

Perth and Kinross Council  
Planning & Development Management Committee – 6 December 2017  
Report of Handling by Interim Development Quality Manager

**Proposal:** Erection of 70 dwellinghouses and associated works (approval of matters specified by conditions 12/01692/IPM)

**Location:** Land to the west of Cherrybank Gardens, Perth.

Ref. No: 17/00204/AMM  
Ward No: 10 Perth City South

**Summary**

This report recommends approval of the Associated Matters Specified by Condition application to formally develop the final residential phase of the mixed use (residential and employment) approval granted under application 12/01692/IPM at land to the west of Cherrybank Gardens

The proposal is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which would outweigh the Development Plan. This proposal is consistent with the approved masterplan for the site and is therefore recommended for approval, subject to conditions and conclusion of a Section 75 legal agreement.

**BACKGROUND AND PROPOSAL**

- 1 The planning application site is located to the western edge of Perth in between Cherrybank Gardens and the services at Broxden Roundabout. The site extends to some 3.7 Hectares (ha) and was previously agricultural use. It now forms part of a wider site area covered by 'In Principle' approval 12/01692/IPM for residential and employment use. Phases 1-3 for 164 units was approved (15/00809/AMM) in December 2015 and construction of these phases is currently ongoing with 29 completed and 17 occupied at the time of writing. The application site also forms part of a site allocated (MU1) in the Perth and Kinross Local Development Plan 2014 for residential and employment use.
- 2 The topography of the site slopes from the M90 down to the Glasgow Road. A number of watercourses run through the site on a north/south axis, existing detention ponds (that are part of the Perth Flood Defence scheme) are within the northern part of the site. The site is very visible from Glasgow Road and is a key gateway site into Perth.
- 3 The M90 motorway is located to the south of the site with Cherrybank Gardens to the east and the A93 Glasgow Road to the north of the site. West of the application site is the area of employment land approved by the 12/01692/IPM

consent. Beyond this is the Broxden Park and Ride site as well as other roadside services that have been developed to the south of the existing Glasgow Road/ Lamberkine Drive roundabout. A mix of residential and business uses are located to the north west of the site's Glasgow Road boundary.

- 4 As with the 15/00809/AMM application, this proposal seeks to formally discharge conditions 2 (iv; v, vi, vii, iix, ix and x), 4, 5, 7, 13, 14, 15, 16, 17, 19, 21 associated with the residential element of 12/01692/IPM and establish the development of 70 dwellings, open space and associated infrastructure on the final residential phase approved in the masterplan.
- 5 Layout and House Design (Conditions 2, 4, 19): Residential development is proposed for this phase of development at the north western corner side which is adjacent to the ongoing development and fronts Glasgow Road. The detailed layout and house types provided for the final phase of 70 dwellings largely follows the approved masterplan for the site and the similar house types are proposed.
- 6 A mix of house types is proposed, incorporating mainly detached with some semi-detached and terraced units, all of 2 storey height. The proposed mix is as follows:
  - 3 bed terrace: 4 dwellings
  - 3 bed semi-detached: 10 dwellings
  - 3 bed detached: 9 dwellings
  - 4 bed detached: 42 dwellings
  - 5 bed detached: 5 dwellings
- 7 A standard palette of materials has been proposed for the dwellings consisting of brick basecourse, dry dash render and concrete roof tiles. It will be the same as the previous phases with only exception being the introduction of solar panels on each roof to help meet current Building Standards regulations.
- 8 Vehicular access (Conditions 2 and 4 of permission 12/01692/IPM): Formation of a new access off Glasgow Road and another one in the south east corner off Necessity Brae has been achieved through the 15/00809/AMM permission. The plans show this phase connecting with the main access road through the site and providing access to the approved employment area to the west which will also provide access onto Glasgow Road.
- 9 Pedestrian/cycle access (Conditions 2, 4 and 9): The plans show this phase will connect up with the approved network of pedestrian and cycle routes integrated into the overall site and link up with the existing network in the area as well as neighbouring sites and land uses such as the employment area, Necessity Brae and Cherrybank Gardens.
- 10 Transport Infrastructure (Conditions 2, 3, 4, 11): The proposed road network largely follows the approved masterplan and a road hierarchy is evident in the submitted plans.

- 11 Flood Risk Assessment (FRA) (Condition 20): The applicant has re-submitted the FRA that was submitted with the IPM application.
- 12 Air Quality Assessment (Condition 21): The applicant has re-submitted the Air Quality Assessment that was submitted with the IPM application.
- 13 Other associated infrastructure (Conditions 5, 6, 7, 16 and 17): Drainage infrastructure plans in the form of a sustainable urban drainage system (SUDS) is proposed to connect up with the approved SUDs ponds at the northern edge of the site.
- 14 This report refers to the corresponding conditions of the 'In Principle Consent' and how they are proposed to be addressed through the current application.

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

- 15 As the proposal is a Matters Specified by Condition application the environmental impact was assessed at 'In Principle' stage. An Environmental Report is not required to be submitted at this stage of the planning process

### **PRE-APPLICATION CONSULTATION**

- 16 The proposed development is classed as a Major development under class 9 of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. However, because the proposal is a Matters Specified by Condition application the requirements for pre-application consultation are not required at this stage of the planning process.

### **NATIONAL POLICY and GUIDANCE**

- 17 The Scottish Government expresses its planning policies through the National Planning Framework 3, the Scottish Planning Policy (SPP) 2014 and Planning Advice Notes (PAN), Designing Places, Designing Streets and the National Roads Development Guide

#### **National Planning Framework**

- 18 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**

- 19 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
- 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

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

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage
- PAN 83 Masterplanning

### **Designing Places 2001**

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

### **Designing Streets 2010**

22 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**

23 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**

- 24 The Development Plan for the area consists of the TAYplan Strategic Development Plan 2016 and the Perth and Kinross Local Development Plan 2014.

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

- 25 The vision states *“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.”*

### **Policy 1: Locational Priorities**

- 26 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**

- 27 Seeks to deliver distinctive places by ensuring that the arrangement, layout, design, density and mix of development are shaped through incorporating and enhancing natural and historic assets, natural processes, the multiple roles of infrastructure and networks, and local design context.

### **Policy 4: Homes**

- 28 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 25,020 units up to year 2028 and a further 16,680 by 2036.

### **Policy 6: Developer Contributions**

- 29 Seeks to ensure suitable infrastructure is in place to facilitate new development, developer contributions shall be sought to mitigate any adverse impact on infrastructure, services and amenities brought about by development. This may include contributions towards schools, the delivery of affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport), green infrastructure and other community facilities in accordance with the Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.

### **Policy 8: Green Networks**

- 30 Seeks to protect and enhance green and blue networks by ensuring that:

- i. development does not lead to the fragmentation of existing green networks;
- ii. development incorporates new multifunctional green networks (that link with existing green networks) of appropriate quantity and quality to meet the needs arising from the nature of the development itself; and,
- iii. the provision of networks of green infrastructure is a core component of any relevant design framework, development brief or masterplan

### **Policy 9: Managing TAYplans Assets**

- 31 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area through safeguarding the integrity of natural and historic assets; including habitats, wild land, sensitive green spaces, forestry, water environment, wetlands, floodplains (in-line with the Water Framework Directive), carbon sinks, species and wildlife corridors, and also geo-diversity, landscapes, parks, townscapes, archaeology, historic battlefields, historic buildings and monuments; and by allowing development where it does not adversely impact upon or preferably enhances these assets.

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

- 32 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.
- 33 The application site is located within the settlement boundary of Perth City, sandwiched between Glasgow Road and Necessity Brae, north of the M90 bypass. The principal relevant policies are in summary:

#### **PM1A: Placemaking**

- 34 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**

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

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

- 36 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 HE2 - Listed Buildings**

- 37 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 EP1 - Climate Change, Carbon Reduction and Sustainable Construction**

- 38 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**

- 39 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**

- 40 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**

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

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

- 42 Consent 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 ED1B - Employment and Mixed Use Areas**

- 44 Within areas identified for mixed use a range of uses such as housing, offices, light industry, surgeries and leisure uses would be acceptable providing they

are compatible with the amenity of adjoining uses. Proposals for predominately one use on a mixed use site will not be acceptable.

### **TA1B - Transport**

- 45 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**

- 46 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
  - Perth and Kinross Retail Study 2014

### **Planning Site History**

- 47 The following history is of relevance;
- **00/00362/OUT** National Garden for Scotland offices, business units, hotel, restaurant, trunk road service area and associated roads parking and landscaping (in outline). Application approved by Development Management Committee July 2001.
  - **04/01500/OUT** Renewal of planning consent 00/00362/OUT for development of a National Garden for Scotland (including entrance, plant sales, retail, restaurant and exhibition facilities); Scottish Tartan Centre; offices and Class 4 Business units; Hotel and restaurant development and associated facilities; Trunk Road Service Area (including: Travelodge, family restaurant/pub, petrol filling station and associated infrastructure); Roads and Transport Infrastructure; parking; landscaping and associated features and ancillary development (in outline). Application approved by Development Management Committee November 2004.
  - **11/00010/PAN** Mixed use development comprising of residential and employment uses, landscaping and associated infrastructure. Content of PAN approved October 2011.
  - **12/01692/IPM** Mixed use development comprising of residential and employment uses (Class 4), new vehicular access, pedestrian access, open space, landscaping and associated infrastructure (In Principle). Application approved by Development Management Committee August 2013.



- **15/01116/MPO** Modification of Section 75 Agreement associated with permission 00/00362/OUT. Approved under delegated powers August 2015.
- **15/00809/AMM** Erection of 164 dwellings, open space, play area and associated infrastructure. Approved by Development Management Committee December 2015.

## **CONSULTATIONS**

### **EXTERNAL**

#### **48 Transport Scotland**

No objection to the proposal as a financial contribution towards trunk road network improvements at the A9/A90 Broxden Roundabout has been paid via the 15/00809/AMM permission.

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

No objection to the proposal.

#### **50 Scottish Water**

No response received.

### **INTERNAL**

#### **51 Environmental Health**

No objection to the proposal regarding air quality or noise.

#### **52 Waste Services**

Advice is provided on the roads requirements for the type and size of refuse vehicles that will be used on the site.

#### **53 Developer Contributions Officer including Affordable Housing;**

##### Affordable Housing

The affordable housing requirement for this proposal is 25% and the required on-site provision was provided through Phases 1-3 and the remainder of the affordable requirement will be delivered through a commuted sum.

##### Primary Education

The application falls within the Craigie Primary School Catchment area and the Finalised Primary Education and New Housing Contributions Policy will need to be applied to this application.

## Transport Infrastructure

Transport infrastructure contribution is not required as the site has in-principle consent under 12/01692/IPM which was approved prior to the adoption of the Transport Infrastructure Supplementary Guidance.

### 54 **Flood Risk and Structures**

No objection to the proposal. Condition recommended to ensure there is no flood risk and the integrity of the Perth Flood Prevention Scheme is not compromised.

### 55 **Transport Planning**

No objection to the proposal.

### 56 **Community Greenspace**

No response received

## **REPRESENTATIONS**

- 57 The application has attracted no letters of representations for or against the proposal.

## **ADDITIONAL STATEMENTS**

58	Environment Statement	Submitted with IPM application
	Screening Opinion	Undertaken for IPM application
	Environmental Impact Assessment	Yes – Submitted with IPM application
	Appropriate Assessment	Appropriate assessment not required.
	Design Statement/Design and Access Statement	Submitted with IPM application
	Report on Impact or Potential Impact	Flood Risk Assessment, Air Quality Assessment, Noise Assessment, Site Waste Management Plan, Site Investigation Plan

## **APPRAISAL**

### **Policy Appraisal**

- 59 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The determining issues here are whether the proposals comply with Development Plan policy and Supplementary Guidance or if there are other material considerations, which justify a departure from

policy. The most relevant policies of the Development Plan are listed in the policy section above.

- 60 TAYplan Policy 1 (Location Priorities) states that Tier 1 settlements should make a major contribution to the regional economy over the next 20 years. The site is situated within the Tier 1 settlement of Perth City and the proposed development of 70 dwellings at this location satisfies TAYplan Policy.
- 61 The site is located within the LDP site MU1 and is allocated for mixed use development. The principle of residential development has been established through IPM Consent 12/01692/IPM which has established a material planning commitment given to the principle of a large proportion of residential development within LDP site MU1. The proposed residential density of the current submission of 70 dwellings will result in a slightly higher number of units (234) than the allocation of the entire residential element of 200 units but is considered to be an acceptable scale of development and density at this location.
- 62 It is considered that the proposal accords with the majority of the policy requirements detailed in the Development Plan. The development of residential units as detailed in layout plan is consistent with its allocation in the LDP and the masterplan approved with the 12/01692/IPM application.

### **Landscape and Visual**

- 63 The landscape quality of this site is a key, valuable asset as it currently offers a highly visible gateway when arriving and departing Perth via Glasgow Road.
- 64 Due to its topography the site offers a considerable landscape asset for the area and it is important that the existing landscape framework is largely retained, enhanced and maintained in perpetuity as a result of this proposal.

### **Listed Buildings**

- 65 In this case the category C listed group of laundry, coach house and hen house at West Woodlands lies approximately 220m to the north of the site. Pitheavlis Cottages which are category B listed are approximately 350m to the east of the proposals boundary. Both groups still retain a sense of their original semi-rural setting, although West Woodlands has been eroded more significantly due to encroaching development over the years.
- 66 The approved landscaping and flood protection corridor at the edge of the overall development site will protect the setting of West Woodlands to a degree by preserving a degree of open, green character along the Glasgow Road corridor.
- 67 Pitheavlis Cottages will retain their prominence against a largely open landscape backdrop. The tree/landscaping belt around the perimeter of the overall site will mitigate this impact to an extent and the Conservation Officer is satisfied there will only be a low impact on nearby Pitheavlis Cottages and the

listed buildings at West Woodlands are considered to be a suitable distance away.

### **Open Space and Play Area Provision**

- 68 As this this the final phase of the residential element much of the open space, planting and the play area are being provided by the 15/00809/AMM consent. A grassed and planted bank above the SUDs pond adjacent to Glasgow Road will in time help continue the landscape corridor that already screens the Persimmon Homes development at Cherrybank and Cherrybank Gardens. Condition 5 will ensure the landscaping requirements will be met.
- 69 A children's play area is already in place as part of the 15/00809/AMM near the southern boundary of the site close to the proposed entrance and is immediately east of this phase. The play area is designed to a high standard to meet the requirements for the entire site and is considered acceptable.

### **Drainage and Flooding**

- 70 The proposed development lies within the catchment of the River Tay. Runoff from the site enters the Scouring Burn, which becomes Craigie Burn downstream and east of the site before discharging into the River Tay in the South Inch area of Perth.
- 71 There are three watercourses within the overall site, one of which runs along western boundary of the site and currently drains into two flood storage ponds which forms part of the existing Perth Flood Defence Scheme.
- 72 Three SUDs ponds have been constructed along the northern boundary and will form part of the landscape corridor and open space provision. The SUDs ponds will be adopted and maintained by Scottish Water.
- 73 Consultation with the Council's Flooding Section provided detailed comments regarding flood risk, greenfield run-off, floor levels and SUDs. SEPA have no objection to the proposal. Conditional control (No.10) can ensure that the construction phase achieves the necessary control of drainage arrangements to meet the requirements of the Flooding Section and not compromise the integrity of the existing Perth Flood Prevention Scheme.

### **Air Quality**

- 74 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to create the development platforms are likely to be the main source as well as construction vehicular movement distributing material within, to and off the site.
- 75 The Air Quality Assessment confirms that residents living in proximity to such a site can potentially be affected by dust up to 1 km from the source, although

continual or severe concerns regarding dust sources are likely to be experienced near to dust sources, and generally within 100 metres.

- 76 Given the distance of potential receptors the assessment confirms that the likelihood of a dust nuisance occurring is considered small which could be limited further by deploying Best Practice Measures, this could be incorporated into an updated Construction Environmental Management Plan (CEMP) (Condition 8) to help reduce the impact of construction activities. Environmental Health has no objection to the proposal on air quality grounds.

### **Noise**

- 77 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 78 A detailed noise assessment for the site was undertaken for the IPM application and was re-submitted with the current application. Environmental Health have no objection on noise grounds as the proposed dwellings are an acceptable distance from the M90 to not require additional acoustic control.

### **Transport and Access**

- 79 The site plan provides a secondary road serving the dwellings and connects with the established road from the Glasgow Road junction to Necessity Brae. The plan also proposes access into the future neighbouring employment area should this phase come forward for development in the future.
- 80 Pedestrian/cycle links will be provided between the development site and the existing local facilities. Condition 3 will ensure it is done to the required standard. This phase also provides access to Phase 2 of the employment area of the approved masterplan.
- 81 Overall the proposal provides acceptable vehicle access onto Glasgow Road and permeability for pedestrians and other non motorised users through the rest of the site connecting with local facilities including Necessity Brae.

### **Transport Wider Network**

- 82 Broxden Interchange has known performance issues with extensive queues. Past modelling of the roundabout has indicated that capacity will be further impacted upon by this proposed development.
- 83 It is recognised that development of MU1 will add to congestion issues and the land owner has paid a significant financial contribution to Transport Scotland to help mitigate its impact and no further transport related contribution is required for this phase.

## **Sustainable Transport**

- 84 In terms of sustainability the site is located in a highly sustainable location adjacent to the Park and Ride site that will encourage the use of public transport and provides a frequent and attractive service into Perth city centre and to the bus and rail stations. A green travel plan for the site has been submitted for the first three phases and Transport Planning raised no issues with it. The plans also provide links to the paths and cycle paths being delivered by 15/00809/AMM and these are linked to the existing core path network that should encourage future residents and employees to walk and cycle.

## **Car Parking**

- 85 The site plan provides car parking opportunities down the side of 24 dwellings at key points and thereby significantly reduces the potential visual impact of cars when the development is complete. Transport Planning are satisfied that the parking arrangements now broadly complies with the National Roads Development Guide.

## **Design, Scale and Layout**

- 86 The proposed development utilises the existing landscape and topography to shape the layout of the site. The layout broadly follows the parameters set in the approved masterplan for the site and is therefore supported. The proposal takes account of the sites importance as a gateway into the City of Perth. The design of the site has been guided by existing field boundaries, planting, watercourses and natural features. Generally, the proposed layout takes cognisance of Designing Streets and the National Roads Development Guide and incorporates appropriate natural surveillance of open space, the children's play area and the main pedestrian and cycle routes.
- 87 The proposal consists of two storey detached, semi-detached and terraced dwellings providing a mixture of house types for the current market. The layout includes a hierarchy of surfaces that assist in achieving a sense of place with proposed 'secondary treatments' on street edges. The street layout is considered to be usable and broadly achieves Designing Streets (2010) policy objectives.
- 88 The proposed layout and linkages ensure the site has appropriate levels of permeability and future connectivity for all modes of transport, especially pedestrians and cyclists with footpaths connecting to existing infrastructure on Glasgow Road and onto public transport connections.
- 89 The massing and scale of the dwellings can be accommodated within the plots without having an adverse impact on the amenity of nearby properties and works within the parameters of the established landscape framework. The proposed 70 dwellings is considered to be acceptable and most dwellings will benefit from reasonably generous garden sizes. The density of the development would equate to a medium scale of 19 dwelling per hectare which

is an indicator that the scale of development and relationship between houses is acceptable. None of the properties will adversely impact on the amenity enjoyed by neighbouring properties or land uses in terms of overlooking or overshadowing. It is considered appropriate to remove permitted development rights (Condition 4) from the proposed terraced plots where the private amenity space is tightest and future development, including house extensions and outbuildings would have the greatest impact on neighbouring amenity.

- 90 In terms of house design and finish, the elevations and external finishes are consistent with the current adjacent development. The current development is being constructed to a high standard and the material composition is therefore considered appropriate.
- 91 The proposals are considered appropriate in terms of design, scale and form and the development is considered to satisfy the policy objectives of Designing Places, Designing Streets and Council Placemaking Policy. It is considered that the proposed density of development represents an efficient use of the site whilst still respecting the surrounding environment.

### **Approved Masterplan, Phasing and Employment Land**

- 92 The 12/01692/IPM consent approved an overall masterplan for a mixed use development (residential and employment). The masterplan detailed the phasing and delivery of all the land south of Glasgow Road right up to and beyond the existing services (Travelodge Hotel, Happy Harvester Restaurant, McDonalds Restaurant) at Broxden. The masterplan and phasing plan shows 4 residential phases and 2 employment phases. Condition 3 of 12/01692/IPM identifies triggers by what phase of the residential development the employment land phases are required to be fully serviced.
- 93 The applicant has re-orientated the phasing of the residential development and whilst they are currently on Phase 2, it is in fact within Phase 3 of the approved 12/01692/IPM masterplan. To ensure there is no compromise with Condition 3 (i) of 12/01692/IPM a revised phasing plan has been submitted to show they are currently on Phase 2 and not Phase 3 and that this application will be the 4<sup>th</sup> and final residential phase. The revised phasing plan is considered acceptable and a logical way of being built out.
- 94 In addition the landowner of the employment land has provided detailed evidence that Phase 1 of the employment land is fully serviced with all utility providers. This further ensures there will be no compromise of Condition 3 (i) of 12/01692/IPM with the occupation of the first dwelling within what is now Phase 2.

### **Affordable Housing**

- 95 The affordable housing requirement for this proposal is 25% and this equates to 17.5 dwellings. It has been agreed that the required onsite provision was provided through Phases 1-3 and the remainder of the affordable requirement will be delivered through a commuted sum. The commuted sum for the Perth

Housing Market Area (HMA) is £26,500 per unit, with the total contribution required amounting to £463,750 (17.5 x £26,500). A Section 75 legal agreement will be required to secure this commuted payment.

### **Primary Education**

- 96 The application falls within the Craigie Primary School Catchment area and Education and Children's Services request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.
- 97 The education contribution will be calculated on 52.5 units, with contributions not required from the 17.5 affordable units. The contribution requirement therefore totals £339,150 (52.5 x £6,460). A Section 75 legal agreement will be required to secure this commuted payment.

### **Transport Infrastructure**

- 98 Transport infrastructure contribution is not required in this instance as the site has in-principle consent under 12/01692/IPM which was approved prior to the adoption of the Transport Infrastructure Supplementary Guidance.

### **Economic Development**

- 99 The economic impact of 70 residential dwellings is considered to be reasonably significant in assisting in the Perth Housing Market delivery. Employment opportunities will exist during the construction phase and consequently achieve increased available expenditure through net growth in residential occupation, resulting in a positive impact on consumer spend within the Perth City market area.
- 100 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 70 dwellings the estimated annual expenditure on convenience and compassion goods will be in the region of £256,000 per annum.

### **LEGAL AGREEMENTS**

- 101 A Section 75 Legal Agreement has been drafted to secure the following:
- Off-site Affordable Housing provision (17.5 units commuted sum at £26,500 per unit);
  - Commuted sum for primary school education provision (£339,150);
  - Open Space provision and maintenance;

### **DIRECTION BY SCOTTISH MINISTERS**

- 102 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**

- 103 Section 25 of the Act requires that the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise.
- 104 In this respect, the proposal is considered to satisfactorily comply with the adopted Perth and Kinross Local Development Plan 2014 and TAYplan 2016. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions and completion of a Section 75 legal agreement.

## **RECOMMENDATION**

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

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

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

- 2 Prior to the occupation of any residential plot, all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning 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 Prior to the occupation of any residential plot, details of the specification including materials of all footpaths shall be submitted to the Planning Authority for further approval. The agreed detail shall thereafter be implemented prior to the completion of the development to the satisfaction of the Council as Planning Authority.

Reason: In the interest of pedestrian safety.

- 4 Permitted development rights associated with Classes 1A, 1B, 3A and 3B of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), or any subsequent comparable classes in future legislation relating to development within the curtilage of a dwellinghouse, are hereby revoked in full for all terraced dwellings (4) (Plots 54, 55, 56, 57) as detailed on the approved Site Layout Plan (drawing number: PB/Site 2/01 Rev F).

Reason: In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of individual plots.

- 5 Notwithstanding the submitted drawing, an updated detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be implemented fully within one calendar year of the commencement of development and thereafter maintained to the satisfaction of the Council as Planning Authority.

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

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

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.

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

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

- 8 Prior to commencement of development, an updated and detailed Construction Environmental Management Plan (CEMP) detailing environmental mitigation measures and construction method statements, including specific measures for environmental monitoring during construction, shall be submitted to and approved in writing by the Planning Authority. Such details shall be submitted not less than two month prior to the agreed scheduled commencement date and shall incorporate detailed pollution avoidance and mitigation measures for all construction elements. Thereafter the approved CEMP 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.

- 9 For the duration of all construction activities, 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.

- 10 Concurrent with the initiation of the development hereby approved and for the duration of construction, a temporary surface water treatment facility shall be implemented on site and maintained for the duration of the approved development works. The temporary surface water treatment facility shall remain in place until the permanent surface water drainage scheme is implemented unless otherwise agreed in writing by the Council as Planning Authority.

Reason: To ensure the appropriate management of construction surface water run-off to minimise flooding and avoid discharge of sediment/pollution to the local water environment or neighbouring property, in the interests of residential and environmental amenity.

## **B JUSTIFICATION**

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

## **C PROCEDURAL NOTES**

Consent shall not to be issued until a Section 75 Agreement relating to planning contributions has been completed and signed to reflect the current planning reference 17/00204/AMM. The legal agreement should be concluded and completed within 4 months of the date of any Committee approval. Failure to conclude a legal agreement within 4 months will result in the planning application being re-assessed through failing to comply with the associated developer contributions policy and will be ultimately recommended for refusal under delegated powers:

- Affordable housing contribution
- Education contribution
- Open Space provision and maintenance

## **D INFORMATIVES**

- 1 The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
- 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 this permission relates to just Residential Phase Two of the 12/01692/IPM planning approval for residential and employment uses of LDP site MU1. Further applications will be required to discharge the conditions for the remaining employment phases.
- 6 The applicant is advised that to enable any remaining negative suspensive conditions associated with the 12/01692/IPM planning approval to be fulfilled development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 7 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.
- 8 The applicant is advised that in terms of Sections 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 Environmental Protection Agency.
- 9 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, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

- 10 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.
- 11 The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at [www.sepa.org.uk](http://www.sepa.org.uk)
- 12 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage and recycling requirements for the development.
- 13 No work shall be commenced until an application for building warrant has been submitted and approved.
- 14 Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD.

Background Papers: None  
Contact Officer: Steve Callan - Ext 75337  
Date: 23 November 2017

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

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