

Perth and Kinross Council
Planning and Placemaking Committee – 7 February 2024
Report of Handling by Strategic Lead – Economy, Development and Planning
(Report No. 24/47)

PROPOSAL: Erection of 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works

LOCATION: Former Hillside Hospital, Dundee Road, Perth

Ref. No: [23/01218/FLM](#)

Ward No: P12- Perth City Centre

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan. It is proposed to erect 72 flats within 5 blocks, formation of vehicular access, parking areas, landscaping and associated works. This project will be a partnership between the developer and Hillcrest Housing Association for 100% affordable housing. A Section 75 Legal Agreement will be required to ensure the development remains as affordable housing.

BACKGROUND AND DESCRIPTION OF PROPOSAL

1. The application site is located on the site of the former Hillside Hospital on Dundee Road in Perth and covers an area of just under 1 hectare. The site is located on an elevated position with views over the River Tay, Moncrieffe Island and the City Centre to the west. The site is surrounded by existing residential properties, with Kinnoull Hill to the east.
2. The site slopes steeply from the A85 Dundee Road to the River Tay and includes an existing boundary wall along Dundee Road, which forms the eastern boundary of the site. To the north of the application site a care home is under construction (22/00916/FLL), otherwise the surroundings beyond see a mix of housing and flats.
3. Below, to the west is the riverside footpath, with a further footpath up to Dundee Road running along the southern boundary. This sees good connections to existing path networks.
4. The proposal is to erect 72 flats over 5 blocks, all will be 'affordable', both social and mid – market rented and managed by Hillcrest Housing Association. There will be 18 x 1- bedroom, 52 x 2- bedroom, and 2 x 3-bedroom units.

Pre-Application Consultation

5. A Pre-Application Consultation (PAC) report was submitted with the application (document 30). This document demonstrates that appropriate pre-application consultation was undertaken. The first public event was held on 25 April 2023, and the second public event was held on 20 June 2023.

NATIONAL POLICY AND GUIDANCE

6. The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide, and a series of Circulars.

National Planning Framework 4

7. The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.
8. The Council's assessment reviews the policies of NPF4 and it is considered that the proposal is in accordance with its intentions. The most relevant policies are:
 - Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 7: Historic Assets and Places
 - Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings
 - Policy 13: Sustainable Transport
 - Policy 14: Design, Quality and Place
 - Policy 15: Local Living and 20 Minute Neighbourhoods
 - Policy 16: Quality Homes
 - Policy 18: Infrastructure First
 - Policy 19: Heating and Cooling
 - Policy 20: Blue and Green Infrastructure
 - Policy 21: Play, Recreation and Sport
 - Policy 22: Flood Risk and Water Management
9. The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management
 - PAN 61 Planning and Sustainable Urban Drainage Systems
 - PAN 68 Design Statements
 - PAN 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport

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 policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

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 NPF4 (as mentioned above), and the Perth and Kinross Local Development Plan 2 (2019).

Perth and Kinross Local Development Plan 2

14. The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, "Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth." It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
15. The principal relevant policies are, in summary:
 - Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 1D: Placemaking
 - Policy 2: Design Statements
 - Policy 3: Perth City
 - Policy 4: Perth City Transport and Active Travel
 - Policy 5: Infrastructure Contributions
 - Policy 7B: Employment and Mixed Used Areas: Mixed Use Sites
 - Policy 13: Retail and Commercial Leisure Proposals
 - Policy 14B: Open Space Retention and Provision: Open Space within New Developments

- Policy 15: Public Access
- Policy 16: Social, Cultural and Communities Facilities
- Policy 17: Residential Areas
- Policy 23: Delivery of Development Sites
- Policy 25: Housing Mix
- Policy 26B: Scheduled Monuments and Archaeology: Archaeology
- Policy 28A: Conservation Areas: New Development
- Policy 32: Embedding Low & Zero Carbon
- Policy 34A: Sustainable Heating & Cooling: Heat Networks, Major Development and LDP Site Allocations
- Policy 39: Landscape
- Policy 40B: Forestry, Woodland, and Trees: Trees, Woodland and Development
- Policy 41: Biodiversity
- Policy 42: Green Infrastructure
- Policy 47: River Tay Catchment Area
- Policy 52: New Development and Flooding
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 57: Air Quality
- Policy 58A: Contaminated and Unstable Land: Contaminated Land
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

16. Developer Contributions and Affordable Housing Supplementary Guidance (2023)
17. This document sets out the Council's policies on Developer Contributions in relation to Primary Education and Transport Infrastructure/A9 junction upgrades, as well as setting out what Affordable Housing provision is required for new developments.

Site History

18. [99/00555/OUT](#) On 21 June 1999 this outline application was refused via a non-determination appeal, it proposed to demolish the existing hospital building and erect 11 detached dwellinghouses and 44 flats with associated roads, parking, and landscaping.
19. [01/01142/OUT](#) This outline application was withdrawn on 18 September 2001, it had proposed the demolition of an existing hospital building, erection of a hotel and nursing home with associated assisted living housing and one private house.

20. [06/01241/FUL](#) Full planning permission was approved on 31 May 2007 for the demolition of the hotel building and proposed a mixed-use development, including health care and residential.
22. [18/00011/PAN](#) On 28 September 2018, a PAN was accepted for residential development comprising dwellinghouses, apartments and affordable housing, access and open space including landscaping and SUDS with associated infrastructure and services.
23. [20/01779/FLL](#) Full planning permission was approved on 1 June 2021 for the erection of a care home, formation of vehicular access, parking areas, landscaping, and associated works.
24. **22/00666/FLL** Application for full planning permission for the erection of a care home, formation of vehicular access, parking areas, landscaping, and associated works, application returned on 17 May 2022
25. [22/00916/FLL](#) Full planning permission was approved on 28 October 2022 for erection of a care home, formation of vehicular access, parking areas, landscaping and associated works.
26. [23/00003/PAN](#) On 6 April 2023 for residential development comprising of 5 blocks of affordable flats and associated works.

CONSULTATIONS

27. As part of the planning application process the following bodies were consulted:

External

Scottish Water

28. No objection. Note that this does not confirm that the proposed development can be serviced, although there is currently sufficient capacity in the Perth Water Treatment Works.
29. Further advise that the development would connect and be serviced by Perth City Waste Water Treatment Works, with it suggested that the applicant completes a Pre-Development Enquiry (PDE) Form.
30. Otherwise Scottish Water records indicate that there is live infrastructure in the proximity of the development area and the applicant must identify any potential conflicts with these assets.

Perth and Kinross Heritage Trust

31. No objection. Advise the site was evaluated in 2007 for any archaeological remains associated with Kinnoull Castle. However, no material or physical evidence was uncovered, and thus no further work is required.

Bridgend, Gannochy and Kinnoull Community Council

32. Express concerns, summarised as below:

- Insufficient parking, especially a lack of visitor and trade parking.
- Access is inadequate for the volume of traffic, especially construction, and will lead to an unacceptable level of congestion.
- There is no provision for E.V. charging proposed.
- The proposed development will have an adverse impact on the views to Kinnoull Hill.

Internal

Development Contributions Officer

33. No objection. Note that the proposal is 100% affordable and thus the terms of the Council's Affordable Housing Policy is met.
34. Advise that no financial contribution associated to primary school capacity is required for affordable tenure properties.
35. Otherwise, there are no requirements for contributions towards transport infrastructure.

Development Plan Team

36. No objection. Comment that the principle, scale and design are generally acceptable. Note that the car parking will be screened by wall on frontage.
37. Concerns raised over the use of reconstituted stone and light grey render.
38. A condition requiring details of any repair/alterations to all existing stone boundary walls is suggested.

Structures And Flooding

39. No objection. Advise that drainage designs require further information prior to works commencing. As such a condition is recommended to ensure that a detailed sustainable urban drainage system (SUDS) shall be finalised as per the comments provided by AECOM in '2301218FLM_Response_P03' (plus any future revisions).

Environmental Health (Contaminated Land)

40. No objection. Advise that records do not indicate any concerns regarding ground contamination.

Environmental Health (Noise Odour)

41. No objection. Advise that given the proximity to the A85 (Dundee Road) and railway line, there is the potential for associated noise. Recommended a condition requiring that Mitigation measures, as per Sections 5 of the Noise Impact Assessment are undertaken.

Community Greenspace

42. No objection. Note that several core paths are either on the boundary or nearby. Request that landscape plans should clearly show the location and extent of public open space (POS) using colour coding.
43. Advise that no play area is required, but a financial contribution towards the upkeep and future upgrade of the existing Potterhill Gardens play area is requested.
44. Further advise that access along core paths should not be obstructed or deterred either during construction or thereafter. Recommend a related condition.

Community Waste Advisor

45. No objection. Require that roads to be used by refuse collection vehicles must be adopted by the Council. Advise that the developer contact the Community Waste Team to discuss bin collections, as the site progresses. Recommend a related informative note.

Biodiversity/Tree Officer

46. No objection. Advise that tree felling should take account of the bird nesting season, recommend a condition.
47. Advise an Arboricultural Method Statement (AMS) is required to confirm the details of the Construction Exclusion Zone, Tree Protection Plan and all measures proposed to avoid damage to trees to be retained. A condition is recommended.
48. Request that a detailed Landscape Plan showing an appropriate level of compensatory planting of trees and shrubs is submitted. Conditions relating to the submitted biodiversity study, measures to protect animals from being trapped and the biodiversity enhancement proposals, are also recommended.

Transportation and Development

49. No objection, subject to conditional control in relation to a green travel plan, road junction, road gradient, cycle parking, visibility splays, path linkages, parking facilities, and a Construction Traffic Management Scheme (CTMS).

50. It is also noted that the road construction itself will be controlled via the Road Construction Consent (RCC) process.

Representations

51. 24 letters of representations were received regarding the proposed development (20x objection, 4x general comments). The main issues raised are:
- Adverse impact on visual amenity.
 - The height of buildings is excessive.
 - The density of the proposed development is inappropriate.
 - The proposals are out of character with the surrounding area.
 - Overlooking / loss of privacy for surrounding residential properties.
 - Concerns over road safety.
 - Traffic congestion on the local road network, in particular Dundee Road.
 - Adverse impact on the local footpath network.
 - Noise and light pollution.
 - Unacceptable loss of trees.
 - Proposed materials are not in keeping with the surrounding area.
 - Loss of sunlight and daylight.
 - Adverse impact on the character and appearance of the Kinnoull Conservation Area.
 - No provision of a children's play area
52. These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

Screening Opinion	No EIA Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g., Flood Risk Assessment	Submitted

APPRAISAL

53. 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 Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance.

Principle of Development

54. The application site is located within the settlement boundary of Perth, as identified within the Perth and Kinross Council Local Development Plan. On the eastern edge of the city, it is designated as an opportunity site for mixed-use development, allocated as MU337. A care home has been approved and is under construction on the north part of the allocation. The principle of the proposed development is, therefore, supported by the adopted Local Development Plan. Furthermore, the principle of housing at this location has been established via previous permissions. Otherwise, given that it is proposed to provide 100 % affordable housing, the proposals are also in accordance with LDP2 Policy 20: Affordable Housing.
55. There are a number of site-specific developer requirements associated to MU337. This includes a masterplan setting out the phasing and the comprehensive development of the whole site accompanies any planning application. Further requirements are as follows:
- Transport Assessment.
 - Construction Method Statement to protect from the impact of pollution and sediment, so as to ensure no adverse effects on the river Tay SAC.
 - Development within 30m of a watercourse, shall see an otter survey undertaken and a Species Protection Plan provided, so as to ensure no adverse effects on the River Tay SAC.
 - A scheme for contamination will be required to include the nature and extent and types of contamination and measures to deal with contamination during construction, and condition of the site on completion of decontamination measures.
 - An archaeological survey to be undertaken and impacts on the historic environment will be avoided wherever possible through sensitive layout and design.
 - Protection of the tree covered by the Tree Preservation Order and retain stone walls.

Design and Layout

56. In terms of its scale, the proposed layout reflects the existing development pattern of the surrounding area, which is characterised by large detached and semi-detached villas, set within large gardens and landscaped areas. The development comprises of 4 and 5 storey residential blocks which will be designed to utilise the sloped topography of the site. There will be three blocks located on the east of the site, and 2 blocks on the west, with landscaped areas in between the blocks. Each block will have dedicated parking, including visitor, disabled, and cycling parking, either in the central area or south of the access off Dundee Road. A Planning Policy, Design and Access Statement has been

submitted, which sets out the site appraisal and context as well as describing the design development concept and solution together with key principles and is in accordance with LDP2 Policy 2: Design Statements.

57. The proposed development has been designed to fit with the topography, with the 5 residential blocks located in the higher and lower parts and a new access road looping through the central part. This sees the height of the blocks along the Dundee Road frontage lower than those in the western lower area. Situated in an elevated position, the siting of the blocks takes advantage of the topography and views on the lower area. Given the level of site coverage, the proposed development will not result in the overdevelopment of the site. Furthermore, there is sufficient green space and open areas between the blocks, which will soften the appearance of the built form and enable the development to integrate better into the surrounding area. It is considered that the design and scale of the proposal is in accordance with the Placemaking Supplementary Guidance, and relevant policies 1A and 1B 'Placemaking' of the adopted LDP2.
58. Given that the blocks have been positioned to work with the topography of the site, their mass does not adversely impact the views or character of the surrounding area. The massing of the development has been reduced from previous applications to take into consideration the comments made at the pre – application stage and the character of the surrounding residential area. The existing development pattern is very much large villas within large gardens or landscaped areas. This pattern of development is reflected in the current layout design.
59. Furthermore, the proposed residential blocks will have flat roofs which will minimise the overall impact on the existing properties on Dundee Road. The layout and design of the proposed development reflects the pattern of the existing residential properties along Dundee Road.
60. On upper levels, the flats will have access to external areas in the form of balconies. The balconies will be south, east and west facing and will benefit from views out over the central area or the River Tay. In addition to public open space across the site, private amenity space can be provided at ground floor levels of the flatted blocks. This will create outdoor space for the ground floor residents and hedges will create a defensible boundary between private property and public realm.
61. The application has been accompanied by a Townscape and Visual Appraisal where full consideration has been given to the townscape character within the context of the site and its relationship with the surrounding landscape setting. It concludes that the proposals would rejuvenate this brownfield site with a high quality, outward looking development that would form a direct relationship with the townscape at this location and make a positive contribution to its character.
62. However, the proposed materials are not of a high quality and the use of light grey render is considered inappropriate for this locality. The use of higher quality, more traditional materials and colours would be preferred. This being the case

and given the proximity of the Kinnoull Conservation Area, it is recommended that the material palette is revised to better reflect the character of the surrounding area. This can be achieved via a condition requiring that samples are submitted for approval (Condition 5). Overall, subject to conditions, the proposal complies with LDP 2 Policies 1 'Placemaking', 2 'Design Statements', as well as NPF4 Policies 14 'Design, Quality and Place', 15 'Local Living and 20 Minute Neighbourhoods' and 16 'Quality Homes'.

Landscape

63. Policy 39 'Landscape' states that development should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes. In this instance, the landscaping plan includes planting of heavy standard trees across the site as well as native shrub mix, areas managed as wildflower grassland and a range of native tree species, including specimen trees to maintain the landscaped setting. The planting of fruit trees is particularly welcomed as a key action in the Tayside Biodiversity Action Plan.
64. The landscaping also works with the topography, with a much larger landscaped area compared to some previous schemes and over 50% of the site open space. This excluding private gardens enclosed by hedging and balconies. Conditional control (conditions 9 and 10) will ensure that a more detailed landscaping scheme is forthcoming and implemented. Overall, it is considered that the proposed development is in accordance with LDP2 Policy 39 'Landscape'.

Residential Amenity

65. LDP2 Policy 17 'Residential Areas' seeks to protect existing residential amenity. Complemented by Policy 56 'Noise Pollution' which presumes against development with adverse noise impacts.
66. The A85, Dundee Road and a railway line are nearby, and a Noise Impact Assessment (NIA) has been submitted, which recommends appropriate mitigation measures, including acoustic insulation and double glazing to windows (Condition 26). In addition, given the proposed layout, sloping nature of the site and the existing boundary wall, views of the development from the existing properties in Dundee Road will be restricted, which will prevent any issues of overlooking and loss of privacy. However, sections of the boundary wall will be removed for the access junction. Condition 19 requires details of works to the wall are submitted for approval. Therefore, subject to conditions, the proposed development will not have an adverse impact on the residential amenity of the existing properties on Dundee Road, and The Kinnoull Conservation Area.
67. Furthermore, given existing properties across Dundee Road are mostly set back from the road as well as the separation from the care home and other existing properties, the proposed development will not result in any overlooking / loss of privacy or sunlight/daylight. In the interests of protecting residential amenity Condition 3 restricts working hours. The proposed development is, therefore, in accordance with LDP2 Policies 17, 56 and NPF4 Policies 14, 15 and 16.

Visual Amenity

68. The proposed development will result in the re-use of a vacant, derelict site, which will improve the overall character and appearance of the surrounding area. Furthermore, the proposals will result in the enhancement of the riverside corridor footpath, which is an important local amenity. As the application site slopes steeply down from east to west towards the River Tay, this means the building heights will not appear dominant from Dundee Road. The building heights of the two blocks along the Dundee Road boundary have 3 stories to the east and 5 to the west and this achieved by the building having a split-level floor plate. Three levels of accommodation are on the eastern side adjacent to the road and then a further two as the slope drops into the site. The southern block would see only one level visible above the boundary wall and onto Dundee Road, with the northern block sitting at a slightly higher level and seeing two levels above the wall. Therefore, the scale of the buildings would largely be contained when viewed from existing properties and otherwise accommodated by the significant slope. Overall, the proposed development will not have an adverse impact on the visual amenity of the site and surrounding area.

Roads and Access

69. LDP2 Policy 15 'Public Access' protects access assets from adverse impact. Thus, in order to protect these assets, such as existing core paths adjacent, Condition 18 is recommended. In addition, a Construction Traffic Management Scheme is required via Condition 25 to ensure the correct construction management practices.
70. Vehicular access will be obtained via Dundee Road and the new access road approved as part of the care home application (22/00916/FLL). Beyond this, the site is well connected to the existing core path network to the west and south. To the west being the Riverside Walk and to the south is the footpath link between Dundee Road and the City Centre. Three active travel footpath connections are proposed to the riverside core path network. The footpath connection from the flatted blocks to the Dundee Road pavement also provides direct access from those flats. The slope requires that the access has suitable gradients and adjustments have been made to address issues associated to those with mobility impairments, inclusive of rest areas. (Condition 20).
71. Overall, it is considered that the site is well connected to encourage sustainable transport methods, particularly to Perth City Centre.
72. In terms of waste and recycling, waste services colleagues advise that the bin collection point must be a maximum of 10 metres and use a hard standing surface and see a level gradient, smooth surface, and use dropped kerbs where appropriate. However, the submitted plans do not show this and thus Condition 23 is recommended.
73. Condition 15 requires the bus stop on Dundee Road is relocated and an upgraded shelter with real time information screens provided. In addition,

Condition 17 ensures that, in the interest of pedestrian safety and to facilitate free traffic flow, the priority junction onto Dundee Road is provided prior to works commencing.

74. LDP2 Policy 60B 'New Development Proposals' states that all development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport. In particular, the sustainable modes of walking, cycling and public transport before private car journeys. It is proposed that each block will be served by a cycle store, providing the equivalent of one parking space per flat (72), and 8 disabled parking spaces. However, a condition (Condition 21) has been included to ensure that full details of the cycle parking facilities are submitted.
75. A Transport Assessment supports the application, setting out the case for 100% vehicular and cycle parking. It also includes for a proportion of EV charging spaces. Condition 22 ensures that the proposed car parking facilities are provided prior to the respective flats being brought into use. The proposals also facilitate improved walking/cycling/green connections alongside the Riverside Walk core path. Otherwise, the development is well situated to access public transport. However, Condition 14 requires a Green Travel Plan to further encourage the use of sustainable travel methods. Condition 20 seeks to secure a segregated footpath connection to Dundee Road and to enable sufficient connectivity with the wider path network.
76. In light of the above, and subject to conditions, the proposed development is in accordance with LDP2 Policies 15, 60A and 60B, and NPF4 Policies 13 'Sustainable Travel', 14 'Design Quality and Place', 18 'Infrastructure First', and 21 'Play, Recreation and Sport'.

Drainage and Flooding

77. LDP2 Policy 52 'New Development and Flooding', supports positive actions on flood risk. A Flood Risk Assessment (FRA) supports the application, and the Scottish Environmental Protection Agency (SEPA) Flood Map indicates that the site is not at risk of fluvial flooding. In this instance, the topography of the site and its sloped nature will minimise any ground pooling of water, but appropriate mitigation measures will be taken to minimise any pooling of ground water on the site.
78. LDP2 Policy 53A 'Water Environment' states that development at any location and of any scale should protect and where practical improve the water environment (ground and surface water). In this instance, there are no culverts proposed and, therefore, the proposed development will not result in a deterioration of the water body status. Furthermore, there is a sufficient buffer, both in terms of distance and levels, between the proposed development and the River Tay, as nearest water course.

79. LDP2 Policy 53B 'Foul Drainage' states that foul drainage from all developments within and close to settlements that have public sewerage systems will require connection to the public sewer. The proposed development will be connected to the existing public combined sewer system for foul and surface water.
80. An accompanying drainage layout and the FRA show the existing foul water route is already located along the riverbank and pumped across the railway bridge into the existing network across the river. It is intended to utilise this existing connection rather than install new pump station to connect into the existing system on the Dundee Road.
81. LDP2 Policy 53C 'Surface Water Drainage' states that all new development will be required to employ Sustainable Urban Drainage Systems (SUDS) measures including relevant temporary measures at the construction phase. In this instance, all matters pertaining to SuDS provision and design have been covered by Condition 4.
82. A proposed drainage layout has been provided showing that the development site is to be served by a new foul water network and new surface water network. The surface water network will incorporate several different SuDS features in a surface water management plan. Porous paving car parking spaces and gravel trenches will collect surface water runoff and discharge into the surface water network which runs from east to west. The network will then discharge into a below ground storage tank. In light of this, and subject to conditions, the proposed development is considered to be in accordance with LDP2 Policies 52, 52A, 52B, 53C and NPF4 Policy 22.

Natural Heritage and Biodiversity

83. LDP2 Policy 40 'Forestry, Woodland, and Trees' relates to tree protection.
84. There are 25 trees identified for removal and Condition 8 seeks to protect birds during the nesting season. Furthermore, detailed landscape plans, (Conditions 9 and 10) should be submitted showing appropriate compensatory planting to mitigate the tree loss. In order to protect any remaining trees, an Arboricultural Management Statement must be submitted (Condition 13). Subject to these conditions, the proposed development is, considered in accordance with LDP2 Policy 40.
85. LDP2 Policy 41 'Biodiversity' states that the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not taking into account the ecosystems and natural processes in the area.
86. The proposed development would allow residential use within a brownfield site with little to no identified ecological importance, reflecting the composition of elements of remaining hardstanding and rough grassland with self-seeded and regenerated scrub and trees. Development would not remove important greenspace but conversely enhance greenspace and landscaping.

87. The submitted Preliminary Ecological Appraisal Report (PEAR) was undertaken at the correct time of year and its findings are accepted. Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific, based on surveys, location, development size, surrounding habitats, and landscape character and follow ecologist recommendations. This being the case, a condition has been included to ensure that biodiversity enhancements, as set out in the PEAR, are implemented as part of the proposed development (Condition 7)
88. Condition 7 requires that the conclusions and recommendations of the PEAR be fully adhered to. In addition, and in order to prevent animals from being trapped during the construction phase in pipes, culverts etc, a further condition is recommended (Condition 12). Subject to conditions, the proposed development is considered in accordance with LDP2 Policy 41, and NPF4 Policy 3 'Biodiversity'.
89. LDP2 Policy 42 'Green Infrastructure' states that the Council will require all new development to contribute to green infrastructure by:
 - (a) creating new multifunctional green infrastructure,
 - (b) incorporating high standards of environmental design.
 - (c) ensuring that development does not lead to the fragmentation of existing green and blue networks.
 - (d) the protection, enhancement, and management of existing green infrastructure
90. In these respects the proposed development will not pose any adverse risks to the green or blue infrastructure of the area and the development of the site will maintain the overall integrity of the existing networks. The proposed development will engage with the landscape and existing topography of the site to enhance and create a sustainable living space. Ecological solutions to SUDS will be sought and SUDS integration with green/blue networks wherever possible. This has been covered by the inclusion of Condition 4. The proposed development is, therefore, considered in accordance with LDP Policy 42.
91. LDP2 Policy 47 'River Tay Catchment Area', states that the Council will seek to protect and enhance the nature conservation interests therein.
92. Although the development within proximity to the River Tay, a designated Special Area of Conservation (SAC) it will not physically impact on the SAC or cause any adverse impacts subject to suitable controls. An Appropriate Assessment has previously been undertaken and the submission of a Construction Environmental Management Plan (CEMP) is considered to be appropriate to ensure mitigation measures are put in place to prevent the leaching of materials and sediment into the SAC (Condition 11). In order to protect the environment and promote biodiversity Condition 6 is included to ensure that full details of the bat boxes

/bricks, swift boxes / bricks, hedgehog highways and wildlife kerbs are provided. Therefore, subject to conditions, the proposal is in accordance with LDP2 Policy 47.

Developer Contributions

93. In this instance, no contributions are required in terms of affordable housing, primary education and transport infrastructure. However, the Council's Community Greenspace Team have requested a commuted sum for the adoption of any non-priority public open space and a financial contribution towards the ongoing maintenance of the Potterhill Gardens Play Area. In addition, payment of a security deposit (SD) (10% per 100 dwellings) must be paid prior to handover of any areas of public open space POS. A Section 75 Legal Agreement will secure the required payments.

Economic Impact

94. There is likely to be some economic benefit associated with the construction phase of the development. There will also be indirect impacts from the future occupiers of the proposed development. The proximity of the site to the City Centre means future occupiers will likely utilise the City Centre which will have a positive economic impact.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

95. A Section 75 Legal Agreement is required to ensure that the development remains as 100% affordable housing and to secure the required money as requested by Community Greenspace. The money required is a Commuted Sum of £67,852.80 for the adoption of any non-priority Public Open Space. A financial contribution of £6,095.64 towards the ongoing maintenance and future upgrade of the nearby Potterhill Gardens Play Area is also required.

VARIATIONS

96. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to road gradient and drainage.

DIRECTION BY SCOTTISH MINISTERS

97. 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

98. To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this

respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION

99. It is recommended that planning permission for the proposed development is approved, subject to the following conditions.

Conditions and Reasons for Recommendation

General

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. This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.

Reason: This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

Construction Hours

3. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays.

Reason: In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality during the construction period.

Drainage and Flooding

4. Development shall not commence on site until the detailed sustainable urban drainage system (SUDS) design has been finalised as per the comments provided by AECOM in '2301218FLM_Response_P03' (plus any future revisions) for submission to and 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. Thereafter, 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 effective drainage for the site.

Design / Materials

5. Prior to the commencement of the development hereby approved, a sample of the external finishes shall be submitted to and agreed in writing by the Council as Planning Authority. The materials, as agreed, shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

Natural Heritage / Biodiversity

6. Prior to the commencement of the development hereby approved, a detailed plan indicating location, quantity, specification, and maintenance requirements for biodiversity enhancement measures including bat boxes/bricks, swift boxes/bricks, provision of hedgehog highways and wildlife kerbs and native tree and/or hedgerow planting for the site shall be submitted for the further written agreement of the Council as Planning Authority. The agreed scheme shall be implemented prior to the bringing into use or completion of the development, whichever is the earlier, and thereafter maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority

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

7. The conclusions and recommended action points within the supporting PEAR (Doc 32) 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 Council as Planning Authority.

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

8. No site clearance or removal of vegetation, including trees and shrubs will take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a careful and detailed check of vegetation for active birds' nests immediately before the vegetation is to be cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the planning authority prior to commencement of works.

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).

9. Prior to the occupation of the development or any phase of the development, whichever is the sooner, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small privately-owned domestic gardens) shall be submitted to and agreed in writing by the Council as Planning Authority, for its approved use. The landscape management plan as agreed shall, where appropriate, include phased implementation concurrent with the development and shall be fully implemented to the satisfaction of the Council as Planning Authority.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

10. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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

11. Prior to the commencement of development, an updated Construction Environmental Management Plan (CEMP) must be submitted for the approval of the Planning Authority. The measures outlined in the updated CEMP shall be adhered to at all times during the construction period.

Reason: In the interests of protecting environmental quality and of biodiversity; to ensure no adverse impact on River Tay and its Special Area of Conservation designation.

12. 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 the interests of protecting environmental quality and of biodiversity.

13. Prior to works commencing on site, an Arboricultural Method Statement (AMS) shall be submitted to, and for the written approval of, the Planning Authority, and to confirm the details of the Construction Exclusion Zone, Tree Protection Plan and all measures proposed to avoid damage to those trees that are to be retained. The subsequently approved AMS shall be implemented prior to any works commencing on site.

Reason: To ensure adequate protection for the trees on the site during the construction, in the interests of the visual amenity of the area.

Roads and Access

14. No part of the development shall be occupied until a comprehensive Green Travel Plan (GTP) that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the Planning Authority, after consultation with Transport Scotland. The GTP 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 (including the provision of new and/or enhanced public transport services), the system of management, monitoring, review, reporting, and the duration of the plan. The subsequently agreed GTP shall be implemented prior to the occupation of the first unit with all future residents being made aware of the document.

Reason: To encourage sustainable transport methods.

15. Prior to the commencement of development, the precise location and detailed specification of the proposed replacement bus stop and associated shelter shall be submitted for the approval of the Council as Planning Authority. The bus stop shelter shall be equipped with a power supply to enable the installation of real-time bus stop information, which must also be provided by the Developer. The scheme as approved shall be undertaken to the satisfaction of the Council as Planning Authority prior to the occupation of the first residential unit.

Reason: To encourage the use of public transportation.

16. All rights of way or core paths within or adjacent to the development shall at all times be protected and remain operational during the construction phases.

Reason: In the interest of public access.

17. Prior to the commencement of development, a detailed scheme showing the priority junction onto the Dundee Road shall be submitted to the Council as Planning Authority for written agreement. Thereafter, the agreed scheme shall be implemented in full prior to any construction works commencing. For the

avoidance of doubt, the agreed scheme for the adjacent care home development (22/00916/FLL) may be appropriate.

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

18. Prior to the development hereby approved being completed or brought into use, the first five metres of the proposed access, measured from the edge of the existing adopted carriageway, shall see a gradient not to exceed 3%, with the remaining development internal carriageway gradients not exceeding 8%. The access shall be designed and constructed so that no surface water is discharged to the public road network.

Reason: In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary, control of surface water & provision of an adequate gradient of access.

19. Prior to the commencement of development, precise details shall be submitted to the Council as Planning Authority of the stone boundary walls on Dundee Road and associated features such as steps and pedestrian access, both within the redline site and on land within the applicant's control. The submission in relation to this condition shall take full cognisance of the approved development 22/00916/FLL and the plan therein duly docketed number 35 and prescribed Boundary Wall Proposal. All details to be submitted to and approved in writing by the Council as Planning Authority. The details shall include the retention and re-use of existing feature stonework, pedestrian access's as well as specification of any new stonework including samples as deemed appropriate and details of the coursing and mortar jointing. The details subsequently approved under this condition shall thereafter be implemented in full and prior to the occupation of any flat associated with the 72 flats approved by this permission.

Reason: In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality and to deliver safe access and egress from the development site for construction traffic and ongoing use as approved.

20. Prior to the commencement of development, a detailed design showing the path linkages for the following schemes shall be submitted for the written agreement of the Council as Planning Authority. The path linkages that should be shown on the plan are:
 - a. Path from development to core path between Block 3 and Block 4;
 - b. Path from development to core path between Block 4 and Block 5;
 - c. Path from development to core path south of Block 5;
 - d. Path to Dundee Road from the development; and,
 - e. The rest areas proposed.

The submission will confirm the location, specification, gradient, detailed design and delivery timescales for the paths and rest areas. Thereafter, the

subsequently agreed scheme shall be delivered in full accordance with the agreed delivery timescales.

Reason: In the interests of pedestrian safety and connectivity with the wider path network.

21. Prior to commencement of the development hereby approved, a detailed design for a further 4 residential cycle parking spaces and 9 visitor cycle parking spaces shall be submitted to the Council as Planning Authority for written approval. Thereafter, in addition to the 68 cycle parking spaces already proposed, the scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: To encourage active travel.

22. Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented in a phased manner and thereafter maintained in a reasonable condition for the life of the development. The phasing of the parking arrangements shall be submitted to the Council as Planning Authority for written agreement prior to the commencement of works.

Reason: In the interests of road safety; to ensure the provision of off- street car parking facilities.

23. Prior to the commencement of works on site, detailed drawings showing waste and recycling bin presentation locations and strategy for presenting the bins at those locations, shall be submitted for the written agreement of the Council as Planning Authority. None of the residential units hereby approved shall be occupied until the agreed scheme has been provided in full for all blocks.

Reason: In the interests of road safety to prevent long reversing manoeuvres.

24. Prior to commencement of works, a street lighting design must be submitted to the Council as Planning Authority for written agreement. The Street lighting shall be in accordance with the standards required by the Council as Roads Authority. Thereafter, the agreed scheme shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason: In the interests of road safety.

25. Prior to the commencement of the development hereby approved, the applicant shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used.

- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events.
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass.
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance.
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown.
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road.
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development.
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists, and equestrians.
- (i) details of information signs to inform other road users of construction traffic.
- (j) arrangements to ensure that access for emergency service vehicles are not impeded.
- (k) co-ordination with other significant developments known to use roads affected by construction traffic arrangements in the immediate vicinity of temporary construction compounds.
- (l) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction.
- (m) monitoring, reporting, and implementation arrangements
- (n) arrangements for dealing with non-compliance; and
- (o) details of HGV movements to and from the site.
- (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

Reason: In the interest of proper site management.

Residential Amenity

26. The mitigation measures as described in Sections 5 of the Noise Impact Assessment dated 29 June 2023 (document 27), shall be undertaken to ensure a satisfactory level of residential amenity can be achieved.

Reason: In order to safeguard the neighbouring residential amenity in the area.

JUSTIFICATION

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

PROCEDURAL NOTES

Permission shall not to be issued until the Section 75 Agreement has been signed and registered to take account of this application. 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 may be ultimately recommended for refusal under delegated powers.

INFORMATIVES

1. 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.
2. 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.
3. 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
4. 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.
5. The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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 should be advised to contact Perth & Kinross Council Street Lighting Department to obtain technical approval for all street lighting provision.
7. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth PH1 5GD for a new postal address. The form is downloadable from www.pkc.gov.uk and should be returned to snn@pkc.gov.uk.
8. The applicant is advised that the detailed design of all SUDs shall conform to 'PKC Flooding and Flood Risk Guidance Document (June 2014)', or any subsequent update.
9. The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
10. No work shall be commenced until an application for building warrant has been submitted and approved.
11. The applicant is reminded that, should any protected species be present, a licence may be required from NatureScot 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.
12. 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 permission for a development does not provide a defence against prosecution under this Act.
13. The applicant is advised that refuse collection vehicles will only enter the site during construction phases where there is clear access and suitable turning; this means that Waste Services may not be able to provide a full kerbside recycling service to residents whilst the build is ongoing and bins may have to be emptied from a specified (and agreed) collection point until full access is made available for refuse collection vehicles.
14. The applicant should make contact with the Community Waste Team to discuss bin collections as the site progresses and be prepared to provide temporary turning points for refuse collection vehicles if required. The road and pavement from any temporary bin collection point to the refuse collection vehicle must be at maximum 10 metres and a hard-standing surface. It must have a level gradient and a smooth surface; use dropped kerbs where appropriate.
15. The applicant is advised that, in terms of Sections 109 of the New Roads and Street Works Act 1991, they must obtain from the Council, to place, maintain or adjust apparatus in, or under a Road or remove apparatus from a road.

Application forms are available at <https://www.pkc.gov.uk/article/14916/Road-and-footway-permits>.

16. The applicant can seek guidance on the detailed design and positioning of the cycle storage from Transport Scotland's Cycling by Design 2021 or similar design guide.
17. This application was varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to road gradient and drainage.
18. The applicant is advised that any proposed signage will require a further application to be submitted for advertisement consent unless it benefits from express consent as per the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Background Papers: 24 letters of representation
Contact Officer: Alan Atkins
Date: 26th January 2024

DAVID LITTLEJOHN
STRATEGIC LEAD – ECONOMY, DEVELOPMENT AND PLANNING

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