

Perth and Kinross Council
Development Management Committee – 20 February 2013
Report of Handling by Development Quality Manager

Erection of 60 dwelling houses and associated parking/garages on land to the East of Honeyberry Crescent, Rattray

Ref. No: 12/01460/AMM

Ward No: 3 - Blairgowrie and Glens

Summary

This report recommends approval of the matters specified in conditions applied to the approved outline consent for residential development P/PPA/340/660. Although the current planning consent is not in line with the land use identified in the adopted Local Development Plan a departure in terms of reducing the land supply shortfall for the Blairgowrie area was justified by the Scottish Government Reporter at appeal. This weight remains as the site has been identified as a housing site in the Proposed Local Development Plan which sets out the Council's aspirations for future development in the region.

BACKGROUND AND DESCRIPTION

- 1 This application relates to a disused agricultural field extending to some 2.6 hectares located next to Honeyberry Crescent in Rattray. The south boundary of the site is contained by Kirkton Road and the track leading from it towards the public open space and pond at the Loon Braes.
- 2 There is a considerable amount of history associated with the site. An outline planning consent for this site was refused by the Council under reference 07/02346/OUT however permission was awarded on appeal by the Scottish Government with weight given to the validity of the emerging draft local plan over the dated 1998 Eastern Area Local Plan.
- 3 The first application (11/01346AMM) to deal with the reserved matters, now known as matters specified by conditions, associated with the appeal decision notice was refused by the Committee in line with the officer's recommendation. The reasons for refusal related to the scheme not satisfying the conditions contained in the appeal decision notice as well as poor design, layout, landscaping connectivity, street definition and open space network. This resubmission seeks to address the reasons for the earlier refusal.

Pre-application Consultation

- 4 The outline consent was granted prior to the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As a consequence there was no requirement imposed on the applicant to undertake pre-application consultation with the local community at that time. Due to this application dealing with the approval of matters specified by conditions associated with consent ref 07/02346/OUT (P/PPA/340/660) no pre-

application consultation with the local community is required by the Town and Country Planning (Development Management Procedure (Scotland) Regulations).

NATIONAL POLICY AND GUIDANCE

The Scottish Planning Policy 2010

5 This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management and,
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application are:

- Paragraphs 33: Sustainable Economic Growth
- Paragraphs 66 – 91: Housing
- Paragraphs 110 – 124: Historic Environment
- Paragraphs 125 – 148; Landscape & Natural Heritage
- Paragraphs 139 – 141: Local Designations
- Paragraphs 146 – 148: Trees & Woodland
- Paragraphs 149 – 158: Open Space and Physical Activity
- Paragraphs 165 – 181: Transport
- Paragraphs 196 – 211: Flooding and Drainage.

6 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 2/2010 Affordable Housing and Housing Land Audits
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 44 Fitting Housing into the Landscape
- PAN 60 Planning for Natural Heritage
- PAN 65 Open Space
- PAN 77 Designing Safer Places
- PAN 79 Water and Drainage

Designing places

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

Designing Streets

- 8 Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside the 2001 planning policy document Designing Places, which sets out government aspirations for design and the role of the planning system in delivering these.

DEVELOPMENT PLAN

- 9 The Development Plan for the area consists of the Approved Tayplan 2012 and the Adopted Eastern Area Local Plan 1998.

Approved Tay Plan June 2012

- 10 **Policy 1: Location Priorities**
- 11 **Policy 2: Shaping better quality places**
- 12 **Policy 3: Managing Tayplan's Assets**
- 13 **Policy 6: Energy and Waste/Resource Management Infrastructure**
- 14 **Policy 5: Housing**

Eastern Area Local Plan 1998

- 15 Under the Local Plan, the site lies within the settlement boundary of Blairgowrie/Rattray. The principal relevant policies are in summary:

Policy 2

- 16 All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against a series of criteria including the scale, form, colour, and density of existing developments within the locality; compatible with its surroundings in land use terms and they should not result in significant environmental damage or loss to the amenity or character of the area; road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided; spare capacity in drainage, water and education services to cater for new development; the site should be large enough to accommodate the development satisfactorily in site planning terms and buildings and layouts for new development should be designed so as to be energy efficient.

Policy 30

- 17 The Council linking with others will seek to improve public access to the countryside and informal recreation provision throughout the Plan area.

Policy 31

- 18 The Council will seek the provision of appropriate areas of amenity and recreational open space as an integral part of new housing development.

Policy 33

- 19 Adequate provision for parking, public transport and servicing must be made in all new developments in conformity with Roads Authority standards and to the satisfaction of the Planning Authority.

Policy 66

- 20 Identifies land which should remain in agricultural or forestry use meantime. There will be a strong presumption against built development within these areas.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN – PROPOSED PLAN JANUARY 2012

- 21 Members will be aware that on 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
- 22 Under the PLDP, the site lies within the settlement boundary of Blairgowrie and Rattray, where the following principal policies are applicable:-

Policy RD1: Residential Areas

- 23 Identifies areas of residential and compatible uses where existing 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 away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.
- 24 Generally encouragement will be given to proposals which fall into one or more of a series of categories of development and which are compatible with the amenity and character of the area:
- (a) Infill residential development of a similar density to its environs.
 - (b) Improvements to shopping facilities where it can be shown that they would serve local needs of the area.

- (c) Proposals which will improve the character and environment of the area or village.
- (d) Business, home working, tourism or leisure activities.
- (e) Proposals for improvements to community and educational facilities.

Policy PM1: Placemaking

- 25 Development must contribute successfully to the quality of the surrounding built and natural environment.

Policy PM1B

- 26 All proposals should meet all the following placemaking criteria:
- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.
 - (b) Consider and respect site topography and any surrounding important landmarks, views or skylines.
 - (c) The design should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours
 - (d) Respect and existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.
 - (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.
 - (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.
 - (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

Policy PM3: Infrastructure Contributions

- 27 Where the cumulative impact of new developments will exacerbate a current or generate a future 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. In calculating the impact of new developments the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:
- (a) the provision of on-site facilities necessary in the interests of comprehensive planning; and/or
 - (b) the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.

- 28 The requirements of this policy may be secured through legal agreements to deliver planning obligations and will be concluded between the applicant and the Council, prior to the issue of planning permission.

Policy RD4: Affordable Housing

- 29 The Council will seek provision or financial contribution for residential development, including conversions for development of 5 or more units. Where practical, the affordable housing element should be integrated with and indistinguishable from the market housing.
- 30 If the provision of the affordable housing on-site is not possible the Council will seek off-site provision. Failing that, and in appropriate circumstances, a commuted sum will be required from developers

Policy CF1 – Open space Retention and Provision

- 31 Policy CF1B: Open Space within New Developments. The Council will seek the provision of appropriate areas of informal and formal open space that is accessible to all users as an integral part of any new development where existing provision is not adequate. Where it is physically impossible or inappropriate to meet the open space provision onsite, consideration may be given to the provision of a suitable alternative. In areas where there is an adequate quantity of accessible open space in a locality, a financial contribution towards improvement or management of existing open space may be considered an acceptable alternative.

Note: A revision of the Play Area Strategy will be developed through Supplementary Guidance which will cover: The amount of open space required for proposed developments;

- Whether on site or off site provision is most appropriate;
- Maintenance arrangements;
- Financial contributions for off site provision.

TA1 – Transport Standards and Accessibility Requirements

Policy TA1B: New Development Proposals

- 32 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 should be considered, in addition to cars. The aim of all development should be to reduce travel demand by car, and ensure a realistic choice of access and travel modes is available. Development proposals should:(a) be designed for the safety and convenience of all potential users;(b) incorporate appropriate mitigation on site and/or off site, provided through developer contributions where appropriate, which might include improvements and enhancements to the walking/cycling network and public transport services, road improvements

and new roads;(c) incorporate appropriate levels of parking provision to the maximum parking standards laid out in SPP;(d) fit with the strategic aims and objectives of the Regional Transport Strategy;(e) apply maximum on-site parking standards to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport. In certain circumstances developers may be required to: (a) prepare and implement travel plans to support all significant travel generating developments;(b) prepare a Transport Assessment and implement appropriate mitigation measures where required.

- 33 Development for significant travel generating uses in locations which would encourage reliance on the private car will only be supported where:(a) direct links to the core paths networks are or can be made available;(b) access to local bus routes with an appropriate frequency of service which involve walking no more than 400m are available;(c) it would not have a detrimental effect on the capacity of the strategic road and/or rail network;(d) the transport assessment identifies satisfactory mechanisms for meeting sustainable transport requirements. Where site masterplans are prepared, they should include consideration of the impact of proposals on the core paths network and local and strategic transport network. Cycling and Walking Development proposals which take into account and promote cycling and walking will be supported. Particular attention must be paid to access arrangements and cycle parking facilities.
- 34 Car Parking Development proposals should apply maximum on-site parking standards, including disabled parking, to help encourage and promote a shift to the more sustainable modes of travel of walking, cycling and public transport. Where an area is well served by sustainable transport modes, more restrictive standards may be considered appropriate. In rural areas where public transport is infrequent, less restrictive standards may be applied. Developers of town centre sites will be required to contribute to the overall parking requirement for the centre in lieu of individual parking provision.

Note: Supplementary guidance will explain when a travel plan and transport assessment is required.

NE3 - Biodiversity

- 35 The Council will seek to protect and enhance all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species. The Council will apply the principles of the Tayside Biodiversity Partnership Planning Manual and will take account of the Tayside Local Biodiversity Action Plan (LBAP) when making decisions about all applications for development proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular developers may be required to: (a) ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. Large

developments that will have an impact on the environment may require an Environmental Impact Assessment; (b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;(c) include mitigation measures and implementation strategies where adverse effects are unavoidable;(d) enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.

OTHER POLICIES

Affordable Housing Policy

- 36 This policy is applicable to all new housing sites (even ones identified in the Local Plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site however for developments of less than 10 units commuted payments may be acceptable.

Education Contributions

Planning Guidance Note – Developer Contributions May 2009

- 37 Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

Planning Guidance Note – Primary Education and New Housing Development May 2009

- 38 This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

SITE HISTORY

- 39 07/02346/OUT - proposed housing development in outline (approved on appeal - 18 August 2008)
- 40 11/01364/AMM - Erection of 60 No. dwellinghouses and associated works (Approval of Matters Specified in Conditions - 07/02346/OUT) 14 March 2012 Application Refused

- 41 12/01308/FLM - Erection of 60 dwelling houses and associated parking/garages 7 August 2012 Application Withdrawn

CONSULTATIONS

- 42 **Scottish Water:** - Confirm they have no objection to the planning application.
- 43 **Scottish Environment Protection Agency:-** No objection
- 44 **Affordable Housing Officer:-** No objection subject to commuted sum being secured.
- 45 **Education and Children Services:-** No objection. No capacity concerns in this catchment area at this time.

REPRESENTATIONS

- 46 The application has attracted 53 letters of representation which object to the application. The issues raised by objectors are summarised as follows:-

- Increase in road traffic associated with the development.
- Road and Pedestrian Safety Concerns (Kirkton Road and High Street).
- Impact on the amenity of the area through loss of privacy.
- Overshadowing, loss of sunlight and daylight.
- Noise and dust pollution.
- Light pollution.
- Impact on infrastructure water and sewerage supply.
- Flooding.
- Adverse impact on landscape.
- Impact on wildlife, protected species and habitat.
- Density, height and design of the buildings.
- No demand for housing.
- Contrary to the Housing in the Countryside Policy.
- Loss of open space/ agriculture.
- Loss of trees.
- Path links are outwith the site.
- Impact on existing access rights.
- Compliance with Affordable Housing Condition
- Compliance with Pre-application Consultation requirements (PAC).

- 47 These issues are addressed in the Appraisal section of this report apart from the element which relates to Pre-application Consultation which has been addressed at the start of this report under the Pre-application Consultation heading. It should be noted that the Housing in the Countryside Policy is not applicable as the site lies within a settlement boundary.

ADDITIONAL STATEMENTS

48	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
	Report on Impact or Potential Impact	Submitted

APPRAISAL

- 49 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 Plans that are applicable to this area comprise the approved Tayplan 2012 – 2032 and the Eastern Area Local Plan 1998. The Perth and Kinross Council Proposed Local Development Plan 2012 is a material consideration in the determination of the application.
- 50 The development of residential units on the site was considered acceptable on appeal, as part of the outline application assessment. It should be noted that the appeal did not specify or restrict the number of units that could be accommodated on the site. While the emerging plan at that time suggested that 39 houses could be accommodated on the site, it must be noted that this was merely an indication and ultimately the scheme's layout and unit size would determine the numbers that could be accommodated.
- 51 Taking the above into account this application does not re-assess the acceptability of residential use on the site as this principle has now been established, it focuses solely on how the proposal relates to the matters specified by conditions which deal with the siting, design and external appearance of buildings, the means of access and the landscaping which the reporter referred to as 'reserved matters'.

Policy

- 52 The most relevant policies of the Development Plan and other material considerations are listed in the policy section above. This assessment focuses solely on how the proposal relates to the matters specified by conditions on the outline consent.

Drainage and Flooding

Surface Water

- 53 The site is not located within a flood risk area. However due to development reducing surface permeability by replacing vegetated ground with roofs, roads

and paved areas the amount of water infiltrating into the ground will be reduced and increases in surface run-off will occur. The alteration of natural flow patterns (in both total quantity and in peak flow) can lead to problems elsewhere within the river catchment, particularly flooding downstream. It is therefore important to ensure that surface water is managed in an appropriate manner as required by condition 2 of the outline application.

- 54 In this case a drainage strategy has been prepared for the site by the applicant. The Council's Flooding Engineer has confirmed that he is content with the measures contained within the report and offers no objection, he acknowledges that the sites drainage strategy will also be secured through the Roads Construction Consent (RCC). Scottish Environment Protection Agency (SEPA) has also been consulted on the proposal and offers no objection to the Surface Water Drainage Strategy.

Foul Drainage

- 55 At the time of the outline consent there was concern that the sewerage network could not accommodate the development. This resulted in a requirement for the housing to be timetabled or phased to take account of the availability of improved sewerage infrastructure. Scottish Water has been consulted on the current application and they have advised that they do not object to the planning application but confirm a separate application is required to be submitted to them to connect into their Infrastructure.
- 56 Taking account of the above I am content that the information submitted on drainage and flooding is sufficient to comply with condition 2 attached to the outline application.

Design and Layout

- 57 Through Designing Places (November 2001) Scottish Ministers have signalled the importance they attach to achieving improvements in the design and quality of new development, and bringing long-term benefits to the urban and rural environment. It should be noted that good design should be the aim of everyone in the planning and development process with it being important at all scales of development. Ill conceived and poorly designed development is not in the public interest, as mistakes cannot be easily or cheaply rectified.
- 58 Designing Streets published by the Scottish Government suggests that streets should be designed as social spaces, being well-connected at all levels. It aims to move away from vehicle dominated road layouts in favour of streets designed for people that achieve a sense of place, producing interesting and useable street layouts.

Housing Layout and Internal movement within and Connections to the Wider Urban Path Network

- 59 A development with poor links to the surrounding area creates an enclave which encourages movement to and from it by car rather than by other

modes. When considering the layout of any new development, one other important issue to consider is creating the opportunity for natural surveillance. Buildings, spaces and pedestrian routes should be located to maximise natural observation from pedestrians and passing motorists. Active frontages should be encouraged wherever possible i.e. doors leading onto the street and windows overlooking all public areas.

- 60 It should be noted that the previous layout detailed in application 11/01842/FLM included marginalised open space and a car dominated layout which resulted in un-functional space which was contrary to guidance contained within Designing Streets.
- 61 The revised proposal has resolved this issue. The improved shared surface street design takes cognisance of Designing Streets and incorporates appropriate natural surveillance of open space and supervision of the main pedestrian routes in line with PAN 77 Designing Safer Places. The developments layout provides strong footpath delineation which takes account of the footpath links which adjoin the site, this in turn ensures appropriate pedestrian permeability between Honeyberry Drive, Honeyberry Crescent, Kirkton Road and path network within Loon Braes. It also removes the dominance of the car by incorporating separate and overlooked car parking courtyards.
- 62 There is a requirement for the paths within the site to be built without steps and of a suitable gradient to cater for pedestrian and cyclists as per condition 3 of the outline consent. The current layout includes steps which could act as barriers. Having looked at the layout and discussed this issue with the applicant I am content that there is sufficient space to create a path network without steps between Honeyberry Drive and the site. The applicant has confirmed that this footpath link at the South of the site cannot be formed without steps due to the topography of the site at this location. Alternative links into the Loon Braes without steps are provided to the sites East and West boundary, therefore the retention of the southern access point is desirable to increase permeability even if stepped.
- 63 Taking the above into account a negative suspensive condition can be attached to ensure the footpath links to the surrounding area are delivered and the link between Honeyberry Drive and the site includes a link without steps.

Vehicular Connections and Traffic Generation

- 64 It is recognised that the proposed site is constrained due to its awkward topography as well as the phasing and layout of the surrounding development. This reduces the options available for vehicular access to two potential routes, Honeyberry Crescent and Kirkton Road. The previous application was refused, partly on the grounds that only one access was proposed. The inclusion of a further access onto Kirkton Road alleviates this issue and is necessary to accord with Scottish Government Policy Designing Streets. A connected or 'permeable' network usually results in a more even

spread of motor traffic throughout an area and avoids the need for distributor roads with less desirable place characteristics. Transportation Planning has undertaken a review of the traffic generation impact of this proposal using the industry standard trip generation software TRICS and the Blairgowrie S-Params micro-simulation traffic model. This showed that the proposed development would not have a detrimental effect on the local transport network by using the two proposed accesses. A negative suspensive condition will be used to secure the delivery of the Kirkton Road Access.

- 65 Vehicular movement has often dominated the design of streets, resulting in many being out of context with their location and overly influenced by prescriptive standards. Policy now aims to reverse this trend and shift the focus firmly back to the creation of successful places through good street design with a balance being struck between place and movement. This includes the use of shared surfaces between users of the street space often resulting in no physical segregation. This method effectively results in the street being shared equally by all users. Motorists are expected to adapt their behaviour to that of other street users, driving slowly and giving way as appropriate. Transportation Planning has taken account of the internal layout as well as the wider road network connections (High Street and Kirkton Road) and they are content there is no adverse impact on pedestrian and vehicular safety, accordingly they offer no objection to the proposal.

Design and Materials

- 66 The proposal has a variety of dwelling types over the site which include detached, semi-detached and terraced properties. These vary between one and two storeys in height, with some including split levels between the front and the back of the dwellings to take account of the site's difficult topography. Overall the scale, design and mix of two to three bedroom units are acceptable. While concern has been expressed with the site's density of 23 units per hectare it should be noted that the 2004 consent associated with Honeyberry Crescent has a density of 24 units per hectare (reference 04/01350/FUL). The proposed development would therefore have a density which was consistent with the surrounding development.
- 67 To ensure the development successfully integrates into the surrounding landscape it is important to ensure the colours of external finishes are appropriate to the area, in this regard a condition requiring samples of the facing and roof materials should be attached to the consent.

Private Amenity Space

- 68 The extent in which private amenity space is used relates specifically to the dwelling's occupants. It is therefore particularly difficult to forecast the extent of garden ground required and ultimately over time this will change with any new occupants. While the site incorporates small areas of garden ground at particular areas in the layout this relates to the dwellings' size and overall the provision of private outside areas are considered to deliver the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out.

Affect on adjoining properties

- 69 The erection of dwellings next to adjoining residential areas has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwellings and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.
- 70 In this case I am content that the layout has taken cognisance of neighbouring properties with the height, location and orientation of the buildings being set out to ensure that there is no overshadowing or excessive overlooking. The formation of 1.8m high fencing to the rear of dwellings as well as the retention of hedging will secure appropriate privacy for users in rear garden areas.

Noise

- 71 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development or on development can be a material consideration in determining applications for planning permission.
- 72 It is recognised that development will undoubtedly result in an element of disturbance to neighbouring properties from the status quo due to building works. I would note that this will be for a limited period of time and if noise or disturbance becomes excessive the issue can be addressed satisfactorily by Environmental Health through the use of powers under the Control of Pollution Act.
- 73 On completion of the development the likely noise that would emanate from the residential land use is considered compatible with surrounding noise sensitive uses.

Dust

- 74 The construction activities associated with the site is likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to create development pads are likely to be the main source as well as construction vehicular movement distributing material within, to and off the site. Given the distance of potential receptors there is a likelihood there is potential for dust to create a nuisance however this could be reduced by the developer deploying Best Practice Measures to help reduce the impact of construction activities. It should be noted that if nuisance occurs there are power under the Control of Pollution Act that could bring this matter under control.

Light Pollution

- 75 Minimising obtrusive light and reducing lighting energy usage are important environmental factors which are detailed in the Scottish Government's guidance note entitled Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007). There will be a requirement for street lighting and this matter will be brought under control via assessment through the Roads Construction Consent. I do not consider that the provision of this lighting will be detrimental to the residential amenity of neighbouring premises.

Landscape Fit

- 76 Safeguarding and enhancing landscape character is an important planning objective. In this case I acknowledge that the landscape surrounding Rattary and this site is of particular merit and contributes significantly to identity and character. The application layout takes cognisance of trees and surrounding vegetation and has buildings set away from these assets. The developers site plan highlights that tree protection measures shall be installed during construction works however a condition to ensure protection measures complies with the British Standard should be attached to the secure the implementation of this.
- 77 Landscape planting is denoted on the plan however as the footpath will be altered between Honeyberry Drive and the site it will be necessary for the landscaping to take account of this alteration. Furthermore it is likely that trees will require to be felled to implement the access arrangements between the site and Kirkton Road. Replacement planting will be required where tree felling occurs. This detailing can be suitably addressed and controlled through suspensive conditions.

Education Contributions Policy

- 78 Education and Children Services have been consulted on the application and they have advised that there are no capacity concerns in this catchment area at this time. No contribution is required in this instance.

Affordable Housing Policy

- 79 The Council's Affordable Housing policy seeks a 25% allocation of affordable housing; preferably on site. The applicant has advised that the provision of this level of affordable housing in the current economic climate would make the site unviable and undeliverable.
- 80 Scottish Government guidance (PAN 02/2010) requires the affordable housing policy to be flexible and realistic, when assessing development viability the impact of the economic downturn on cash flow, price paid for land, impact of infrastructure provision and the availability of Scottish Government grant funding to RSLs requires to be taken into account. These issues should be given regard when assessing the request for a reduction in the policy

requirement. This is further reinforced by the letter to Heads of Planning by the Chief Planner on the subject dated 15 March 2011.

- 81 As per the Council's Affordable Housing Supplementary Guidance (2012) it is noted that a reduction, or nil contribution, in the affordable housing requirement is not a variation to the Council's affordable housing policy; the flexibility to consider a development's viability is provided through the policy.
- 82 Most developers require to borrow money from lenders to fund a project, it is considered relevant that lenders have minimum levels of profit that they require from each development before they commit to lend. Since the economic downturn it is understood that not only has expected revenue declined (due to reduced sales prices), but also lenders are requiring developers to achieve a higher level of profit than they did prior to 2008. Generally a lender will require a development to have a return of between 15-20% in order to provide finance. The above two factors, coupled with the reduction in Scottish Government funding for affordable housing and rises in build costs, are the main reasons why development viability has become an issue for housing development. With this background seeking an affordable housing contribution where there is no public subsidy can in some cases further exacerbate development viability as this is an additional cost to the developer.
- 83 The developer has provided independently prepared development appraisals from chartered surveyors, Christie and Partners, a RICS regulated firm. The development appraisal provides 'open book' confidential financial information on the anticipated build costs (and all other relevant costs) and the sales prices. Analysis of the evidence provided in the appraisals has been undertaken by the Affordable Housing Enabler Planning Officer. In this case the viability of on-site affordable housing has been thoroughly examined, extensive discussions with the developer and thorough consultation with colleagues in Housing & Community Care has been undertaken. These discussions have provided the evidence to satisfy the Affordable Housing Enabler Planning Officer that there is no possibility of available Scottish Government funding in this case, and that the provision of 25% on-site developer unsubsidised affordable housing would render the project economically unviable.
- 84 This project is one of the very few and exceptional cases, in the Perth & Kinross area, where on-site delivery of the full 25% requirement is identifiably non-viable. Off-site provision is not a possibility and the payment of a full commuted sum would also render the development unviable. Taking this into account it is recommended that the affordable housing contribution be reduced to 1.5 units which results in a commuted sum of £17,250 being payable. This provides an 8% return for the developer which is necessary for the project to proceed. The applicant has advised they intend to pay the commuted sum upfront to release the consent otherwise a legal agreement would be necessary.

LEGAL AGREEMENTS

- 85 If the commuted sum associated with the Affordable Housing Policy is paid upfront there will be no requirement to enter into a legal agreement.

DIRECTION BY SCOTTISH MINISTERS

- 86 Under the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 87 I have taken account of the development plans as well as material considerations and conclude that the weight attached to bringing this site forward for development remains. The principle of development has already been established and the layout has improved following the earlier refusal of the matters specified by condition application. The submitted details are now considered to meet the requirements imposed by the outline consent therefore the proposal is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application:

- 1 The proposed development must be carried out in accordance with the approved plans herewith, unless otherwise provided for by conditions imposed on the planning consent.
- 2 Prior to the commencement of development all matters regarding access, car parking, road layout, design and specification, including the disposal of surface water, shall be in accordance with the standards required by the Council as Roads Authority and to the satisfaction of the Planning Authority.
- 3 No work shall commence on the construction of residential units associated with this consent until the access to site from Kirkton Road has been formed. Thereafter the access from the site and Kirkton Road shall be retained and kept free from obstruction all to the satisfaction of the Planning Authority.
- 4 Prior to the commencement of development details of a path without steps and at a suitable gradient between the site's boundary at Honeyberry Drive and the site's internal road shall be submitted to and approved in writing by the Planning Authority. Thereafter the path shall be fully installed prior to the occupation of development all to the satisfaction in writing of the Planning Authority.

- 5 No work shall commence on the construction of residential units associated with this consent until paths have been completely formed from Loon Braes and Honeyberry Drive to the site's boundary thereby ensuring the path links incorporated in the developments layout can connect to the wider area. Thereafter the paths shall be retained and kept free from obstruction all to the satisfaction of the Planning Authority.
- 6 Prior to the commencement of the development a detailed landscaping and planting scheme for the site shall be submitted for the further written approval of this Planning Authority which shall take account of the revisions associated with condition 4 above. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted and include the co-ordination of landscaping establishment with construction works unless the Planning Authority grants written approval for any variation.
- 7 Any trees or landscaping which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 8 Prior to the commencement of site construction works a detailed plan showing trees within the site to be retained and protected in accordance with BS 5837 2012 (Trees in relation to construction) shall be submitted and approved in writing by the Planning Authority. Thereafter approved protective fencing shall be installed prior to the commencement of development and shall remain in place throughout construction. For the avoidance of doubt no materials, vehicles, ground level changes or service runs shall be carried out within the tree protection area unless the prior agreement of the Council as Planning Authority is obtained.
- 9 Prior to the commencement of the development hereby approved, samples of all proposed surfacing, external facing and roofing materials shall be submitted to the Local Planning Authority for approval; thereafter unless otherwise agreed by the Local Planning Authority in writing, only approved surfacing, external facing and roofing materials shall be used in the development.

Reasons

1. To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of highway and pedestrian safety in accordance with the policies of the adopted development plans.
- 3 In order to secure the provision of this access thereby complying with the objectives of national and local Planning Policies which promote quality design and sustainable development.

- 4 To ensure social cohesion of the community and to encourage alternatives to use of private vehicles to the surrounding countryside and Blairgowrie.
- 5 In order to secure the provision of paths thereby complying with the objectives of national and local Planning Policies which promote quality design and sustainable development as well as social cohesion of the community and to provide alternatives to use of private vehicles.
- 6 To assimilate the development into the landscape and safeguard the character and appearance of this part of Perth and Kinross, in accordance with the policies of the adopted development plans.
- 7 To ensure that the proposed development does not prejudice the appearance of the locality and to preserve/enhance nature conservation interests.
- 8 To safeguard existing trees to be retained thereby maintaining the character and appearance of this part of Perth and Kinross, in accordance with the policies of the adopted development plans.
- 9 To enable the Local Planning Authority to consider the details of the materials to be used and ensure their suitability, to protect the character and appearance of this part of Perth and Kinross Council in accordance with the policies of the adopted development plans.

B JUSTIFICATION

The weight attached to bringing this site forward for development remains; accordingly the proposal should be approved with conditions.

C PROCEDURAL NOTES

There is a requirement for a commuted sum associated with affordable housing to be paid. The decision notice should not be issued unless the commuted sum has been paid upfront or if it has been secured via a legal agreement.

D INFORMATIVES

- 1 The Planning Permission in Principle for this development will lapse on the expiration of 2 years from this approval (or, in the case of the approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.
- 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 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 38 of the Development Management Procedure (Scotland) Regulations 2008. 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 38 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 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.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.
- 6 Should the development not be commenced within 3 years of the decision the affordable housing element of the scheme will need to be reappraised if there was an application for renewal of the planning permission.
- 7 The applicant is advised that to enable some of the negative suspensive conditions to be fulfilled works which are operational development may have to be undertaken outwith the application site. These works themselves may require the submission of a planning application.
- 8 The applicant is advised that the granting of planning consent does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public wastewater system and/or water network and all their requirements must be fully adhered to.
- 9 The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

Nick Brian
Development Quality Manager

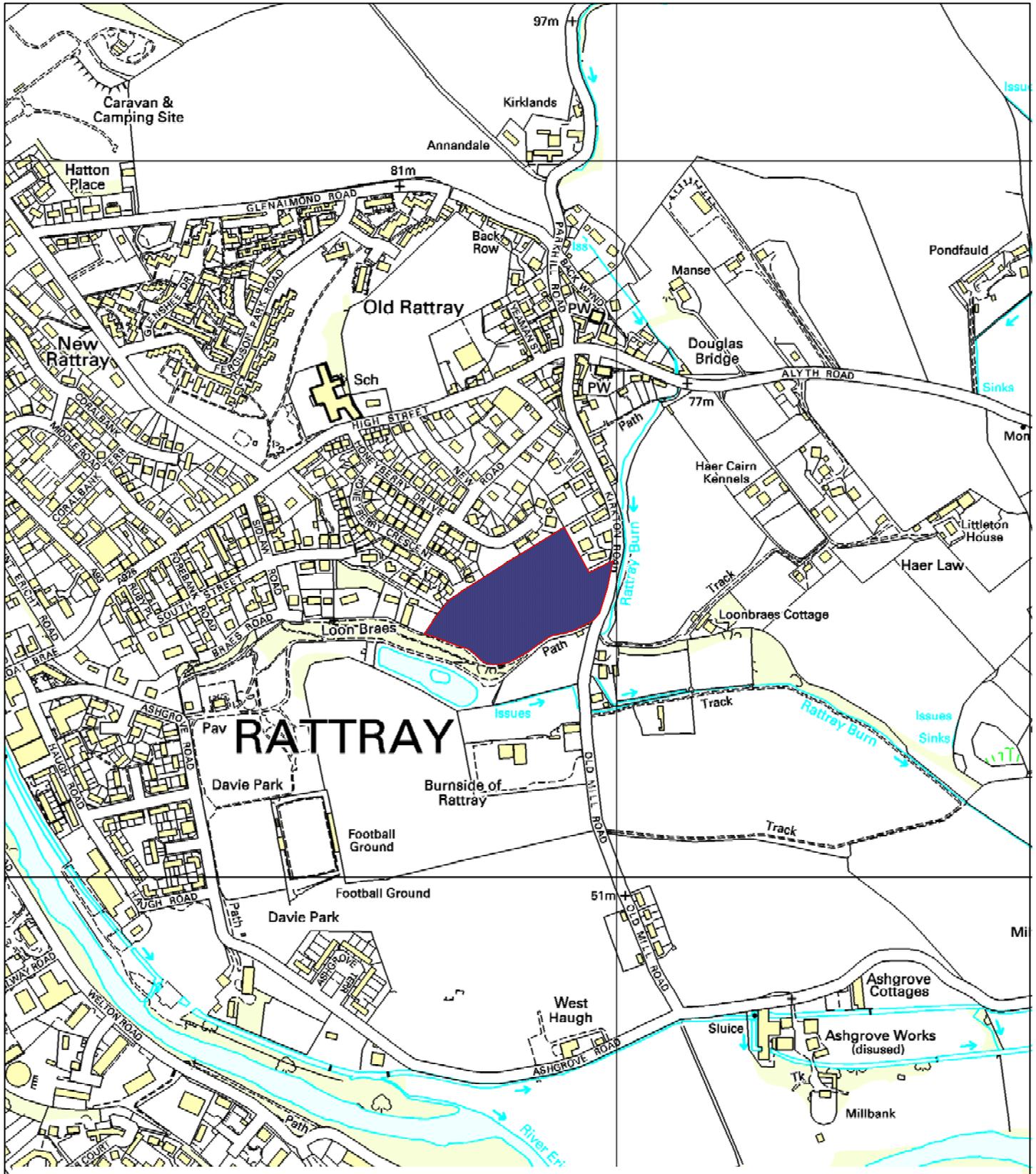
Background Papers: 53 letters of representation
Contact Officer: John Russell – Ext 475346
Date: 5 February 2013

Perth & Kinross Council

12/01460/AMM

Land East of Honeyberry Crescent, Rattray

Erection of 60 Dwellinghouses and Associated Parking/Garages



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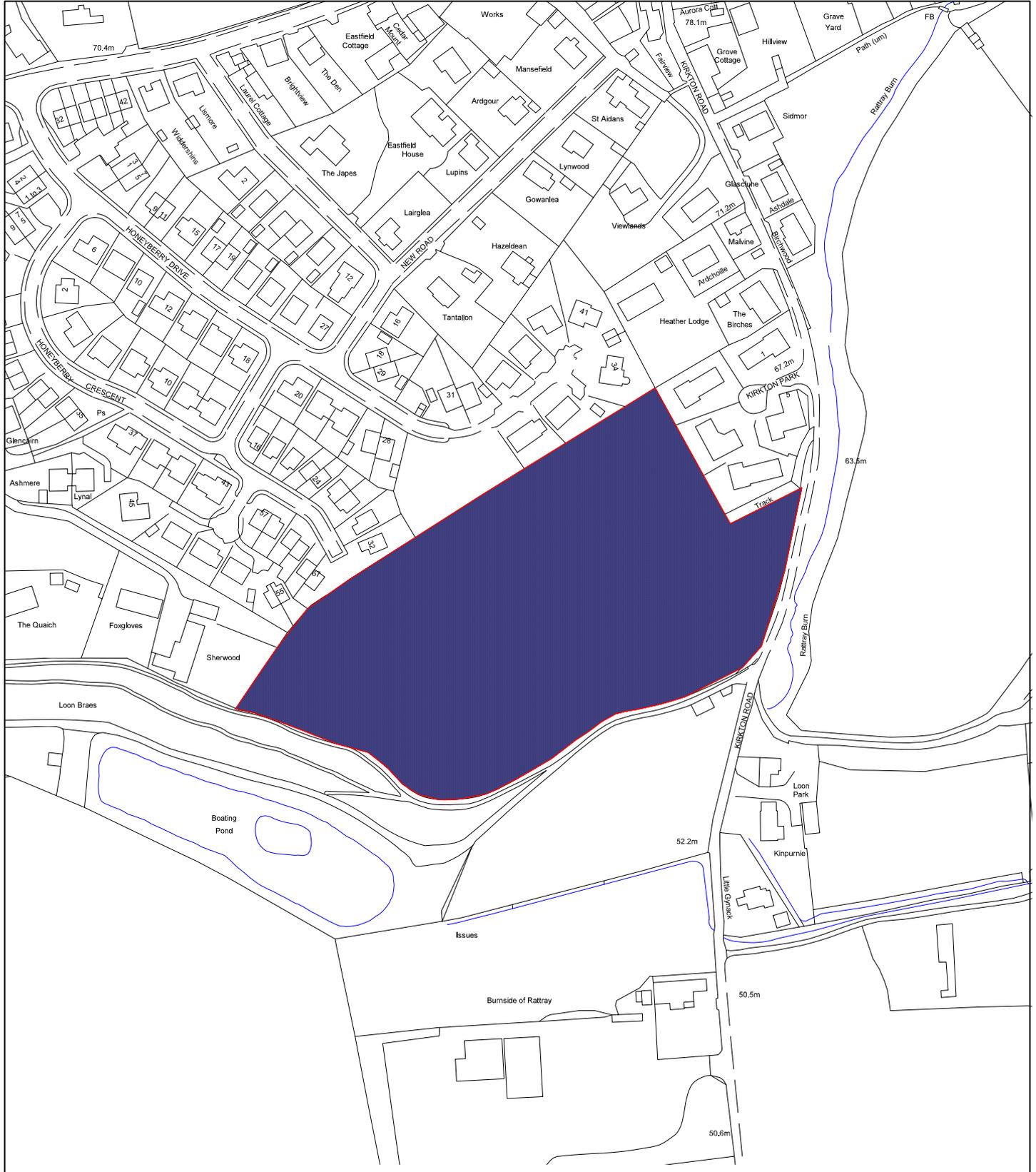
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Perth & Kinross Council

12/01460/AMM

Land East of Honeyberry Crescent, Rattray

Erection of 60 Dwellinghouses and Associated Parking/Garages



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