

Perth and Kinross Council
Planning & Development Management Committee – 18 October 2017
Report of Handling by Interim Development Quality Manager

Erection of 48 dwelling houses, landscaping and associated works on land SW of
Gannochy Farmhouse, Gannochy Road, Perth

Ref. No: 17/00669/FLM

Ward No: N12 Perth City Centre

Summary

This report recommends approval of the detailed application for a residential development of 48 dwellinghouses, landscaping and associated works on land SW of Gannochy Farmhouse, Gannochy Road, Perth

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh it.

BACKGROUND

- 1 The site is an area of gently sloping agricultural land located at the eastern edge of Perth and covers a site area of 3.34 hectares.
- 2 The western site boundary is formed by Gannochy Road and provides access to the existing Gannochy housing stock that is owned and maintained by the applicant. To the east it is bounded by agricultural land with Gannochy farm building and farmhouse to the north. To the south the site is bounded by existing housing and the tree-lined Annat Burn. The site is within the Perth Air Quality Management Area (AQMA).
- 3 The proposed site is the southern half of an allocated site (H3) in the Local Development Plan (LDP) for an affordable housing use with a notional figure of 50 dwellings identified.

PROPOSAL

- 4 The proposed development is supported by a masterplan for the entire Gannochy Trust Estate and the proposed site shows the delivery of 48 affordable houses that will be maintained by the Gannochy Trust which has a large portfolio of dwellings in the immediate surrounding area. The majority of the applicants existing housing stock have simple massing and proportions with distinctive hipped roofs.
- 5 The applicant is proposing a similar but unique approach for H3. There will be mix of detached, semi-detached and terraced dwellings all with hipped roofs. Forty five (45) will be single storey with three detached dwellings providing the appearance of single storey but split over two levels. The proposed housing mix

is to complement the applicants current stock with the provision of one and two bedroom homes for individuals, couples and small families; and three bedroom family houses which have fully accessible wheelchair accommodation on the ground floor.

- 6 In terms of material palette the dwellings will be finished in a brick and timber cladding with dark grey tiles and photovoltaic panels on the roof.
- 7 An area of communal garden ground is proposed within the centre of the site and the plans show an area of open space to provide a future community allotment facility.
- 8 Vehicular and pedestrian access to the site shall be provided from three access points off Gannochy Road and there will be an internal loop road to serve all the dwellings.

ENVIRONMENTAL IMPACT ASSESSMENT

- 9 Due to the scale of the proposal it was necessary to screen as to whether the proposal is an Environmental Impact Assessment (EIA) development under the EIA 2011 regulations as it was submitted before the Regulations change in June 2017. The proposal was screened and found that an EIA is not required in this instance as it did not trigger an impact on specific EIA sensitivities.

PRE-APPLICATION PROCESS

- 10 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as it involves more than 2 hectares of developable area. This requires pre-application consultation with the local community to be undertaken. The results of the community consultation have been submitted with the application as part of the Pre-Application Consultation (PAC) Report on Community Consultation. The Proposal of Application Notice (PAN) (reference 16/00011/PAN) outlined a public exhibition was held locally and the Ward Councillors for the area were consulted as well as Bridgend, Gannochy and Kinnoull Community Council.

NATIONAL POLICY AND GUIDANCE

- 11 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

- 12 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

- 13 The SPP is a statement of Scottish Government policy on land use planning. The following sections of the SPP will be of particular importance in the assessment of this proposal:-

- Sustainability : paragraphs 24 - 35
- Placemaking : paragraphs 36 – 57
- Affordable Housing: paragraphs 126 – 131
- Valuing the Natural Environment : paragraphs 193 – 218
- Maximising the Benefits of Green Infrastructure: paragraphs 219 – 233
- Managing Flood Risk and Drainage: paragraphs 254 – 268
- Promoting Sustainable Transport and Active Travel : paragraphs 269 - 291

- 14 The following Scottish Government Planning Advice Notes (PAN) are of relevance to the proposal:-

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- 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

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

Designing Streets 2010

- 16 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

- 17 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

- 18 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2012-2032

- 19 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.”

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

Policy 1: Locational Priorities

- 21 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

- 22 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 5: Housing

- 23 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Land should be allocated within each Housing market Area to provide a generous supply of land to assist in the delivery of 26,000 units up to year 2024.

Policy 8: Delivering the Strategic Development Plan

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

Perth and Kinross Local Development Plan 2014

- 25 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.
- 26 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.”
- 27 The application site is located within the settlement boundary of Perth and is allocated (H3) for affordable housing development. The following policies are of particular importance in the assessment of this application.

PM1A - Placemaking

- 28 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

Policy PM1B – Placemaking

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

Policy PM3 - Infrastructure Contributions

- 30 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

- 31 In identified areas, residential amenity will be protected and, where possible, improved. 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

- 32 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 CF1B - Open Space Retention and Provision

- 33 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

- 34 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

- 35 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 are provided.

Policy NE2B - Forestry, Woodland and Trees

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

Policy NE3 - Biodiversity

- 37 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

- 38 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

- 39 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

- 40 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

- 41 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

- 42 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

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

Policy EP3D - Water, Environment and Drainage

- 44 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

- 45 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

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

TA1B- Transport Standards

- 47 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.

OTHER POLICIES

- 48 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

Open Space Standards (2001)

- 49 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

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

PLANNING SITE HISTORY

- 51 The following history is of relevance;
- **16/00011/PAN:** Proposal of Application Notice (PAN) for residential development. Content of PAN agreed November 2016.

CONSULTATIONS

EXTERNAL

Scottish Environmental Protection Agency (SEPA)

- 52 No objection to the proposal.

Scottish Water

- 53 No response received.

Transport Scotland

- 54 No objection to the proposal.

Historic Environment Scotland (HES)

- 55 No objection to the proposal.

Perth and Kinross Heritage Trust (PKHT)

- 56 No objection to the proposal.

Bridgend, Gannochy and Kinnoull Community Council

- 57 No response received.

Scone and District Community Council

- 58 Object to the proposal.

Perth Airport

- 59 No response received.

INTERNAL

Environmental Health

- 60 No objection to the proposal provided mitigation measures in applicants Air Quality Assessment are carried out.

Biodiversity Officer

- 61 The applicant's ecological survey provided sufficient baseline information to allow an assessment of the application and no objection is offered.

Strategic Planning and Policy

- 62 Supports the proposal as it is consistent with the LDP.

Developer Negotiations/Affordable Housing

- 63 The Gannochy Trust will operate and maintain these properties. This process ensures that these properties will fall below market rental values and as such are considered to be affordable in terms of Council Supplementary Guidance. As each of the units will be affordable no contribution towards primary education will be required.
- 64 With reference to the Council's Transport Infrastructure Developer Contributions Supplementary Guidance a financial contribution towards the cost of delivering the transport infrastructure improvements are required for the release of all development sites in and around Perth. As each of the units will be affordable. The site is within the full contribution area where a contribution of £1,775 per unit will be required.

Community Greenspace including Access

- 65 No response received.

Transport Planning

- 66 Following the examination of a full Transport Assessment, no objection to the proposal is offered.

Structures and Flooding

- 67 No objection to the proposal and are satisfied that the flood risk at this development is low.

Community Waste Advisor

- 68 No objection to the proposal but confirmed that they would like to see a glass recycling point within the site.

REPRESENTATIONS

- 69 The application has attracted 3 representations with 2 against the proposal and 1 in support. The following issues in the objections are raised and addressed in the Appraisal section of this report;
- Increased congestion and pollution at Bridgend, City Centre and A94
 - Some 2 storey dwellings proposed, should all be single storey

ADDITIONAL STATEMENTS

70	Environment Statement	Screened – Not Required
	Screening Opinion	Completed
	Environmental Impact Assessment	Not Required
	Appropriate Assessment	Not Required
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Flood Risk and Drainage Impact Assessment, Engineering Statement, Transport Assessment, Ecology Survey and Landscape Design Statement, Air Quality Assessment, Supporting Statement

APPRAISAL

Policy

- 71 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.
- 72 The most relevant policies of the Development Plan are TAYplan Strategic Development Plan 2012 and Perth and Kinross Local Development Plan 2014 (LDP) including Supplementary Guidance are listed above.

Principle

- 73 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.
- 74 The principle of an affordable housing development for circa 50 dwellings has been established through its allocation (H3) in the LDP. The proposed development of 48 dwellings is slightly lower than the allocation of the site but it is acknowledged that they are proposed on the southern half of the allocation and that there is capacity for more than the indicative LDP H3 allocation. However this is a medium density proposal suitable for an edge of settlement location and national policy refers to the desirability of using land efficiently.

- 75 This planning application boundary takes in land just outwith the H3 allocation boundary for a SUDs storage pond. This land is outwith the greenbelt and its inclusion for SUDs requirements is not considered to be an issue.
- 76 The proposed density is considered to be acceptable at this location and therefore the principle of the development can be supported.

LDP Site Specific Requirements

- 77 ⇒ Design to reflect the design of the surrounding residential area.
- ⇒ Planting to augment existing framework
- ⇒ Links to core path networks.
- ⇒ All units to be affordable housing.
- ⇒ Flood Risk Assessment required which will define the developable area of the site.
- ⇒ Investigate the potential for providing on-site community facilities.

Design to reflect the design of the surrounding residential area

- 78 It is considered that the proposed layout would be an appropriate and sensitive addition to the existing Gannochy Estate development and is consistent with the existing high quality layout of the area. Each of the proposed house types are considered to be quite bespoke and of exceptionally high design standards in terms of scale, materials and sustainability.
- 79 The vast majority of the site is single storey which is considered appropriate and helps to integrate development with the surrounding area. Three dwellings are proposed over two levels but still manage the appearance of single storey at the front elevation.
- 80 The proposed layout takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open and communal space and ensures 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.
- 81 It is considered that the materials proposed whilst respecting the surrounding area will also provide a distinct, attractive and modern feel for this development.
- 82 The new houses will complement and enhance the original estate that was originally laid out by AK Bell in the early 20th Century and will provide much needed affordable, high quality, energy efficient housing in an attractive location and environment close to Perth City Centre.

- 83 The proposals are therefore considered appropriate in terms of design, scale and layout and satisfies the policy objectives of Designing Places, Designing Streets and Council Placemaking Policy.

Planting to augment existing framework

- 84 The proposed layout plan and masterplan includes generous internal and framework planting which is considered will augment the existing area.
- 85 Gardens have been designed to give residents a manageable private space bounded by beech hedging to follow the tradition of the Gannochy Estate. Two Rowans will be planted either side of the entrances to again follow a traditional feature within Gannochy.
- 86 Some gardens will back on to communal open spaces and the applicants Landscape Strategy stipulates that hedge heights will be kept at a level that aides passive supervision between properties and allows connectivity with communal open spaces.
- 87 Both north and south boundaries are formed by hedging and some mature trees. On the southern boundary, the trees extend along the banks of the Annat Burn. The proposal is to retain these green edges and reinforce them with more tree planting. This will help screen the new development from the existing properties and create an attractive landscape buffer.
- 88 Street trees will be used where the verges will allow with easy to maintain species to not cause issues to surrounding hard surfaces. The proposed tree species of Norway Maple and Acer Platanoides 'Columare' along with specimen shrubs such as Amelanchier and Viburnum will provide all year round seasonal colour.

Links to core path networks

- 89 The design and orientation of the new housing takes advantage of the existing access routes to the adjacent countryside by having an open boundary to the east. This facilitates easy links to the Annat Burn and corer path routes to Kinnoull Hill Woodland Park, Deuchny Hill as well as to Gannochy Road and Milk Boys Walk.
- 90 In addition, it is considered that there are extensive walking routes through the site and provide good permeability for pedestrians making it easy to walk to community facilities within Gannochy and beyond.

All units to be affordable housing

- 91 The applicant (Gannochy Trust) will operate and maintain these properties. This process ensures that these properties will fall below market rental values and as such are considered to be affordable in terms of Council Supplementary Guidance.

Flood Risk Assessment required which will define the developable area of the site

- 92 LDP Policy EP2 confirms there will be a general presumption against proposals for built development in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere. In addition, built development should avoid areas at significant risk from landslip, erosion and storm surges.
- 93 Both a Flood Risk Assessment (FRA) and a Drainage Impact Assessment (DIA) have been submitted in support of the application. They have been assessed by SEPA and the Councils Flood Risk Officer. Neither have raised an objection to the proposal on the grounds of flood risk or drainage. The Councils Flood Risk Officer confirmed that the potential for flood risk at this location was low.

Investigate the potential for providing on-site community facilities

- 94 From the masterplan Gannochy Estate are seeking to provide an area of ground for community allotments in the future. They state in their masterplan that their longer term intention is to consider the potential to extend the existing Gannochy Community hall, and to undertake an Options appraisal and Feasibility study for the Doocot Cricket pavilion as it may have potential for conversion to an event venue. At this stage, this is considered to be sufficient.

Traffic and Transport

- 95 The proposed level of development is below the level of development whereby a Transport Assessment (TA) would normally be required to be submitted with a planning application. However with the site being located within the Perth Air Quality Management Area (AQMA) and there are well known congestion and pollution issues at Bridgend a full TA has been submitted in support of the proposal and has been fully assessed by Transport Planning and Transport Scotland.
- 96 Transport Scotland have no objection to the proposal and Transport Planning are satisfied that the TA is a robust assessment of the implications of the development on the local transport network.
- 97 It is acknowledged that there will be additional traffic generated by this development and the total current amount of traffic using Lochie Brae at the Bridgend junction in the pm peak (busiest peak) is 18% of the total traffic through this junction. The extra traffic which would be generated by this proposed development would be 0.62% of all total traffic using this junction. This minor increase is less than the daily average variation in traffic that could be expected at a junction of this nature, which is typically around 4%, so it can be seen that the proposal would have a negligible impact on overall traffic levels at this junction and therefore the proposal is considered acceptable in terms of traffic generation and impact on surrounding area.

Biodiversity

- 98 An ecological survey was undertaken on 6 April 2017 and provided sufficient baseline information to allow an assessment of the application.
- 99 The Councils Biodiversity Officer confirmed that the current use (agricultural) of the site makes it low in biodiversity and any residential development has the potential to improve the site for biodiversity by attracting birds and insects into gardens as a result of planting and provision of food and shelter. The open space and SUDS pond should include native planting that will encourage wildlife.
- 100 The proposal for community allotment gardens is to be commended as it will provide a sense of ownership in the area and positive impact on the biodiversity value of the site.

Developer Contributions

Affordable Housing

- 101 The Gannochy Trust will operate and maintain these properties. This process ensures that these properties will fall below market rental values and as such are considered to be affordable in terms of Council Supplementary Guidance and no contribution is required.

Primary Education

- 102 This proposal is within the catchment of Kinnoull Primary School. As a result of each of the units being affordable no contribution towards primary education is required.

Transport Infrastructure

- 103 The Council's 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. As each unit will be an affordable unit with the site located in the full contribution area, a contribution of £85,200 (£1,775 x 48) will be required.
- 104 It is recommended that the preferred method of payment would be upfront to allow early release of planning permission but the applicant may prefer to enter into a Section 75 Legal Agreement. If a Section 75 is entered into, the phasing of financial contributions will be based on completion of each unit with payments made 10 days after completion.

Cultural Heritage

- 105 Both HES and PKHT have assessed the proposal due to the sites proximity to listed buildings (Murray Royal Hospital) and archaeology in the area. Neither have raised any issues regarding the proposal and have no further requirements.

Air Quality

- 106 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 of the city of Perth was declared an Air Quality Management Area (AQMA) on the basis of exceedances of the annual mean nitrogen dioxide (NO₂) and particulate (PM₁₀) standards and a subsequent Air Quality Action Plan (AQAP) was finalised in 2009.
- 107 This application is within the boundary of the Perth 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 an effect on the levels of the aforementioned pollutants and the operation of the AQAP.
- 108 Due to this the applicant has submitted an air quality assessment which has been reviewed by Environmental Health. There was initial concern that the cumulative assessment did not include the recently determined Scone North development. This has now been rectified and the impacts to air quality local to this development have been quantified as negligible in terms of the Environmental Protection Scotland/Royal Town Planning Institute guidance "Delivering Cleaner Air for Scotland". Therefore, Environmental Health have no concerns with respect to air quality but have recommended a condition to ensure the mitigation measures highlighted in the applicants Air Quality Assessment are carried out.

Socio-Economic Impact

- 109 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.
- 110 The development of up to 48 dwellings will provide an increase in available expenditure for the economy of Perth in particular and further afield. The Perth and Kinross Retail Study in 2014 estimates 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 48 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £272,688. This expenditure should have a positive impact on Perth City Centre and Bridgend in particular. 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.
- 111 The proposed development will also have a positive effect in assisting Perth and Kinross Council to achieve affordable housing land requirements.

LEGAL AGREEMENTS

- 112 It is recommended that the preferred method of payment of the transport infrastructure contribution would be upfront to allow early release of planning permission.

DIRECTION BY SCOTTISH MINISTERS

- 113 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

- 114 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.
- 115 The development of affordable dwellings on land that is allocated in the LDP for residential use is considered to comply with the current Development Plan.
- 116 Overall the proposal is a well-designed high quality bespoke development that complements the surrounding area whilst also creating a unique identity within the development itself. Accordingly the proposal is recommended for approval subject to the following conditions and possible 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 development hereby approved being completed or brought into use, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority.

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

- 3 The detailed landscaping and planting scheme as approved shall be commenced at the same time as commencement of the residential 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 hours of operation at the construction stage shall be Monday to Friday 07:00 to 19:00 hours, Saturday 08:00 to 13:00 hours and no workings on a Sunday.

Reason: In the interests of public health and to prevent noise pollution.

- 6 The mitigation measure as recommended in Appendix E of the applicants Air Quality Assessment shall be carried out throughout the duration of the construction works.

Reason: In the interests of public health and to protect the Perth Air Quality Management Area.

- 7 Prior to the development hereby approved being completed or brought into use a Residential Travel Plan (RTP), aimed to encourage more sustainable means of travel, shall be submitted and approved in writing by the Council. The RTP will have particular regard to provision for walking, cycling and public transport access to and within the site and will identify the measures to be provided, the system of management, monitoring, review, reporting and the duration of the plan.

Reason: In the interest of sustainable travel and in accordance with the policies of the adopted Perth and Kinross Local Development Plan 2014.

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

Reason: To ensure the provision of provide effective drainage for the site.

- 9 The conclusions and recommended action points within the applicants supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development to the satisfaction of the 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 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 shall be submitted to the Planning Authority for retention prior to commencement of development.

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

- 11 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.

- 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 protecting environmental quality and of biodiversity.

- 13 Where it is intended to create a wetland/SUDS area wildlife kerbs shall be installed adjacent to all road gullies within 500m of wetland/SUDS.

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

- 14 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.

- 15 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.

B JUSTIFICATION

- 117 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

- 118 If the applicant would prefer to enter into a Section 75 Legal Agreement, consent shall not be issued until the Section 75 Agreement relating to transport infrastructure contributions has been completed and signed to reflect the current planning reference 17/00669/FLM.
- 119 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 having to be 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 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
- 5 The applicant is advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 6 The applicant is advised that in terms of Section 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
- 7 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, Pullar House, Perth.
- 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 The applicant is advised that the works may need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
- 10 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 11 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.

- 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.

Background Papers: 3 letters of representation
Contact Officer: Steve Callan – Ext 75337
Date: 5 October 2017

Anne Condcliffe
Interim Development Quality Manager

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--