

Perth and Kinross Council  
Planning & Development Management Committee – 14 February 2018  
Report of Handling by Interim Development Quality Manager

**PROPOSAL:** Erection of 20 dwellinghouse with associated roads, drainage and landscaping (matters specified by conditions 13/01879/IPL) (Phase 1)

**LOCATION:** Land west of Woodlands, Glasgow Road, Perth

Ref. No: 17/01139/AML  
Ward No: P10- Perth City South

**Summary**

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

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 Planning permission is sought for the erection of 20 dwellinghouses with associated road, drainage and landscaping on land to the west of Woodlands, Glasgow Road, Perth. The application is a follow up application to an in principle permission approved in December 2015.
- 2 Three related planning applications have been submitted corresponding to the three planning applications in principle that were granted planning consent.
- 3 Phase 1 - 1.97ha (20 units) - between Glasgow Road and Scouring Burn and partly on north side of burn, west of Phase 3.
- 4 Phase 2 – 0.97ha (17 units) - northern part of land in ownership of applicant close to Fairhill Crescent/Fairhill Grove, includes walled garden of previous farm steading.
- 5 Phase 3 - 1.21 ha (9 units) - west of Woodlands, north of Scouring Burn. Adjacent to northern section of Phase 1.
- 6 This application relates to Phase 1 which includes the main access via a new road access from the Glasgow Road, Perth.
- 7 The land associated with this application is currently relatively rough grassland divided by the Scouring Burn. The land slopes down to the north from the Glasgow Road towards the burn. This southern section is bordered to the west by existing housing, open space to the east, the Glasgow Road to the south and the Scouring Burn to the north. Phase 1 also includes existing grassland to the north of the Scouring Burn. The land rises up to the north from the burn. Part of an existing tree belt lies to the northwest of this area with open space west of the tree belt. To the north is further development land (phase 2) which includes the garden ground and site of the former Woodlands House. To the north east, outwith the application site but in the same ownership as the

application site, is an area of listed buildings being the Coach House, Laundry and Hen House of the former Woodlands House. To the east of this is further existing residential development. The site includes a small part of the land associated with the former West Woodlands House. Core Path CTYS/112 and the Scouring Burn run through the middle of the site.

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

- 8 Directive 2011/92/EU requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission 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.
- 9 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.
- 10 An Environmental Statement was not required to be submitted with the proposal as the scale of development falls below the EIA thresholds of 50 houses.

### **PRE-APPLICATION CONSULTATION**

- 11 The proposed development is not classed as a Major development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Therefore the applicant was not required to undertake any formal pre-application consultation with the local community. However in this case the developer had one pre-application drop-in consultation session at the Oakbank Community Centre prior to the applications being submitted.

### **NATIONAL POLICY AND GUIDANCE**

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

#### **National Planning Framework**

- 13 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

## **Scottish Planning Policy 2014**

- 14 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 15 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57
  - Flood Risk and Drainage: paragraphs 254-268
  - Green Infrastructure : paragraphs 219 – 233
  - Affordable Housing : paragraphs 126 - 131

## **Planning Advice Notes**

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
- PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 65 Planning and Open Space
  - PAN 67 Housing Quality
  - PAN 68 Design Statements
  - PAN 69 Planning and Building standards Advice on Flooding
  - PAN 75 Planning for Transport
  - PAN 77 Designing Safer Places

## **Creating Places**

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

## **Designing Streets 2010**

- 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, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

## **National Roads Development Guide 2014**

- 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 comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

## **TAYPlan Strategic Development Plan 2016-2036**

- 21 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 22 *"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs."*

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

- 23 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. 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."* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 24 The principal relevant policies are, in summary

## **Policy PM1A - Placemaking**

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

### **Policy PM1B - Placemaking**

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

### **Policy PM3 - Infrastructure Contributions**

- 27 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**

- 28 In identified areas, 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 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**

- 29 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 TA1B -Transport Standards and Accessibility Requirements**

- 30 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 CF1A - Open Space Retention and Provision**

- 31 Development proposals resulting in the loss of Sports Pitches, Parks and Open Space which are of recreational or amenity value will not be permitted, except in circumstances where one or more of the criteria set out apply.

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

- 32 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**

- 33 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 HE2 - Listed Buildings**

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

### **Policy NE3 - Biodiversity**

- 35 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**

- 36 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**

- 37 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**

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

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

- 39 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**

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

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

- 41 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 EP5 -Nuisance from Artificial Light and Light**

- 42 Permission will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

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

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

### **Policy EP12 - Contaminated Land**

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

### **OTHER POLICIES**

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

### **Perth & Kinross Community Plan (2006 – 2020)**

- 46 Key aim - Create a vibrant and successful area through:
- A thriving economy including successful tourism and cultural sectors.
  - A positive image locally, nationally and internationally.
  - Improved infrastructure and transport links.
  - A sustainable natural and built environment.

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

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

### **SITE HISTORY**

- 48 08/01418/FLM Residential development of 23 houses and 8 affordable apartments with associated infrastructure 31 October 2011 Application Withdrawn
- 49 08/01429/LBC Demolition of laundry block and alterations to existing buildings 8 November 2011 Application Withdrawn
- 50 08/01774/IPM Residential and office development (in principle) 8 March 2012 Application Refused under delegated powers
- 51 13/01879/IPL Residential development Phase 1 (in principle) 15 December 2015 Application Approved under delegated powers
- 52 13/01880/IPL Residential Development, Phase 2 (in principle) 15 December 2015 Application Approved under delegated powers
- 53 13/01881/IPL Residential Development, Phase 3 (in principle) 15 December 2015 Application Approved under delegated powers
- 54 17/01140/AML Erection of 17 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01880/IPL) (Phase 2) to be considered later on this Committee agenda.
- 55 17/01141/AML Erection of 9 dwellinghouses, landscaping and associated works (matters specified by conditions - 13/01881/IPL) (Phase 3 to be considered later on this Committee agenda.

### **CONSULTATIONS**

#### **External**

##### **Scottish Environment Protection Agency**

- 56 Initially objected due to concerns with potential flood risk, land raising, the removal of the embankment on Scouring Burn and compensatory flood storage. Objection withdrawn following provision of further information.

##### **Scottish Water**

- 57 No objection. Advises the applicant to make a Pre-Development Enquiry to Scottish Water.



## **Internal**

### **Transport Planning**

- 58 Initially objected due to lack of information with regard to traffic impact on the Glasgow Road and lack of alternative access. Objection withdrawn following submission of further information.

### **Contributions Officer**

- 59 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.
- 60 No contributions are required with regard to Primary Education provision or Transport Infrastructure.

### **Local Flood Prevention Authority**

- 61 Initially objected. Objection withdrawn following submission of further information.

### **Community Waste Advisor - Environment Service**

- 62 No objection. The developer should note requirements for access for refuse collections, street sweeping and grounds maintenance. Condition and informative note recommended.

### **Biodiversity Officer**

- 63 No objection subject to conditions.

### **Community Greenspace**

- 64 No objection subject to condition requiring upgrading and protection of path links.

### **Strategy & Policy**

- 65 Various LDP policies are applicable to the assessment of these planning applications. The site lies within the settlement boundary and is primarily identified as white land under policy RD1 residential areas. Notes a slight encroachment onto the open space identified in the existing LDP but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.

### **Environmental Health**

- 66 No objection subject to condition with regard to potential contamination requiring pre-commencement investigations.

## REPRESENTATIONS

67 The following points were raised in the 10 representations received:

- Contrary to development plan
- Residential amenity – overlooking
- Out of character – design and layout not in keeping with area
- Loss Of Open Space
- Loss of trees
- Traffic Congestion
- Parking
- Road safety – impact on Glasgow Road
- Design and density
- Flood risk – undermine existing flood defence
- Impact on cycle/footpath
- Impact on wildlife
- Should be submitted as a major development
- Impact on local infrastructure
- Noise – disruption when building

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

69 Disruption whilst the development is under construction is not a material planning consideration but should be minimised by the developer through good site management. As the site is close to a water course a Construction Environmental Management Plan should be submitted and will be required by condition (Condition 6).

## 70 ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not submitted
Design Statement or Design and Access Statement	Not submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Flood Risk Assessment, Transport Assessment, Tree Survey and Ecological Survey submitted.

## **APPRAISAL**

### **Policies**

- 71 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.
- 72 The site is within the Perth settlement boundary as identified in the LDP. Policy RD1 (residential areas) supports proposals which are compatible with the amenity and character of an area.
- 73 PM1 supports development that contributes positively to the quality of the surrounding built and natural environment and is designed with reference to climate change mitigation and adaption.
- 74 PM1B requires proposals to meet eight placemaking criteria including respect for the topography and wider landscape, creating inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport. Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals. Green infrastructure should be incorporated into new developments and connect to existing green networks. In this case there are existing listed buildings close to the site and part of the curtilage of the former Woodlands House and steading borders the site (policy HE2). A substantial part of the lower part of the site is identified as open space (policy CF1A) where it is adjacent to the Scouring Burn. A Core Path and Right of Way runs through the site. The majority of the open space identified in the LDP is to be retained with a small area being occupied by the SUDS pond. The proposal is considered to comply with the policy as some minor incursion into the open space is acceptable as long as it does not affect its amenity value.
- 75 Policy EP2 flooding is relevant. The site is known to be at risk of flooding and a Flood Risk Assessment has been submitted.
- 76 There are a large number of trees on the site. A Tree Survey has been submitted (policy NE2B) and some trees are proposed to be felled. An Ecological Survey has been submitted and implications for biodiversity (NE3) and potential for green infrastructure (NE4) are a consideration.
- 77 Policy TA1B requires new developments to be well served by all modes of transport in particular walking, cycling and public transport. A Transport Statement has been submitted which details this.

- 78 The proposal is considered to comply with the aforementioned policies for reasons outlined in the report below.

### **Principle**

- 79 The site lies within the Perth settlement boundary and is primarily identified as white land under policy RD1 residential areas. There is a slight encroachment onto the open space identified in the existing LDP but minor incursion into the open space is acceptable as long as it does not affect its amenity resource.
- 80 The site benefits from an in principle planning permission (13/01879/IPL) for residential development approved in December 2015 subject to conditions which established the principle of residential development on the site.

### **Design and Layout**

- 81 The application site is 1.97 hectares. The main vehicle access is off the Glasgow Road. The access runs north from the Glasgow Road and crosses the existing cycle/pedestrian path that runs along the Scouring Burn and is part of a cycle commuter route running between the western edge and Perth City Centre. The path is to be re-aligned to the south of the Scouring Burn and east of the new access for around 50 metres. Around 22 metres of path to the west will also be re-built to form a stepped access to cross the new road to link up to the path to the east. The road is to be raised up to link to a new bridge over the burn. The existing level access will be re-routed to the north of the burn to join the new road before crossing the bridge. The area to the south of the Scouring Burn within the site boundary is currently an open grassy area. Part of this area previously contained the “dry ponds” which were part of the flood prevention scheme in this area.
- 82 The application is for 20 dwelling houses to include six pairs of two storey semi-detached houses and two blocks of four flats. Plots 1,2,5,6,9 and 10 are two bed semi-detached dwellings with plots 3,4, 7 and 8 being three bed semi-detached. These ten properties front the proposed main access road and are south facing. A retaining wall is to be constructed to the rear due to the site gradient. Two blocks of four flats are proposed to the south and south east of plots 9 and 10. Two further blocks of four flats are to the east of these flats and are part of the related application for phase 3 (17/01141/AML). All eight flats forming part of this application are of two bedroom design. Originally the ground floor flats were only one bed but the plans were amended to form two beds. The appearance of the flats from the south elevation are as two storey buildings. Due to ground levels the northern elevation has the appearance of a one storey building. This application also includes a pair of semi-detached dwellings to the north of the first ten plots. These are further north up the site and are angled with an east facing front elevation. The proposals include a glass recycling point added at the request of the Council's Waste Services. This part of the site also includes the SUDS pond which will take surface water from the whole site.

- 83 A detailed external materials specification has been submitted. The main finishing material for the dwellinghouses will be white dry dash render with grey roof tiles. The flatted blocks include some timber boarding at first floor level.

### **Density**

- 84 There have been objections to the proposals relating to the density of the development and that the house styles proposed do not respect the character of the surrounding developments. The area around is quite varied but primarily is of detached houses. The plots to the east of the site at Westerhill are particularly generous with large properties on large plots. This application is for smaller housing units at a higher density with small garden areas. Plots 1-10 fronting the main access road have around 70-80 square metres of private amenity space to the rear which is below the recommended amount of around 100 square metres. The existing residential area to the west has an approximate house to plot ratio of 25% and is of mainly detached housing. The semi-detached housing units on this application site (phase 1) has an approximate house to plot ratio of 33%. Smaller houses at a higher density are considered acceptable on this site as the houses have been designed primarily to meet market demand for smaller more affordable units such as starter homes and also to take account of the steep gradients on the site. The two houses to the north (plots 27 and 28 of this application) have more generous rear gardens of around 120 square metres. The flats (plots 11-18) have smaller amenity areas but each includes space for clothes drying and cycle storage. The proposals are considered to make good use of a centrally situated site with good sustainable transport connections. The site also benefits from being close to high quality public open space.

### **Landscape**

- 85 The site is currently an area of open ground either side of the Scouring Burn. The southern part of the site includes a hedge along the Glasgow Road boundary and some shelterbelt planting to the west (outside of this site's boundary). The main part of this area is open grassland with an area of overgrown hedging. The area to the north of the burn is also largely open grassland. The western boundary includes around 40 metres of an extensive tree belt that runs between the Scouring Burn and Fairhill Crescent to the north. This contains a mix of trees, primarily poplars and is largely identified for removal and replacement with new planting. There has been some concern that the removal of this tree belt will have an adverse landscape impact. The initial plans did not show any detail of the make-up of the shelterbelt to be removed. Further clarification of the tree species in this area was requested. Two ash trees and a maple tree are now proposed for retention within the Phase 2 site. The tree belt is noted in the Tree Report as including very large examples of hybrid with various poorly formed conifers inter planted. It is noted that the shelterbelt has matured to the extent that both the neighbouring houses and the proposed new development could be at risk if the trees were to blow down. It is proposed to re-plant the shelterbelt with a mix of species. The proposals represent an opportunity to re-plant the shelterbelt with species appropriate to residential development and also to incorporate a management

regime for the area. Phase 1 only includes a small section of the existing shelterbelt. The majority of the shelterbelt, around 125 metres, is within the Phase 2 application (17/01140/AML). Phase 1 also will include provision of a new level cycle/pedestrian link as part of the proposals to re-align part of the existing path around the area of the proposed new bridge which will be required over the burn to form the access to the development site.

- 86 The area to the south of the proposed built development is within the flood plain and designated as open space in the LDP. This area will be undeveloped and retained as open space. Some tree planting is indicated on the submitted plans in this area. The southern edge of the proposed flats to the north of this open area have beech hedges proposed to help soften the frontage. Some planting is also proposed to the front of the houses on the north of the access road with a beech hedge to the north of the SUDS pond area. Trees are proposed to line the access road to the site from Glasgow Road.

### **Residential Amenity**

- 87 The proposals are compatible with the surrounding residential uses. The style and layout of the proposed development does not have any adverse impact on neighbouring properties.
- 88 The rear window to boundary distance of the houses proposed on plots 1 to 10 and plots 27 and 28 all meet the Council's guidance of being at least 9 metres to the boundary. With the change in levels there had been some concern that houses on plots 3 and 4 would be overlooked by the flatted block, (units 29-32 in phase 2). Extra clarification was sought with regard to this relationship between the flatted block and plots 3 and 4. The closest window to window relationship is 17.5m around 0.5 of a metre less than the 18 metre guidance. This measurement is from the face of blockwork to face of blockwork. The windows are also at a slight angle. To reduce overlooking amended plans were submitted moving the kitchen windows on the first floor flat to the gable elevation. The side boundary of the flatted block has also been slightly re-positioned to ensure that this aspect is 9 metres from the boundary of plots 27 and 28 to the east. Overlooking into the rear gardens of the houses in plots 3 and 4 is mitigated by screen fencing and the angle of view from the flat windows. The other flatted blocks in phase 1 is considered acceptable from a residential amenity point of view with screen fencing between blocks to mitigate any overlooking from ground floor level and no windows from habitable rooms on the side elevations.
- 89 An objection has been made with regard to potential overlooking from users of the new access road towards properties to the west on Innerleithen Way. The road is over 30 metres from the residential property in question and it is considered that there will be no impact in terms of overlooking.

## **Visual Amenity**

- 90 The site is currently a large open area that provides an attractive, if unkempt, setting for the existing residential areas. The area is generally relatively overgrown and the existing tree belt is not actively managed. The removal of the existing tree belt and construction of a new road and houses will impact on the existing character of the area. However, over time the landscaping proposed will help to integrate the development into its setting and will be an improvement on the currently unkempt state of the land.

## **Impact on listed building**

- 91 Three of the buildings within the ownership of the applicant but just outwith this phase 1 application site are identified as being of interest and are listed – namely the laundry, coach house and hen house (categories C(S), B and C(S) respectively, forming a B group). The unlisted former farmhouse site and its gardens also contribute significantly to the character and quality of the site, and to the settings of the listed buildings.
- 92 The applicant has chosen not to include the listed buildings within the development proposals at this time and has indicated that a further application with regard to the listed buildings will be submitted at a later date to include some refurbishment of the buildings during the second phase of construction.
- 93 In order to protect the listed buildings and their setting an informative note (Informative Note 11) is to be added to advise that there should be no construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan. This can also be highlighted in the Construction Environmental Management Plan that will be requested by condition (Condition 6).

## **Roads and Access**

- 94 The in principle approval did not approve the indicative road layout and made clear that the proposals should take account of existing pedestrian desire lines that run around and through the site. There is a strong pedestrian desire line running from the southeast to the northwest of the overall site linking up to Fairhill View to the front of the site of the old Woodlands House. The applicant was also asked to consider a vehicular link to Fairhill View but the applicant does not control the land here and such a link could not be guaranteed.
- 95 The Council's Transport Planner initially had some concern with the impact on the traffic flow on the Glasgow Road from the new junction serving the development and its proximity to the new signalised junction at the Bellway Homes site. However, the applicant's transport consultants supplied further information in support of the application. The information contained in the report and revised drawings now satisfies the concerns with regards to roads matters and it is noted that the subsequent Roads Construction Consent process will ensure that all technical issues are resolved to the Council's satisfaction.

- 96 The proposals also show link paths to the west and east of the development and include a level access for the cycle/footpath that is to be re-routed where the new road will cross. The applicant has indicated traffic calming of this crossing to ensure pedestrian/cyclist priority.

### **Core Path**

- 97 The Core Path, right of way and cycle route running through the site is a key feature of the area and should be protected as part of any future development.
- 98 Community Greenspace has commented on the plans and noted initially that Core Path CTYS/112 had been only partly incorporated into the design. It had been suggested that a link be made to Fairhill Crescent either by upgrading the existing path or creating a new path through the wooded area. Rather than do this the applicant has incorporated links to the path from the new development. Details of the re-routed cycle/pedestrian path will be required by condition (Condition 8). A condition will also be included to agree how the works will limit disruption to the existing path and path users (Condition 7). All new paths would be expected to meet Council standards (Condition 2).

### **Drainage and Flooding**

- 99 SEPA and Perth and Kinross Council's Flood Officer has been consulted. Both initially objected to the detailed plans due to the potential flood risk and that the proposals would place persons and property at risk. SEPA was concerned that the proposed bridge had been replaced by a box culvert and the positioning of part of the SUDS basin within the functional floodplain was not acceptable due to the possible implications for floodplain storage. SEPA asked for a number of points to be clarified including assessing the potential for the risk of flooding to the garden ground of the property at 92 Innerleithern Way. Clarification was also sought with regard to the bridge structure over the Scouring Burn.
- 100 A revised Flood Risk Assessment was submitted in September 2017 and further clarification with regard to SEPA's requirements was submitted following this. SEPA and the Council's Flood Risk Officer are now satisfied with the proposals in terms of flood risk. However the FRA has not been updated with the further information and it is suggested that this be required by condition (Condition 3).

### **Sustainable Urban Drainage System (SUDS)**

- 101 A SUDS pond that will serve the entire development is included as part of this Phase 1 application.



- 102 The applicant has provided details for the proposed SUDS scheme but further investigation is required before a finalised scheme can be agreed. SEPA comments that whilst the potential flood issues have been addressed some further information as to why this particular SUDS strategy has been proposed is required. Further information will be requested by condition (Condition 4). SEPA further notes that each proposed activity (e.g. land raising, embankment removal) may require further authorisation under the Controlled Activities Regulations (CAR). An informative note relating to CAR licence authorisation will be attached to any consent (Informative Note 10). Conditions with regard to SUDS will also be attached (17 and 18).

### **Waste Collection**

- 103 The Council's Waste Services Advisor has been consulted and does not object to the proposals. The developer has been made aware of the requirements for bin and recycling provision and has included a glass recycling area on the submitted plans for this Phase 1 application. This has addressed Waste Services requirements for glass recycling provision. An informative note (Informative Note 15) will be included on any permission with regard to general waste and recycling requirements.

### **Natural Heritage and Biodiversity**

- 104 The in principle approval included a requirement for carrying out a survey with regard to any potential impact on protected species. A survey was carried out and recommendations made with regard to proposed mitigation. The Council's Biodiversity Officer suggests a condition be attached to any permission requiring development adheres to the recommendations in the survey (Condition 5). This includes providing bird and bat boxes on buildings and on the site (Condition 15) and conditions to protect wildlife (Conditions 9 and 10).

### **Developer Contributions**

#### **Affordable Housing**

- 105 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought, is to be in the form of affordable housing.
- 106 The affordable housing requirement is 5 units (20 x 0.25). The applicant has indicated that the affordable housing requirement will be met by the use of credits accumulated on other sites. Further discussion will be required with the Council's Affordable Housing Enabler to agree the delivery of the appropriate affordable housing requirement. No consent will be issued until this matter has been resolved.

### **Primary Education**

- 107 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.
- 108 This proposal is within the joint catchment of Viewlands and Oakbank Primary Schools.
- 109 Education & Children's Services have no capacity concerns in this catchment area at this time. No developer contributions are required with regard to primary education provision.

### **Transport Infrastructure**

- 110 The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 111 The proposal has 'In principle' consent under 13/01879/IPL which predated the adoption of the Transport Infrastructure Guidance meaning that this guidance does not apply in this instance.

### **Contaminated Land**

- 112 A review of historical record has shown that the development site is in very close proximity to what was a landfill site that ceased operations in the mid 70's. This site was later redeveloped for housing but during the site investigation, it was discovered that the site was affected by ground gases. This had to be mitigated against by installing gas prevention measures within the residential units. There is a possibility that gas may have migrated from this site to the proposed development area. In the interest of ensuring that the site will be free from any perceived ground gas risk, the applicant should satisfy themselves that on construction they adopt necessary gas protection measures to ensure the residential units are suitable for use.
- 113 A condition is recommended (Condition No.20).

### **Economic Impact**

- 114 There will be some positive impact on the local economy from the proposal as it will help to safeguard local employment in the construction industry.

## **LEGAL AGREEMENTS**

- 115 It is unlikely that a legal agreement will be required in relation to this application. No developer contributions are required with regard to transport infrastructure or education provision. However, an agreement may be required regarding the provision of affordable housing depending on the outcome of discussions with the Affordable Housing Enabler.

## **DIRECTION BY SCOTTISH MINISTERS**

- 116 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

## **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 117 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, I have taken account of the Local Development Plan and material considerations and in this case I am content that the development proposed does not conflict with the Development Plan.
- 118 Accordingly the proposal is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

### **Approve the application**

### **Conditions and Reasons for Recommendation**

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

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

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

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

- 3 Prior to commencement of development an up-to-date Flood Risk Assessment should be submitted to the Council as detailed in SEPA's letter dated 7 December 2018 (17/01139/78).

Reason – in the interests of proper site management.

- 4 Prior to construction of development the applicant should submit information to demonstrate that the SUDS strategy is appropriate as advised in SEPA's letter dated 7 December 2017. This should show how the proposed SUDS strategy adheres to the Simple Index Approach (SIA) or provide any other evidence that the SUDS strategy is appropriate.

Reason - To ensure the appropriate management of surface water run-off and to enhance biodiversity in the interests of residential and environmental amenity.

- 5 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

- 6 Development shall not commence until 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 for the further written agreement of the Council as Planning Authority in consultation with SNH and/or SEPA. 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 agreed CEMP.

Reasons – in the interests of proper site management.

- 7 Prior to the commencement of the development hereby approved, a management plan indicating any temporary diversions and signage needed to facilitate the development and/or any works proposed to the right of way/core path as part of the development shall be submitted for the further agreement of the Council as Planning Authority. The plan as agreed shall be implemented in accordance with the timings identified in the plan.

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

- 8 Full details of the re-routed Core Path CTYS/112 should be submitted for approval of the Planning Authority. The path should be surfaced and 3m wide to provide for multi-use. The approved details shall be implemented as part of the site development and completed prior to the occupation of the first house.

Reason – to clarify requirements of the re-routed Core Path.

- 9 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

- 10 Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

- 11 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.

Reasons - In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

- 12 Where it is intended to create semi-natural habitats, all species used in the planting proposals detailed in the approved plans shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.

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

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

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

- 14 Prior to the occupation of the first dwellinghouse, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape

management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented.

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

- 15 Prior to occupation of the development a minimum of 1 Swift brick and 1 bat brick shall be incorporated into each building at eaves height.

Reason - In the interests of enhancing biodiversity.

- 16 Prior to the commencement of any works on site, all trees on site (other than those marked for felling on the approved plans) and those which have Root Protection Areas which fall within the site shall be retained and protected. Protection methods shall be strictly in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction. Protection measures, once in place, shall remain in place for the duration of construction.

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

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

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

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

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

- 19 Where site boundaries affect trees, the development shall fully comply with, respect and remain full accordance with BS5387 2012 "Trees in relation to construction, demolition and construction."

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

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

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

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

Reason – In order to deal appropriately any ground contamination.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

- 120 The planning permission decision notice shall not be issued until such time as the required Developer Contributions with regard to affordable housing have been secured or paid in full.
- 121 In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

## **D INFORMATIVES**

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

- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be advised that in terms of Section 21 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 6 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.
- 7 Technical approval will be required for the bridge (or any structure being adopted or supporting adopted infrastructure) by Perth & Kinross Council's Structures department. It should also adhere to the Flooding Teams' 'Flood Risk and Flood Risk assessment' design guidance. Which states bridge soffit levels should be designed to the 0.5% AP (200-year) flood event with a 20% increase in peak river flow volume/peak rainfall intensity and an addition of 600mm freeboard.
- 8 The applicant should take account of PKC Flooding and Flood Risk Guidance Document (June 2014).
- 9 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 10 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

Details of SEPA's regulatory requirements and good practice advice for the applicant can be found on the Regulations section of SEPA's website or contact a member of the regulatory team in the local SEPA office at:  
SEPA, Strathearn House, Broxden Business Park, Lamberkine Drive Perth  
PH1 1RX, Tel: 01738 627989



- 11 No construction activity, land shaping or storage of construction materials should take place outwith the site boundary as indicated in red on the site layout plan.
- 12 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non compliance.
- 13 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 14 Paths to be constructed as part of the development should reflect likely patterns of use: pedestrian, bikes horse riders & 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.
- 15 The developer should note requirements for access to all areas of the site for refuse collections, street sweeping and grounds maintenance and particular note should be taken of the requirements for manoeuvring refuse collection vehicles (including 12m bin lorries). Full specifications are available from the Community Waste Team.

Individual properties will be provided with 140 litre general waste bin, 240 litre recycling bin and 240 litre garden waste/food waste bin presented to the kerbside by householders.

Flatted properties will share 1100 litre general waste and 1100 litre recycling bins (4 flats). These bins should be no more than 10 metres from the kerbside, crew will pull out and return bins.

Background Papers: 10 letters of representation  
Contact Officer: Persephone Beer 01738 475354  
Date: 1<sup>st</sup> February 2018

**ANNE CONDLIFFE**  
**INTERIM DEVELOPMENT QUALITY MANAGER**

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