

Perth and Kinross Council
Planning & Development Management Committee – 27 May 2020
Report of Handling by Head of Planning & Development (Report No. 20/93)

PROPOSAL: Erection of 82 dwellinghouses and associated works (changes to house type/layout on plots 0024 - 0091 of permission 15/01109/FLM)

LOCATION: Land at Bertha Park, Perth

Ref. No: [19/01900/FLM](#)

Ward No: P5 - Strathtay

Summary

This report recommends refusal of the application for 82 dwellinghouses and associated works at Bertha Park. The site forms part of the allocated site MU345 – Bertha Park within the Perth and Kinross Local Development Plan 2 (2019) for mixed-use development.

The development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Bertha Park is located to the north west of Perth, originally covering a site area of 333 undeveloped hectares (Ha), consisting of predominantly agricultural land. The application site extends to 1.72 Ha of this area. Previously a larger area, which included this site, saw detailed permission approved for 1061 dwellings in December 2016 (15/01109/FLM); the current site relates to 'plots 0024-0091' and, referred to as part of the 'East Village' character area. Phase 1 of this 2016 permission is under construction, with Bertha Park High School to the south.
- 2 The current proposal seeks to increase dwelling numbers from 68 to 82; an increase of 14. House types would differ, from the approved 5 blocks of flats (each containing 4 units) and 48 dwellinghouses comprising wide range of terraced, semi-detached and detached properties.
- 3 The unit numbers and tenure mix (private rental sector), include:
 - 16 x 2-bedroom terraced dwellinghouses
 - 62 x 3-bedroom terraced dwellinghouses
 - 4 x 4-bedroom terraced dwellinghouses

Infrastructure proposed:

- Pocket park (circa 550sqm)
- Local Streets (4.1m wide)
- Footpath/cycleway (3m wide)

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 4 An EIA screening exercise (19/02026/SCRN) was carried out for residential development and associated works, concluding that EIA was not required. On this basis, an EIA Report was not required to be submitted, with the extant permission identifying what was of environmental significance (or not) and addressed via a suite of mitigation. An overview is contained in the submitted planning statement.

NATIONAL POLICY AND GUIDANCE

- 5 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

- 6 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

- 7 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.
- 8 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
 - 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

Planning Advice Notes

- 9 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 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

- 10 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

- 11 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

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

DEVELOPMENT PLAN

- 13 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

- 14 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 set out in the plan states that:

“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.”

- 15 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application.
- Policy 1: Locational Priorities
 - Policy 2: Shaping Better Quality Places
 - Policy 4: Homes
 - Policy 6: Developer Contributions
 - Policy 8: Green Networks

Perth and Kinross Local Development Plan 2 (2019) (LDP2)

- 16 The Perth and Kinross LDP 2019 (LDP2) was adopted by the Council on 29 November 2019. It sets out the Council's vision, which echoes that of TAYplan (as set out above). LDP2 also sets out policies and identifies proposals. The principal relevant policies for this application are:
- Policy 1: Placemaking
 - Policy 2: Design Statements
 - Policy 5: Infrastructure Contributions
 - Policy 14B: Open Space within New Developments
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 20: Affordable Housing
 - Policy 23: Delivery of Development Sites
 - Policy 25: Housing Mix
 - Policy 26: Archaeology
 - Policy 32: Embedding Low and Zero Carbon Generating Technology in New Developments
 - Policy 40B: Trees, Woodland and Development
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - Policy 52: New Development and Flooding
 - Policy 53: Water Environment and Drainage
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 58: Contaminated Land and Unstable Land
 - Policy 60: Transport and Accessibility Requirements

LDP 2019 Allocation – Site Reference MU345

- 17 The site area for the allocation is 178 Ha (approximately), allowing for 3000 plus dwellings and in excess of 25 Ha of employment land and community facilities.

The Site-Specific Developer Requirements set out the background of the site, including Planning Permission in Principle (PPP), clarifying that future development requires to implement the approved planning permissions, masterplan and S75 legal obligations. Proposals should also not result in adverse effects, either individually or in combination, on the integrity of the River Tay Special Area of Conservation (SAC).

SITE HISTORY

- 18 [14/00001/PAN](#) Proposed housing development. PoAN sufficient. Decision issued 10 February 2014.
- 19 14/01767/SCOP Housing development. Decision issued 24 November 2014
- 20 [15/01109/FLM](#) Erection of residential units, commercial units (Classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works. Approved by Planning and Development Management Committee, June 2016 (Decision issued 12 December 2016, following conclusion of S75).
- 21 [15/01112/IPM](#) Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle). Approved by Planning and Development Management Committee, June 2016 (Decision issued 12 December 2016, following conclusion of S75).
- 22 [18/01800/IPM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to amend condition 1 (timescales for submission of Approval of Matters Specified by Conditions applications) and condition 2 (phasing of development) of planning permission 15/01112/IPM (residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)). Approved by Planning and Development Management Committee, February 2019 (Decision issued 25 September 2019, following conclusion of modification of planning obligation).
- 23 19/00918/MPO Modification of planning obligation associated with permission 15/01112/IPM (Residential development with community facilities, employment land, open space, landscaping and associated infrastructure (in principle)) to amend the S75 agreement. Application approved under delegated powers 30 July 2019.
- 24 [19/00552/FLM](#) Application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify condition 11 (sustainable construction) of planning permission 15/01109/FLM (Erection of residential units, commercial units (Classes 1,2,3 and 10), formation of allotments/open space, landscaping and associated infrastructure works). Approved by Planning and Development Management Committee, July 2019 (Decision issued 4 July 2019).
- 25 19/02026/SCRN Erection of 82 dwellinghouses and associated works (change to house type/layout on plots 0024 to 0091 of permission 15/01109/FLM). Decision issued March 2020 (EIA not required).

CONSULTATIONS

- 26 As part of the planning application process the following bodies were consulted:

External

- 27 **Scottish Water** – No response received.
- 28 **Luncarty, Redgorton and Moneydie Community Council** – No response received.

Internal

- 29 **Development Negotiations Officer** – No objection, contribution requirements identified and secured through the S75 obligations.
- 30 **Transport Planning** – Object in relation to lack of clear provision for visitor space parking and the associated ability to achieve such provision, given the narrow carriageway width of the affected roads. This objection was maintained following review of follow-up supporting information submitted by the applicant.
- 31 **Environmental Health (Contaminated Land)** – No objection, acknowledging that an investigation had been undertaken previously, with no concerns identified in relation to contamination.
- 32 **Community Waste Advisor** – No objection, set out standards required.
- 33 **Environmental Health (Noise Odour)** – No objection, subject to conditional controls.
- 34 **Biodiversity/Tree Officer** – No objection.
- 35 **Strategy and Policy (LDP Team)** – Concerns set out in relation to the appropriateness of the proposed mix of housing, relating to policy 25 of LDP2, and failure to meet minimum garden ground sizes. Concerns maintained following review of further supporting information submitted by applicant, which sought to justify the scale of departure from the guidance proposed.
- 36 **Community Greenspace** – No response received.

REPRESENTATIONS

- 37 None received.

ADDITIONAL STATEMENTS

38	Screening Opinion	Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design and Access Statement	Submitted
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not submitted. Some relevant information previously provided (for application 15/01109/FLM).

APPRAISAL

- 39 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 LDP2. 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 consideration of the Council's other approved policies and supplementary guidance.
- 40 The principle of residential development on this site has already been assessed against Development Plan policy and continues to be acceptable. This application seeks to change the detail of the residential development proposed, including increased dwelling numbers, house types and plot layout changes; as well as amendments to car parking locations and arrangements. The general road layout and open space configuration is however similar, only serving more dwellings.
- 41 The existing approval sees 68 units, which would be replaced, with 82 units now proposed, an increase of 14. The stated number of affected units (64), in the applicant's Planning Statement is incorrect and this has been acknowledged. However, it is not necessarily the number of dwellings which is problematic, rather the way in which the increase in density affects various 'Placemaking' principles. Particularly, the extant permission saw 20 units within five flatted blocks, approximately 30% of the approved development. This provided a higher net density, which was supported in terms of its placemaking attributes. The private garden ground requirements are assessed on the individual merits (including review of the communal and surrounding open space offering). Thus, whilst the principle of residential development is already established, the detailed consideration of the submission, which contains no flats, requires further review of:
- the density and mix;
 - private space allocation;
 - open space comparison;
 - car parking provision; and
 - general layout in placemaking terms.

Mix and Tenure

- 42 LDP2 includes new policy requirements, including Policy 25 - Housing Mix. However, although this application could assist in adding to the wider mix of tenures at Bertha Park, by providing private rental properties, this should not be to the significant detriment of Placemaking objectives. It is also noted that, in terms of house sizes, 16 of the 82 proposed dwellings are 2 bed terraced. In this regard Policy 25 states that for development of more than 20 dwellings, the market element should, *'meet the needs of smaller households, including older people and lower income households, and address part of this need by providing at least 10% of their homes as one or two bedroom homes.'* This planning application would therefore meet the needs of smaller households (over 19%). The policy also requires that *'Where there are identified clusters of households with specific housing needs within the settlement, such as housing for wheelchair users, there may be a requirement for up to 10% of the development to be designed to meet these specific identified needs or for the developer to demonstrate that the house is capable of adaption.'* It is considered that within Perth there are likely to be specific housing needs and it is not clear how this element is addressed by the properties proposed.

Design and Layout

- 43 The 82 dwellings proposed across 1.72 Ha represents a density of 47 dwelling per Ha. This is acknowledged as a high density for an edge of settlement location, particularly given that this does not include any flats. Although the location is near a commercial area and school, with the retention of the pocket park within the site layout providing some local public open space. So overall the idea of this type of residential model may not be inappropriate, although the way in which it has manifested itself results in several significant compromises. In this context, support for a tenure type and mix of this nature must fulfil the other relevant LDP2 policy criteria, in terms of the detailed design and layout.
- 44 The proposed house types are extremely modest, with frontages narrower than 6 metres and, in some cases, overall footprints of less than 50 sqm. Although this is not directly contrary to LDP2 policy it provides limited scope for special needs housing occupation and leads to the delivery of insufficient private garden ground for most dwellings, which is further discussed below.
- 45 The proposed design style and material palate and architecture of the proposed dwellings are considered appropriate and consistent with nearby completed and approved development and that of Bertha Park High School.
- 46 Generally, support is given for terraced dwelling houses where forming an appropriate urban context; particularly through the opportunity and ability to provide strong attractive street frontages and provide a higher net density. In this sense terraced rows are considered satisfactory, when assessed in isolation, albeit with a very modest footprint.
- 47 The layout also introduces timber screen fencing as a boundary treatment on key public elevations, where it previously this was not the case in the existing

permission. It is considered that these public boundaries should be addressed by walling and/or hedging, which better enhances placemaking, including landscape and visual amenity values and biodiversity connectivity opportunities. Finally, the introduction of increased street frontage car parking expanses across the re-designed layout dominates the streetscene, diluting the placemaking merits of the original scheme. The detail of these elements is further discussed in the following sections. However, it is considered that the proposal and layout is contrary to LDP2 Policy 1 - Placemaking.

Residential Amenity

- 48 LDP2 Policy 1 and Policy 17 generally seek to protect residential amenity. More specifically, Policies 55 and 56 require consideration of light and noise pollution respectively. Analysis has found no concerns in relation to light and noise pollution, other than that of noise associated with any mechanical ventilation and heat pumps, which could be adequately controlled by condition.

Private Amenity Space

- 49 It is important for all dwellings to have enough garden ground provision. The Council's Placemaking Supplementary Guidance was approved in January 2020 and sets out: *"As a rule, it is good practice to provide a minimum of 60 square metres for private space for a 1-2 bedroomed house and 80 square metres for 3+ bedrooms. Each dwelling should have a minimum garden depth of 9 metres"*.
- 50 Consistent with this, minimum standards seek to achieve an outside area that can perform the minimum to be expected of a garden; i.e. clothes drying, waste and recycling storage areas, sitting out facilities and plot futureproofing (such as development under permitted development regulations). The private garden ground incorporated into this layout falls way short of these minimum standard guidelines and is not considered adequate to cater for occupants' needs. Across the 82 units, only 11 (13%) achieve or exceed the minimum rear garden requirements set out in guidance. This leaves 71 units (87%) falling significantly short of appropriate provision (by more than 10sqm shortfall). Of those that do not meet the minimum standards, there are substantial failings in many cases, with up to a 50% reduction in the minimum standard (including the three-bed Plot 9 with only 40sqm and two-bed Plot 10 - 36sqm). This is considered unacceptable in this context and constitutes a departure from LDP2 Policy 1 and a reason for recommending refusal.
- 51 It is acknowledged that, in some limited cases, there is potential for an exception for semi-private/communal spaces, which are carefully designed to replace or off-set private gardens. However, there is no such provision made and for most properties affected, it is not considered to constitute a viable option as a genuine alternative.
- 52 In addition, the Draft Open Space Supplementary Guidance states that: *"The standard for public open space should be achieved in addition to providing sufficient private garden ground as outlined in the Council's Placemaking*

Guide". The applicant identified that additional private garden ground may be achieved if elements of open space were to be sacrificed, setting out that they considered the open space allocation more valuable in this context. Contrary to this view, and for clarification, it would not be acceptable for any established open space to be sacrificed in order to achieve or offset the required minimum private open space standards of individual dwellings. Both are required to meet at least the minimum standards, if not more. Only where one element significantly exceeded the minimum could a balanced assessment take place, possibly allowing for some shortfall on one side or another. As discussed above however, given the number of properties with inadequate garden ground, and the extent to which many properties fall short of the minimum standards, no such allowance can be made here.

Overlooking

- 53 The house designs would not result in overlooking to neighbouring properties, consistently maintaining a minimum 18 metre window-to-window separation at the rear.

Overshadowing, loss of sunlight and daylight.

- 54 A reasonable level of daylight and sunlight is maintained for all properties and the extent of overshadowing of the limited amenity ground between properties is considered acceptable.

Landscape & Visual Amenity

- 55 LDP2 Policies 39: Landscape, 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy and 42: Green Infrastructure are all relevant considerations in relation to landscape and visual amenity.
- 56 No detailed landscape plans are provided in support of this application. This is disappointing given the layout and density changes proposed. Overall the scheme remains heavily reliant on the extant permission for this information; however, this is not directly transferable to this proposal for what is a stand-alone application. Further to the layout concerns identified above, this lack of detail further dilutes the ability to consider the standard of Placemaking.
- 57 Street planting, public open space and private garden grounds provide different functions and they should be complementary but not a replacement for one another. While the general allocation for the public open space remains consistent with that of the extant permission, there are noticeable dilutions in areas of the proposed boundary treatment, impacting on the public/private interface on key public boundaries. This is considered a negative and should be avoided. Overall, in order to ensure that the terms of LDP2 Policies 39, 40A and 42 are satisfactorily met, there would be a requirement for conditional control, including a review of the boundary treatments currently proposed. Based on the current proposals however, the boundary landscaping treatment is considered unacceptable and a material reason for refusal.

Roads and Access

- 58 LDP2 Policies 1, 15 and 60 apply to assessing Roads and Access matters. Transport Planning identified immediate concerns regarding the level of parking provision provided. The 168 parking spaces is deemed an acceptable number in terms of meeting requirements for the dwellinghouses. However, no provision is identified for visitor parking. This requirement is set out within the National Roads Development Guide, as 0.25 spaces per dwellinghouse, equating to 21 visitor spaces. While there can be scope for unallocated on-street parking in some circumstances, this is dependent on road widths. In this case, due to the narrowness of the roads (4.1 metres), it is considered unacceptable to use these roads for visitor parking, as it would restrict vehicle flow. Furthermore, car parking dominates the layout and dilutes the outcome of the extant permission (which included parking courtyards, avoiding excessive street frontage parking) contrary to designing streets and LDP2, Policy 1 objectives.
- 59 The current submission is therefore considered to fail to satisfy the terms of LDP2 Policy 60 - Transport Standards and Accessibility Requirements.

Drainage and Flooding

- 60 The drainage proposals and flood risk remain consistent with that of planning permission 15/01109/FLM and is not considered to depart or materially change through this current proposal. Any support for this application would require planning conditions for flooding and drainage elements and would remain consistent with LDP Policies 52 and 53.

Energy and Low Carbon Technology

- 61 LDP2 through Policy 32 requires all new developments to deliver a minimum of 10% renewable energy technology across the development. The supporting planning statement suggests this policy is not applicable, referring to the extant permission in continuing to work towards silver standard building warrant regulations. This does not in itself go far enough however to establish that the terms of LDP2 Policy 32 has been satisfied and if supported contrary to recommendation, would require to be controlled through a suspensive condition to ensure the terms of Policy 32 is met.

Waste Collection

- 62 The waste collection arrangements have not been specified to confirm that suitable provision exists for required kerbside waste and recycling services. This element is not however considered to be insurmountable and could be addressed through a planning condition and informative.

Natural Heritage and Biodiversity

- 63 LDP Policy 38A - Environment and Conservation: International Nature Conservation Sites requires consideration for the possible impacts of

development on internationally protected sites, which is further set out in LDP designation MU345.

- 64 It is generally considered that there will be no significant additional impact on the biodiversity of the site, in comparison to extant permission 15/01109/FLM. The recommendations related to that previous decision could be re-applied, along with the associated background conditions, to ensure the status quo is maintained. At the same time however, it is also observed that, despite no detailed landscaping plan, the proposed boundary treatments to the new layout introduces more hard landscaping and less soft hedging alternatives, which provide less opportunity for biodiversity connectivity and incidental foraging. Whilst not a sufficient reason for refusal on biodiversity grounds alone, the dilution of this element is disappointing and should be resisted to pursue the previous higher quality landscaping approach.

Developer Contributions

- 65 LDP2 Policy 5 - Infrastructure Contributions requires consideration of the individual or cumulative impact of new development on infrastructure and facilities and to secure contributions to address this impact where the development exacerbates impacts or generates additional need.
- 66 The Section 75 Legal Agreement for 15/01112/IPM and 15/01109/FLM secures the necessary infrastructure required in association with developing this area of land. No further contributions are required as the legal agreement has secured contributions on 3000 dwellings regardless of the dwelling size. Should this application be supported against recommendation however, it is appropriate to ensure the necessary arrangements are in place, through either the existing S75 or a new or amended agreement. This would be addressed prior to any permission being issued.

Economic Impact

- 67 The impact to the local economy both during construction and occupation is anticipated to be moderate through additional available expenditure on local facilities and services.

Conditions

- 68 As the development comprises part of a larger strategic application site (15/01109/FLM), all salient conditions attached to planning permission 15/01109/FLM ought to be attached to any new permission.

Summary

- 69 The proposed layout re-design and the associated increase in unit numbers raises several concerns. Over 80% of the proposed units within the layout fail to meet or be close to Perth and Kinross Placemaking Supplementary Guidance minimum garden ground sizes for 2 and 3 plus bedroom dwelling houses. The applicant contends this layout has been designed to purposely increase density

in this area, considering this appropriate for Bertha village centre. In comparing the extant permission however, five blocks of affordable flats are removed in order to deliver this new layout, with 100% terraced housing units in their place. This reduces the rich mix previously delivered, even considering the wider context of the approved Bertha Park development and sees a less easily accommodated dwelling type used to increase density, but without adequate mitigations to address resultant failures in placemaking standards and overall design quality. The layout is now far more car dominated, with increased parking now proposed street-side as opposed to the extant permission layout. There has been a dilution to soft and appropriate boundary treatment replacing boundary walls and hedges with high level fencing. Fundamentally, the proposal is not satisfactory and does not fulfil the amenity and placemaking standards as required of LDP2 policy, as supported by Supplementary Guidance. A significant re-design would be required to achieve a satisfactory scheme on this site.

LEGAL AGREEMENTS

- 70 Should planning permission be granted, the decision notice shall not be issued until appropriate reference and tie-back to the extant legal agreement covering the site as part of planning permission 15/01109/FLM has been made, ensuring required Developer Contributions have been secured or paid in full.

DIRECTION BY SCOTTISH MINISTERS

- 71 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

- 72 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, there is a conflict with transport planning, placemaking and associated private open space standards proposed. The proposed layout and design changes from the existing approval, which included over 30% flats and wider dwelling type mix, to the current 100% terraced development has resulted in consistent failings in achieving minimum garden ground standards, failing to satisfy minimum car parking standards, in turn departing from the current roads construction consent, and creating an avoidable dominance of on-street car parking with diluted hard and soft boundary treatments.
- 73 It is therefore considered that the proposed development would conflict with the Development Plan, constituting a departure in the key areas mentioned and is thereby not supportable.
- 74 Accordingly, the proposal is recommended for refusal.

A RECOMMENDATION

Refuse the application for the following reasons:

- 1 The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 1 – Placemaking, as the proposed scale of development would be an overdevelopment of the site and would result in an unacceptable impact on the proposed residential amenity available to occupants on all but 11 of the dwelling houses proposed (Plots 15, 23, 41, 44, 59, 60, 61, 62, 63, 66 and 69). Further, the information provided does not justify either the scale of development nor the failure to provide the required residential amenity standards and does not justify a departure from the Development Plan.
- 2 The Proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 1 – Placemaking, Policy 39 – Landscaping and Policy 42 – Green Infrastructure, as a result of the proposed public boundary treatments of key plots and introduction of a car parking dominated layout on the street.
- 3 The proposal is contrary to the Perth and Kinross Local Development Plan 2 (2019) Policy 60 –Transport Standards and Accessibility Requirements due to a failure to provide satisfactory visitor parking without creating an unacceptable impact on two-way vehicle flow on the road widths proposed.

B JUSTIFICATION

The proposal fails to fully accord with the Development Plan and there are no material considerations to justify a departure from the Development Plan.

Background Papers: 0 letters of representation

Contact Officer: Callum Petrie 01738 475353

Date: 21 May 2020

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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