

Perth and Kinross Council
Planning & Development Management Committee – 18 December 2018
Report of Handling by Interim Development Quality Manager
(Report No. 18/402)

PROPOSAL:	Demolition of buildings and dwellinghouse and erection of 39 flats and associated works.
LOCATION:	Land east of Firview, Goodlyburn Terrace, Rannoch Road, Perth.

Ref. No: [18/01290/FLL](#)
Ward No: P10 - Perth City South

Summary

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Full planning permission is sought for the erection of 39 affordable flats and associated works on a site which sits between Rannoch Road to the north and Jeanfield Road to the south in the north west of Perth. The application site is currently occupied by a former Gospel Hall, a single storey garage building and an existing detached dwellinghouse, all of which are proposed to be demolished to make way for the new development. The application site is bounded to the north by an area of mature trees, the majority of which are proposed to be retained. Beyond this the land slopes down towards Rannoch Road with a row of lock up garage buildings which serve properties fronting onto Rannoch Road. To the west is Goodlyburn Terrace where vehicular access into the site is proposed. To the east the site faces towards the rear of detached properties facing onto Goodlyburn Place. To the south the land rises up towards Jeanfield Road where there are existing three storey flats to the south east and 2 blocks of 3 storey flats which are on the site of the former Plough Inn which have recently been completed.
- 2 The proposal seeks consent for a total of 39 affordable flats which are proposed to be operated by Hillcrest Housing Association. There will be 12 one-bedroom flats and 27 two-bedroom flats. The flats are to be spread over four individual blocks. Flats 1-12 (Block 1) are located partially on the footprint of the former Gospel Hall with the longer elevations facing north and south. Flats 13-21 (Block 2) are located immediately to the east of Block 1. Flats 22-30 (Block 3) are located partially on the footprint of the demolished dwellinghouse and flats 31-39 (Block 4) are located in the south west corner of the site adjacent to the new build flats to the south. The access within the site is proposed to run

east/west centrally through the site with parking spaces for a total of 41 cars with 3 additional disabled parking bays.

- 3 There is extensive planning history to this site with an application for 27 flats, four storey flats (07/00934/FLL) previously approved by the Development Control Committee on 27 February 2008 but subsequently refused due to the failure to complete the required Section 75 Agreement in relation to affordable housing provision. A separate planning consent for the erection of a three storey block of 9 flats (11/01451/FLL) on the site of the existing detached dwellinghouse was also approved in September 2012 but has since expired as the permission was not implemented.
- 4 As such there is planning history associated with this site where both three and four storey development has been considered acceptable in planning policy terms.

PRE-APPLICATION CONSULTATION

- 5 18/00227/PREAPP – Erection of 39 flats for affordable housing.

Advice provided relating to layout, design, residential amenity, visual impact, bio diversity, drainage, access, parking and developer contributions.

NATIONAL POLICY AND GUIDANCE

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

National Planning Framework

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

Scottish Planning Policy 2014

- 8 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

9 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

Planning Advice Notes

10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

11 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

12 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda, alongside Creating Places, which sets out Government aspirations for design and the role of the planning system in delivering these.

National Roads Development Guide 2014

13 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

- 14 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYPlan Strategic Development Plan 2016-2036

- 15 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:
- 16 *“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.”*
- 17 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application:

Policy 1: Locational Priorities

- 18 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. Tier 2 settlements also have the potential to make a major contribution but will accommodate a smaller share of the additional development. Tier 3 settlements play an important but more modest role and will therefore accommodate a small share of the growth.
- 19 The release of land shall be based on the sequential approach: within principal settlements; edge of principal settlements; expansion of other settlements.
- 20 Outwith principle settlements, development may be supported where it genuinely contributes to the outcomes of the Plan however suburbanisation of the countryside and unsustainable travel and development patterns should be avoided.

Policy 2: Shaping Better Quality Places

- 21 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.

- 22 Proposals should demonstrate that they contribute to infrastructure that supports active and healthy communities and incorporate design which is adaptable and resilient to a changing climate. There is also an emphasis on resource efficiency which should be achieved through renewable energy generation, high quality design and providing solutions for waste management.

Policy 4: Homes

- 23 Seeks to ensure there is a minimum of 5 years effective housing land supply at all times. Local Development Plans are to identify sufficient land within each Housing Market Area to meet the housing land requirement to assist in the delivery of 23,172 units up to year 2028 and a further 15,448 by 2036.
- 24 It should also be ensured that the mix of housing type, size and tenure meets the needs of communities throughout their lives, including affordable housing provision. There is a presumption against development surrounding the Dundee and Perth Core Areas, including the Carse of Gowrie, where it would prejudice the delivery of development in prioritised areas or conflict with other parts of the plan.

Policy 6: Developer Contributions

- 25 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.

Perth and Kinross Local Development Plan 2014

- 26 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. The LDP sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 27 The principal relevant policies are, in summary;

Policy RD1 - Residential Areas

- 28 In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they

satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 31 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 RD4 - Affordable Housing

- 32 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

Policy TA1B - Transport Standards and Accessibility Requirements

- 33 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy CF1B - Open Space Retention and Provision

- 34 Appropriate areas of informal and formal open space should be provided as an integral part of any new development where existing provision is not adequate. Where there is an adequate supply of open space a financial contribution towards improved open space may be acceptable. Opportunities should be to create, improve and avoid the fragmentation of green networks.

Policy CF2 - Public Access

- 35 Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

Policy EP2 - New Development and Flooding

- 36 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

- 37 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

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

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 39 Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.
- 40 The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.
- 41 The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in

modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

SITE HISTORY

- 42 [07/00934/FLL](#) Erection of 27 flatted dwellings and associated parking in lieu of existing hall – Approved at Committee April 2013 but subsequently refused due to non-compliance with Developer contributions policy,
- 43 [10/01050/FLL](#) Demolition of existing dwellinghouse and erection of 10 flats with associated car parking and amenity areas – Withdrawn July 2010
- 44 [10/01438/FLL](#) Demolition of existing dwellinghouse and garage and erection of 10 flats with associated car parking and amenity areas – Refused Delegated Powers March 2011
- 45 [11/01451/FLL](#) Demolition of existing dwellinghouse and garage and erection of a block of 9 flats with associated car parking and amenity areas – Approved Delegated Powers December 2011

CONSULTATIONS

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

Internal

Environmental Health (Contaminated Land)

- 47 Discussed verbally and condition recommended

Environmental Health (Noise Odour)

- 48 No objection following submission of additional information and subject to condition relating to construction hours

Biodiversity Officer

- 49 No objection subject to conditions regarding mitigation measures outlined in Bat Survey

Transport Planning

- 50 No objection following submission of Transport Statement

Development Negotiations Officer

- 51 Developer contribution required (see Developer Contributions paragraph below)

Community Waste Advisor

- 52 Advice provided relating to waste collection requirements which has been added as an informative

Structures and Flooding

- 53 Verbal discussion regarding drainage proposals, agreed that drainage proposals are acceptable.

External

Scottish Water

- 54 No objection

REPRESENTATIONS

- 55 A total of 14 letters of representation have been received during the first advertisement period for the application, all of which object to the application.
- 56 Following a revision to the plans to relocate blocks 2 and 3, a further advertisement period was undertaken. Furthermore it was noted during consideration of the application that the recently completed and occupied flats to the south on Jeanfield Road had not received notification during this second neighbour notification period and they were subsequently notified.
- 57 During this period, fifteen further letters of representation were received, fourteen objecting and one general comment. Two of these had commented during the first period. Therefore a total of 29 letters of representation have been received, with 28 objecting to the application and one general comment.
- 58 The following points were raised in the representations received:
- Overdevelopment/high density
 - Lack of open space
 - Saturated flat market
 - Removal of trees and hedging
 - Excessive height
 - Light pollution
 - Loss of daylight/sunlight
 - Overlooking
 - Road safety
 - Traffic congestion
 - Construction parking

- Flood risk - surface water drainage
- Drainage capacity
- Retention of pedestrian link
- Lack of parking/visitor parking
- Landscaping requirement/maintenance/factoring
- Increase in noise levels
- Tenure of flats
- Refuse collection and emergency vehicle access
- Construction times and disturbance
- Need for flats
- Loss of value to properties
- Impact on wildlife from tree removal
- Road maintenance

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

ADDITIONAL STATEMENTS

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Not Required
Reports on Impact or Potential Impact	Ecology Survey, Transport Assessment, Drainage Strategy, Tree Survey, Stage 1 Geo-Environmental Risk Assessment

APPRAISAL

60 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this involves considerations of the Council's other approved policies and supplementary guidance which are identified in the policy section above.

Principle

- 61 The site is located within an established residential area where policy RD1 of the Perth and Kinross Local Development Plan (LDP) applies. This states that infill residential development will be accepted where the density makes the most efficient use of the site and where existing residential amenity will be retained and respected. As such the general principle of residential development on this site is considered to be acceptable. A detailed assessment of the proposal in relation to design, scale, residential amenity and other relevant matters is outlined in the paragraphs below.

Design, Scale and Visual Amenity

- 62 This area of Perth is characterised by a number of differing design styles and scales and includes terraced dwellinghouses of two storeys, single storey detached dwellings and three storey flats to the south. The properties in the surrounding area are finished in a mixture of materials including harling, timber cladding, brick, slate and concrete tiles.
- 63 The proposed flats are to be finished in a mixture of white and anthracite grey render with a buff facing brick base course. The windows are proposed to be anthracite grey uPVC. Given the mixture of finishes in the surrounding area I consider the proposed finishes to be appropriate in this context. I also consider the overall character of the area to be relatively mixed and as such there is scope for a set of three storey blocks to be acceptable on this site. It is recognised that there is previous planning application for a similarly scaled development on this site. It should be noted that the previous application on this site which committee were minded to approve, whilst being for a total of 27 units was actually proposed on a smaller site than that subject to this current application. This new application site is larger and includes the area of Eredine, an existing property to be demolished. The demolition of this existing property allows for the erection of an additional flatted block and the increase in units on the site.
- 64 Furthermore, the site steps up the rising topography from Rannoch Road at the lowest end to the north, up towards Jeanfield Road to the south. The site is well contained and surrounded by the existing development which in turn will limit the visual impact of the development from the public realm. Whilst the scale of the buildings will be more noticeable from the existing properties which surround the site, this is considered acceptable and the amenity issues associated with this are considered further in the Residential Amenity section below. The trees on the north boundary, which on the whole are proposed to be retained, will also provide a landscape context and screening of the flats when viewed from Rannoch Road. The existing flats to the south, which sit at a higher elevation than the proposed flats, will also screen the development from Jeanfield Road. Following the submission of amended plans, blocks 2 and 3 have been set further away from the eastern boundary of the site in order to limit the visual impact of the development when viewed from the properties on Goodlyburn Terrace and also to limit views of the site from those travelling along Rannoch Road.
- 65 Overall the scale and design of the proposed flats is considered to be appropriate given the well contained nature of the site and screening provided by existing

buildings and landscaping. The design and scale is therefore considered to comply with policies PM1A and B of the LDP which relate to placemaking and the criteria outlined in policy RD1.

Layout

- 66 The layout proposes a central access into the site with the proposed flat blocks located along the north and south sides of the site. The parking bays are proposed outside each block of flats. The mature trees to the north of the site are proposed to be retained in order to provide landscape context and screening. The flats to the eastern end of the site are set back from the eastern boundary to allow a landscaped area on the eastern area of the site to be created and to ensure the retention of the existing hedge planting on the south east boundary of the site. Bin storage facilities are proposed within the site together with secure cycle parking facilities. The overall layout of the site is considered to be acceptable and makes best use of the site whilst respecting both residential and visual amenity. The density of the site relative to the surrounding character is considered to be acceptable and density levels to be appropriate whilst ensuring adequate levels of open space on the site are provided. Details of the proposed boundary treatments for the site will be requested by condition as will details of the proposed landscaping (conditions 3 and 7). The layout therefore accords with the placemaking policies of the LDP and the criteria outlined in policy RD1.

Residential Amenity

- 67 A number of letters of representation have raised concerns regarding the potential impact which the development may have on the amenity of nearby residents. As described above, the layout of the site has been amended to position blocks 2 and 3 further from the eastern boundary of the site as there was initial concern regarding the proximity to these blocks to the properties on Goodlyburn Place. Blocks 2 and 3 are orientated to minimise the impact on residential amenity and to meet the Council's guidance. Recognised guidance on this matter which is based upon the Building Research Establishment's (BRE) guide on site layout planning which is applied throughout Perth and Kinross seeks a preference of 18m from window to window and a minimum of 9m window to boundary. The repositioning of these blocks ensures these guidelines are met on the eastern boundary.
- 68 Blocks 1 and 2 are located 19.5m from the rear garden boundaries of the properties on Rannoch Road at their closest point and approximately 31m from the rear windows of these properties. Whilst the proposed flats sit at a higher elevation than the properties to the north, this distance together with the trees on the north boundary are considered sufficient to mitigate any overlooking concerns to the properties on Rannoch Road.
- 69 Blocks 2 and 3 have been repositioned further west in the site and away from the eastern boundary of the site. This is to minimise the impact on the outlook of the properties on Goodlyburn Place and to ensure the guidance above is met. Block 2 is located 13.5m from the east boundary and block 3 located 11.8m from the

boundary. This revised position also offers the opportunity to provide additional planting on the eastern boundary of the site providing screening and a landscape buffer. This will be ensured by condition (Condition 7).

- 70 Blocks 3 and 4 sit close to the south boundary of the site; however they sit at a lower level than the existing flats to the south which will help to reduce the impact on the residential amenity of the adjacent flats. Furthermore, the existing hedging and planting adjacent to the south east corner and the presence of the car parking area for the existing flats will also screen the development and provide sufficient window to window distances.
- 71 Block 4 is positioned within 6.6m of the boundary with the new flats to the south and approximately 11m between windows. However, the south elevation of block 4 is proposed to be occupied by high level windows serving the kitchens of the flats which is considered acceptable. The windows of the main living areas and bedrooms are proposed on the west and east elevations of this block and as such, I am satisfied that no overlooking will occur.
- 72 On the western boundary of the site there is a detached bungalow which faces onto Goodlyburn Terrace towards the site. Blocks 1 and 4 sit closest to the western boundary. The west elevation of block 1 is to solely be occupied by bathroom windows which will utilise opaque glazing. The west elevation of block 4 is located 15m from the western boundary which again meets the Council's guidelines in terms of window to boundary distance and this is considered sufficient to ensure the amenity of this property is sufficiently protected.
- 73 In terms of daylight and sunlight reduction, again there is guidance in place which allows an assessment of impact to be made. The 25 degree approach applies. This requires suitable daylight for habitable rooms to be achieved when a 25 degree vertical angle is taken from the centre of the lowest window on an existing property. The line from this window at a 25 degree angle determines what the maximum ridge height of the adjacent building. A sectional drawing has been provided to show the relationship between the proposed development and existing buildings. The main properties which may be affected by loss of daylight are those in the new flats on Jeanfield Road to the south of the site which sits adjacent to block 4. This flat block extends to 10.2m at their highest point but benefits from a shallow roof pitch. This block has a finished floor level of 28.85m. Whereas the existing block to the south has a FFL of 34.25m. When taking a 25 degree vertical angle from the lowest window on the north elevation of the existing flats this extends above the eaves and ridge line of the proposed flats blocks, mainly due to the proposed flats sitting at a lower level than the existing flats.
- 74 In this instance given the distance between the existing properties and the proposed development and the difference in levels between the proposed flats and existing, orientation of the blocks and window positions, the proposal would not result in loss of daylight and sunlight to the surrounding properties or result in loss of daylight to the proposed flats.

- 75 As such based upon the above assessment the proposal is considered to accord with policies PM1A and B and RD1 where they refer to residential amenity.

Traffic and Transport

- 76 Policy TA1B of the LDP requires new development to be well served by and be easily accessible to all modes of transport. A Transport Statement (TS) accompanies the application which outlines trip generation details, an assessment of parking standards, access into the site, and details sustainable transport links to the site. Transport Planning has reviewed the TS and accepted its conclusions.
- 77 In terms of trip generation for these affordable flats, the TRICS (Trip Rate Information Computer System) database was used as per standard practice and this showed that the proposal would generate a total of 9 vehicle movements in the AM peak and 11 vehicles in the PM peak. This is a very minimal increase in traffic and Transport Planning has confirmed that the road network is capable of absorbing this increase in traffic.
- 78 In terms of parking requirements the National Roads Development Guide (NRDG) dictates that affordable housing should be provided with 0.5 spaces per dwelling + 0.3 spaces for visitor parking per dwelling. As such a total of 20 car parking spaces and 12 visitor spaces (32 in total) are required on the basis of the NRDG. In this instance a total of 41 spaces with an additional 3 for disabled parking are proposed. The proposed parking arrangements are therefore considered to be acceptable and exceed the requirements of the NRDG.
- 79 Cycle parking facilities for each block are marked on the site plan to encourage sustainable transport use. No exact details of these have been provided and this will be secured by condition (Condition 9). The site is well served by footways and cycleway routes which provide access to nearby shops and other amenities. The site is also well served by public transport provision with frequent bus services on both Rannoch Road (14A and 34C) and on Jeanfield Road (2, 13, 14, 70 and 809) which provides links to various areas of Perth and further afield.
- 80 A footway link to provide pedestrian access onto Goodlyburn Terrace is proposed and the internal layout is considered to be appropriate in traffic and pedestrian safety terms.
- 81 A swept path plan has been supplied which demonstrates that service and emergency vehicles will be capable of entering and leaving the site.
- 82 The proposal is therefore considered to comply with the criteria outlined in Policy TA1B of the LDP.

Landscaping, Trees and Open Space

- 83 As stated above some of the trees on the north boundary of the site are proposed to be felled to accommodate the development but the majority are to remain to

provide screening to the development and a landscape context in wider views. A Tree Survey has been submitted, as required by policy NE2B of the LDP, which identifies 27 trees of varying species within this tree belt. There are also some smaller, younger trees within a mixed woodland area which fall below the tree survey threshold. The survey identifies those trees which require to be felled to accommodate the development and indicates the retention of trees on the sloping bank between the proposed flats and the lock up garages to the north. The tree survey also proposes appropriate tree protection measures for the retained trees. The felling proposed is considered to be appropriate and ensures that the screening offered by retained trees is appropriate. The protection measures outlined in the report are also considered acceptable and will be ensured by condition (Condition 6). Some of the existing hedging on the site adjacent to Goodlyburn Terrace is also proposed to be removed to accommodate the new footpath and parking spaces for block 4. This can be compensated by additional replanting which will be secured by condition (Condition 2).

- 84 A landscape plan has been submitted which indicates that that additional shrub and tree planting is proposed within the site with an amenity area proposed at the eastern end of the site. As outlined elsewhere in this report there is opportunity to enhance the planting on the eastern boundary of the site to provide screening to the site and include semi mature trees and this can be secured by an appropriately worded condition. The existing hedge on the southern boundary is to be retained. The general outline of landscaping is considered acceptable and the exact details, density, species and ongoing maintenance can be secured by condition (Condition 2).

Waste Collection

- 85 The western most part of the access into the site is proposed to be developed to an adoptable standard which will allow waste collection vehicles to enter the site. A series of bin store areas to serve the flats are proposed throughout the site and Waste Services have considered the level provided to be appropriate.

Ecology and Biodiversity

- 86 The site has the potential to be habitat for bats. As such a bat survey has been submitted as per the requirements of policy NE3 of the LDP. The survey concludes that there are no bat roosts in the existing buildings on site or any of the surrounding trees and therefore the development will not impact on active roosting bats. The report outlines appropriate mitigation relating to both bats and breeding birds and this mitigation will be secured by condition (Condition 5). Furthermore bat boxes and swift boxes on the proposed site will be secured by condition (Conditions 11 and 12).

Flood Risk and Drainage

- 87 Having considered SEPA's 2018 flood maps, the application site is not located within an area considered to be at risk from surface water flooding. Letters of representation have raised concern relating to surface water flooding.

Introducing hard surfaces within the site has the potential to exacerbate surface water run-off from the site and this requires to be addressed through a detailed Sustainable Urban Drainage System (SUDS) as required by policy EP3C of the LDP. The application indicates that a SUDS will be utilised and the submission states that this will connect to a Scottish Water surface water sewer. Structures and Flooding team has advised that they are aware of a number of issues from the sewer/drainage network in this part of Perth. However, they have concluded, from reviewing the proposed Drainage Strategy for the site, that the drainage system proposed is acceptable given the level of betterment over existing discharge rates within the site.

- 88 The proposal therefore accords with policies EP3B and C of the LDP.

Developer Contributions

Education

- 89 The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.
- 90 This proposal is within the catchment of Goodlyburn Primary School.
- 91 Education & Children's Services have no capacity concerns in this catchment area at this time.

Transport

- 92 The Council's Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 93 The proposal will replace an existing private dwellinghouse and a gospel/community hall with 39 flatted units. The existing site uses are into account when calculating the Transport Infrastructure requirement.
- 94 The transport infrastructure contribution is calculated on 34 units (39 proposed – 5 existing equivalent). The contribution for affordable units is £1,775 per unit. The total contribution required is therefore £60,350.

Affordable Housing

- 95 The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning permission is being sought, is to be in the form of affordable housing.

- 96 The units will be let for social rent by Hillcrest Housing Association. As the entire development will be affordable the requirements of the Affordable Housing Policy are met. A condition will ensure all units are for affordable housing only (Condition 4).

Pedestrian Route along Goodlyburn Terrace

- 97 Goodlyburn Terrace to the west of the site forms part of a historic pedestrian route linking Rannoch Road with Jeanfield Road which was effectively an access to the rear of the former Plough Inn prior to demolition. I am aware that this route is currently blocked due to the construction operations being undertaken on the flats at the former Plough Inn. The development subject to this application will not impact on the use of this route.

Construction Noise

- 98 There is the potential at the construction stage for noise to affect existing residential properties. A condition is therefore recommended to limit noisy construction works (Condition 8).

Air Quality

- 99 Environmental Health raised concerns in their initial consultation response regarding the potential impact which the development may have on the Perth Air Quality Management Area (AQMA) which is referred to in policy EP11 of the LDP. Following submission of additional information by the applicant it was concluded that there will be no impact on air quality.

Loss of Value to Properties

- 100 The loss of value to surrounding properties is not a material planning consideration.

Contaminated Land

- 101 An outline contaminated land assessment has been submitted with the application which indicates that there may be scope for contamination associated with the former uses of the site. On that basis and in accordance with policy EP12 and the recommendations contained within the outline assessment a condition is recommended to ensure the provision of a detailed contaminated land assessment with appropriate mitigation measures (Condition 10).

Economic Impact

- 102 There is likely to be some economic benefit associated with the construction of this development. However this is not considered to hold significant weight in the determination of this application.

Road Maintenance

- 103 A letter of representation has raised concerns regarding maintenance of the road into the site and surrounding roads. The road into the site and surrounding roads would be subject to ongoing road maintenance measures as is considered appropriate by Perth and Kinross Council as the road serving the site is proposed to be adopted. The maintenance of roads is not a measure which is dictated through the granting of planning permission.

LEGAL AGREEMENTS

- 104 A Section 75 Legal Agreement may be required depending on how applicant wishes to pay the required Developer contributions.

DIRECTION BY SCOTTISH MINISTERS

- 105 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

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

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

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

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

- 2 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further 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; to ensure a satisfactory standard of local environmental quality.

- 3 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently 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 amenity; to ensure a satisfactory standard of local environmental quality.

- 4 All flats hereby approved shall be used for the purposes of affordable housing as defined in Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance September 2016 to the satisfaction of the Council as Planning Authority.

Reason - To comply with the Council's policy on affordable housing.

- 5 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (doc ref:18/01290/6) shall be fully adhered to, respected and undertaken as part of the construction phase of development.

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

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

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

- 7 The landscaped open space within the site shall be retained and 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.

- 8 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 or bank holidays.

Reason - In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

- 9 Prior to the commencement of any development on site full details of the proposed cycle parking/bike store facilities marked on the site layout plan hereby approved shall be submitted to and approved in writing by the Planning Authority. The details, as approved in writing, shall be implemented as part of the site development and completed prior to the occupation of any of the flats to the satisfaction of the Council as Planning Authority.

Reason - To ensure adequate provision of cycle parking on site.

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

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

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

Verification that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

Reason - In order to deal with any potential contamination of the site as a result of its former use.

- 11 Prior to the commencement of any development on site details of the location of 4 bat bricks/boxes within the development shall be submitted to and agreed in writing by the Planning Authority. All bat bricks/boxes shall be installed prior to the occupation of any part of the development site.

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).

- 12 Prior to the commencement of any development on site details of the location of 8 swift bricks or swift boxes within the development shall be submitted to and agreed in writing by the Planning Authority. These shall be located in accordance with Swift Conservation guidance at eaves height. All swift bricks/boxes shall be installed prior to the occupation of any part of the development site.

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).

B JUSTIFICATION

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

C PROCEDURAL NOTES

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.
- 5 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 6 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
- 7 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Background Papers: 29 letters of representation
Contact Officer: John Williamson 01738 475360
Date: 6 December 2018

ANNE CONDLIFFE
INTERIM DEVELOPMENT QUALITY MANAGER

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