian and cycle routes.
- 80 Building heights are important to the successful integration of any new development into the existing built environment. The proposed development introduces taller buildings at key gateways into the site, which clearly defines the edges of the new neighbourhood. These are considered to be well designed and provide a strong attractive entrance into the site.
- 81 Three and four storey flats are proposed at the Dunkeld Road access, forming a clearly defined gateway into the site. The height of the flats creates a continual frontage along Dunkeld Road and is considered to sit well in relation to the adjoining existing commercial centre/retail units.
- 82 Three storey townhouses are proposed at Gowans' Terrace to define the gateway and entrance into the site. The majority of the site is two storey which is considered appropriate and helps to integrate this phase of development with the existing masterplan. Some single storey housing is also proposed at the centre of the development and has been designed for use by the elderly.
- 83 The layout also includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and broadly achieves Designing Streets policy objectives.
- 84 The proposed layout and linkages ensure the site has appropriate levels of permeability and connectivity for all modes of transport, especially public transport, pedestrians and cyclists with footpaths connecting up with the existing network and onto public transport connections.
- 85 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of neighbouring properties and works within the parameters of the established masterplan. The proposed density of development of 203 dwellings is considered to be acceptable at this location and most dwellings will benefit from reasonably generous garden sizes and none of the properties should adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing.

- 86 In terms of design and finish the proposed materials integrate well with the existing earlier phases, whilst respecting the wider context too. To create a distinct sense of place, which helps define the final phases of the regeneration of the area, feature gables have been strategically placed to provide key views through the site, enhance way-finding and creating some character.
- 87 A limited materials palette is proposed which avoids unnecessary window treatment and the predominant material is a multi-tone facing brick. A second lighter tone of facing brick is employed on certain blocks where they are located in visually prominent positions. These help create some visual interest and character.
- 88 Two shades of roof tiles are proposed to differentiate certain character areas. Buildings at the edge of the development, at key nodes or set around one of the open spaces will have a slightly darker roof tile to help provide some variety of colour.
- 89 It is considered that the materials proposed whilst respecting the surrounding earlier phases will also provide a distinct, attractive and modern feel for the last three phases of the regeneration masterplan.
- 90 The proposals are considered appropriate in terms of design, scale and layout and satisfies the policy objectives of Designing Places, Designing Streets and the Councils Placemaking Policies.

### **Affordable Housing**

- 91 Just over 50% (102 units) of the proposed development will be affordable housing and will be delivered and managed by Caledonian Housing Association. Delivery of this will be dealt with via the Section 75 Legal Agreement. As a consequence, the proposal comfortably complies with the Councils Affordable Housing Policy.

### **Transport and Access**

- 92 Because of the existing road network within the site and surrounding it, the site is easily accessible to all modes of transport including public transport, walking and cycling. The proposed development seamlessly connects up with the existing transport infrastructure and earlier phases provide a very permeable development. Pedestrian/cycle links will be provided between the development site and the existing local facilities.
- 93 Transport Planning and Transport Scotland have raised no issues and overall the transport and access strategy provides excellent vehicle access onto Dunkeld Road and the wider transport network and permeability for pedestrians and other non-motorised users through the site connecting with local facilities and Perth City Centre.

## **Transport - Wider Network**

- 94 Inverlamond Interchange has known performance issues but Transport Scotland are aware this proposal is the latter part of an ongoing re-development site and as a result have not raised any concerns about impact on the trunk road network.

## **Sustainable Transport**

- 95 In terms of sustainability the site is located in a highly sustainable location just 1.2km north of Perth City Centre. The site is adjacent to Dunkeld Road which is a main arterial route in and out of the City Centre. With existing bus services along Dunkeld Road, Gowans Terrace and Balhousie Street all residents should be within 350 metres of a bus stop. This will provide a number of opportunities that will encourage the use of public transport and provide a frequent and attractive service into Perth city centre and to the bus and rail stations.
- 96 The plans also provide paths and cycle paths that are linked to the existing network that should also encourage future residents to walk and cycle.

## **Open Space and Recreation Provision**

- 97 Three interrelated public areas of open/recreation space are proposed across the site. A small park is proposed at the northern gateway into the site and provides a significant enhancement to the public realm and street character of the area. This area of open space allows for the planting of new trees and shrubs that will soften the hard urban edge with Gowlands Terrace and help provide privacy and screening to the proposed housing.
- 98 A play area is proposed in a central location within the development that will benefit from natural surveillance. The play area will provide 200sqm of play space with a range of fixed equipment specifically for those aged between 2-14 years. Older children will be able to travel further within the neighbourhood to other play areas developed in the earlier regeneration phases.
- 99 A linear park is proposed within the southern half of the site and runs in an east-west direction. As well as providing a generous area of open space it will also provide a safe pedestrian route away from vehicle movement with wide footpaths picking up on desire lines across the site.
- 100 During pre-application discussions Community Greenspace agreed that the proposed provision is acceptable. It is considered that the proposed open space and play area will provide an improvement to the existing situation and will be a benefit to both existing and future residents in the area. As a result the proposal complies with LDP Policies CF1 – Open Space Retention and Provision and CF3 – Social and Community Facilities

## **Air Quality**

- 101 Perth and Kinross Council have a statutory duty under the Environment Act 1995 to review and assess air quality within its area. This is done by the Environmental Health Team and under these duties the whole city of Perth was declared an Air Quality Management Area (AQMA) on the basis of exceedances of the annual mean nitrogen dioxide (NO<sub>2</sub>) and particulate (PM<sub>10</sub>) standards and a subsequent Air Quality Action Plan (AQAP) was finalised in 2009. This application is within the boundary of the AQMA, and the scale of the application means it is likely that a number of vehicles will access the centre of Perth for work or leisure. This has the potential to have a detrimental effect on the levels of the aforementioned pollutants and the operation of the AQAP. Due to this the applicant has submitted an air quality assessment which has been assessed.
- 102 Following submission of additional air quality information, Environmental Health have confirmed their support for the proposal. The proposal is considered to comply with LDP Policy EP11 Air Quality Management Area.

## **Noise**

- 103 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.
- 104 Given the sites central location within Perth with a mix of surrounding uses it is considered that there are minimal noise issues and Environmental Health have not raised any concern.

## **Flood Risk and Drainage**

- 105 There are proposed connections between the new and existing surface water drainage systems. The Councils Flooding Officer recommends, if not already carried out the Developer will be required to conduct a survey and assess the condition of the existing network to ensure it is of a suitable standard and has capacity to connect to the new network and provide any such evidence to the Council. This can be covered by way of condition.
- 106 Underground storage cells are also proposed as part of SUDS arrangements for the site with hydrobrakes used to restrict flow from the underground storage cells to 1 litre per second. The Council's Flooding Officer has recommended that the developer will need to clarify the return period to which this figure relates. This again can be controlled and agreed by way of condition.
- 107 Overall, the Councils Flooding Officer and SEPA have reviewed the Flood Risk Assessment including Drainage Strategy and have no objection to the



proposal. The proposal is considered to accord with LDP Policy EP3 – Water Environment and Drainage.

### **Waste**

- 108 The Councils Waste Services team provided guidance as part of their consultation response to ensure all properties have the required number and type of bins and that there should be adequate space within each property to accommodate the required bins and that the road network will be able to accommodate the required refuse vehicles to service the site. They have confirmed that all their requirements have been met by the applicant. Having said that some conditional control and informatives will ensure the collection of waste will not be compromised in the future.

### **Trees**

- 109 Concern was raised by a representation regarding the loss of a mature tree at Ainslie Gardens. The Councils Tree Officer was consulted as part of the Community Greenspace consultation. He provided commentary on the proposed trees but raised no issue regarding the loss of the tree referred to in the submitted representation. The loss of any mature tree is always considered unfortunate and if it can be retained as part of the landscaping of the site, we will seek to do so. In the event the tree cannot be retained the proposal looks to provide significant tree planting throughout the site and in particular at gateway locations to create tree lined streets. Given the lack of trees throughout the site it is considered that the proposals will, overall, compensate for the loss of one existing tree.

### **Sustainability**

- 110 The earlier phases of this regeneration have been developed and future proofed to connect into any district heating opportunities that may come forward in the future. It is expected that the same will occur for the last three phases.
- 111 In the interim each dwelling has been designed to accommodate photovoltaic cells on each roof and each dwelling has been designed to minimise energy costs for residents.

### **Developer Contributions**

- 112 A Section 75 legal agreement is required to secure the provision and maintenance of the proposed open space and play area. A Draft Heads of Terms has been prepared and has been agreed with the applicant. It will cover the following topics:
- Open Space Provision and Maintenance
  - Play Area Provision and Maintenance

## **Economic Impact**

- 113 During the construction period a high number of full time jobs will be created and this will impact on the level of in-direct jobs that the construction activity will generate from employees spending on local goods and services. New residents should also fill job vacancies and support existing employers in the local area.
- 114 The development of up to 203 dwellings as will provide a significant increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimate that average convenience goods available expenditure in 2019 per household will be £2,047 per annum and the average comparison goods available expenditure per household will be £3,634 per annum. Based on these figures and 203 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £1.15 million. This expenditure should have a significant positive impact on Perth City Centre and the adjacent commercial centres. The proposal accords with the aspirations of the Perth City Plan 2015 - 2035 by providing additional expenditure and skilled workforce to the local economy that will help sustain the city.

## **PLANNING AUTHORITY WITH AN INTEREST IN THE LAND**

- 115 The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 advises on the procedure for notification of planning applications to the Scottish Ministers for developments in which planning authorities have an interest in. The Direction states that notification to the Ministers is only required where the proposal involves a significant departure from the authority's own Development Plan. As the recommendation of approval for residential development of an urban brownfield site with an approved regeneration masterplan in place is not considered a significant departure from the Development Plan, a notification to the Ministers is not required.

## **LEGAL AGREEMENTS**

- 116 A legal agreement is required to secure provision and maintenance of the proposed areas of open space and play area. A Draft Heads of Terms are suggested and have been agreed between the parties:
- Delivery of open space and associated maintenance
  - Delivery of play area and associated maintenance

## **DIRECTION BY SCOTTISH MINISTERS**

- 117 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 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**

- 118 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. The proposal seeks to formally establish development on the associated site and it is consistent with the objectives of the Development Plan.
- 119 The regeneration of Muirton is a longstanding, committed development site since 2004. The site is well placed to deliver a new well connected sustainable community in Perth. The proposal will provide a significant contribution towards meeting the required dwellings to meet the projected population growth of Perth and Kinross.
- 120 The proposed development will lead to the creation of new homes to meet the predicted population growth, jobs during the construction period and potential additional workforce afterwards. The proposal will significantly assist in meeting local and national targets in a sustainable and measured fashion.
- 121 Overall the proposal is a well-designed high quality proposal that complements the earlier phases of the regeneration masterplan whilst also creating a unique identity within the development. Accordingly the proposal is recommended for approval subject to the following conditions and associated legal agreement.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions:**

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

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

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

Reason: In the interest of vehicle and pedestrian safety and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

- 3 The detailed landscaping and planting scheme as approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and in pursuance of suitably satisfying placemaking policy criteria of the adopted Perth and Kinross Local Development Plan 2014.

- 5 The areas of public open space indicated on the approved landscape and planting drawings shall be planted in accordance with the open space standards of the Planning Authority and completed to phase with the adjacent dwellinghouses in accordance with a programme to be submitted to and agreed in writing with the Planning Authority prior to the commencement of the development. The scheme shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

- 6 Prior to the commencement of development a detailed layout of the proposed children's play area indicated in the site layout plan shall be submitted for the further approval of the Planning Authority. The play area(s) shall be designed, laid out and equipped in accordance with the Planning Authority's current criteria for play area provision within six months of the occupation of the 50<sup>th</sup> dwelling on the site. The play area and its facilities/equipment shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason: In the interests of residential amenity and to ensure the satisfactory provision and implementation of a children's play area.

- 7 Prior to commencement of development, a detailed Construction Management Plan (CMP) detailing required mitigation measures and construction method statements, including specific measures for monitoring during construction, shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and air quality mitigation measures for all construction elements. Thereafter the approved CMP shall thereafter be fully respected and adhered to through the construction phase of the development.

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

- 8 Prior to the commencement of development the existing drainage infrastructure within the site shall be inspected and details of its condition and any required upgrading shall be submitted to and agreed by the Planning Authority in consultation with Councils Flooding team. Thereafter the development shall be carried out as per the agreed details.

Reason: To reduce flood risk.

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

Reason: In the Interest of vehicle and pedestrian safety.

- 10 Prior to the commencement of development full drainage calculations and the final layout and depth of the proposed SUDS facilities and associated infrastructure are to be agreed in writing with the Council as Planning Authority, in consultation with the Council's Flooding Team. The agreed detail shall thereafter be implemented prior to the completion of the development.

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

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

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

- 12 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.

Reason: To ensure there is adequate provision for waste disposal and recycling.

- 13 Where site boundaries affect trees, the development shall fully comply with, respect and remain in full accordance with BS5837 2012: *'Trees in relation to construction, demolition and construction. Recommendations'*.

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

## **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**

- 1 Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 16/00401/FLM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers.

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
- 4 This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 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.
- 5 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.

- 6 The applicant should be aware that the street lighting scheme to be submitted to the Council as Roads Authority as part of their Construction Consent application should include the use of LED lights.
- 7 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 1 Letter of representation  
Contact Officer: Steve Callan – Ext 75337  
Date: 28 June 2016

Nick Brian  
Development Quality Manager

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