

Perth and Kinross Council
Development Management Committee – 11 September 2013
Report of Handling by Development Quality Manager

**Residential development consisting of 75 units and associated works on site
of the former Friarton Detention Centre, Edinburgh Road, Perth**

Ref. No: 13/00638/FLM
Ward No: 12 - Perth City Centre

Summary

This report recommends approval of the application for the erection of residential development on land of the former Friarton Detention Centre as the proposal complies with the Development Plan framework for the area if made subject to a legal agreement and conditional control.

BACKGROUND

- 1 The planning application site extends to some 3.22 hectares and is located to the southern edge of Perth. The site has extensive views to the north towards Kinnoull Hill, the River Tay and Perth's city centre due to the elevated position.
- 2 Historically the site was a hospital however laterally the site was used as a Detention Centre for the Prison Service. The majority of the buildings associated with this use have recently been demolished with one large scale building remaining.
- 3 Craigclowan Preparatory School and grounds are to the west of the site, existing residential uses are located to the south west boundary of the site and south of the Rhynd Road. The M90 motorway is located to the east of the site. Land to the North is zoned under the Proposed Local Development Plan for development.

PROPOSAL

- 4 The proposal includes the following elements:-
- 5 Housing – Seventy-five residential units are proposed which consist of detached, semi detached and terraced housing types. This range provides two, three, four and five bedroom properties. A standard palette of materials is intended to be used throughout the site.
- 6 Vehicular accesses - The proposal includes the formation of two new accesses to serve the development. The main access to the site is via the Edinburgh Road on the site's western boundary. A secondary access point is located on the Rhynd Road to the south.

- 7 Pedestrian accesses - A network of pedestrian/cycle routes are to be integrated into the site. Pedestrian access is included at the two vehicular access points. A further connection to land to the north is also provided.
- 8 Open space and landscaping - Perimeter planting is proposed to the north and east boundary. The layout also includes tree planting within the street layout, play park provision is incorporated into the northeast of the site.
- 9 Other associated infrastructure - Drainage infrastructure in the form of a sustainable urban drainage system (SUDS) is located at the eastern extremities of the site.

Environmental Impact Assessment (EIA)

- 10 Directive 2011/92/EU requires the 'competent authority' (and in this case Perth and Kinross Council) when giving a planning consent for particular large scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed for certain types of project before 'development consent' can be given.
- 11 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 12 A screening exercise in accordance with the EIA (Scotland) Regulations 2011 (as amended) was undertaken by the Planning Authority and in this case due to the project's size, nature and location an Environmental Statement was not required.

PRE-APPLICATION CONSULTATION

- 13 The proposed development is classed as a major development under class 9 of the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009. This requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Council as required by regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35B of the Planning Act. The content of the PAN was subsequently agreed by the Council under 12/00009/PAN.
- 14 The pre-application consultation report submitted by the agent confirms the extent of consultation activity undertaken and in this case it complies with the content of the measures agreed through the Proposal of Application Notice.

NATIONAL POLICY and GUIDANCE

- 15 The Scottish Government expresses its planning policies through the National Planning Framework 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

National Planning Framework

- 16 The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

The Scottish Planning Policy 2010

- 17 The 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.
- 18 The following sections of the SPP are of particular importance in the assessment of this application:-
- Paragraph 25: Determining planning applications
 - Paragraph 33: Sustainable Economic Growth
 - Paragraphs 34 – 44: Sustainable Development and Climate Change
 - Paragraph 66: Housing
 - Paragraphs 77 - 84: Location and Design of New Development
 - Paragraphs 86 – 88: Affordable Housing
 - Paragraphs 89 – 91: Other Housing Requirements
 - Paragraphs 110 – 112: Historic Environment
 - Paragraph 123: Archaeology
 - Paragraphs 125 – 148: Landscape and Natural Heritage
 - Paragraphs 149 – 158: Open Space and Physical Activity
 - Paragraphs 165 – 176: Transport
 - Paragraphs 196 – 211: Flooding and Drainage
 - Paragraph 215: Waste Management
 - Paragraph 255: Outcomes
- 19 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 33 Development of Contaminated Land
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 58 Environmental Impact Assessment
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 63 Waste Management Planning
- PAN 65 Planning and Open Space
- PAN 67 Housing Quality
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

- 20 **Designing Places:** - The first policy statement which marks the Scottish Government's determination to raise standards of urban and rural development.
- 21 **Designing Streets: A Policy Statement for Scotland:** 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

- 22 The Development Plan for the area consists of the Tayplan Strategic Development Plan 2012 – 2032 Approved June 2012 and the Adopted Perth Area Local Plan 1995 (Incorporating Alteration No.1 Housing Land 2000).

TAY plan Strategic Development Plan 2012

- 23 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”

Policy 1: Locational Priorities

- 24 Seeks to focus the majority of development in the region's principal settlements. Perth Core Area is identified as a Tier 1 Settlement with the potential to accommodate the majority of the region's additional development over the plan period and make a major contribution to the region's economy.

Policy 2: Shaping Better Quality Places

- 25 Seeks to ensure that climate change resilience is built into the natural and built environment, integrate new development with existing community infrastructure, ensure the integration of transport and land uses, ensure that waste management solutions are incorporated into development and ensure that high resource efficiency and low/zero carbon energy generation technologies are incorporated with development to reduce carbon emissions and energy consumption.

Policy 3: Managing TAYplan's Assets

- 26 Seeks to identify and safeguard at least 5 years supply of employment land within principle settlements to support the growth of the economy and a diverse range of industrial requirements.

Policy 5: Housing

- 27 States that Local Development Plans shall, *"Allocate land which is effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted date of adoption, ensuring a minimum of 5 years effective land supply at all times, and work towards the provision of a 7 year supply of effective housing land by 2015 to support economic growth."*

Policy 8: Delivering the Strategic Development Plan

- 28 States, *"To ensure that quality is designed in to development and places, developer contributions shall be sought for new development to mitigate any adverse impact on infrastructure, services and amenities brought about by development including contributions towards schools, affordable housing, transport infrastructure and facilities (including road, rail, walking, cycling and public transport) and other community facilities in accordance with the Scottish Government Circular 1/2010"*.

Perth Area Local Plan 1995 (Incorporating Alteration No.1 Housing Land 2000)

- 29 Under the Local Plan the site lies within an area where the following policies are applicable:

Policy 1: General Policies

- 30 Developments will be judged against the criteria including a good landscape framework, compatible with its surroundings in land use terms and should not cause unacceptable environmental impact, the scale, form, colour and design should accord with the existing pattern of building, sufficient spare capacity in local services to cater for the development and the site should be large enough to satisfactorily accommodate the development.

Policy 30: Public Access and Informal Recreation

- 31 The Council will seek to improve public access to the countryside and informal recreational provision, particularly adjacent to Perth city, within the Areas of Great Landscape Value and along the banks of the Tay.

Policy 41: General residential and Background Policies

- 32 Proposals Map B identifies areas of residential and compatible uses where existing residential amenity will be retained and where possible improved. Where sites in other uses become available for development, housing will generally be the most obvious alternative use. Some scope may exist for infill development, but only where this will not significantly affect the density, character or amenity of the area concerned. Small areas of private and public open space will be retained where they are of recreational or amenity value to their surroundings. Change of use to hotel, boarding and guest house use will be permitted normally only on the main radial routes in the city.

Policy 41 A: General residential and Background Policies

- 33 The Council will seek to achieve the highest possible provision of affordable housing in areas of particular need, including the major development sites at Inveralmond and Almond Valley, subject to the availability of resources from Scottish Homes and other agencies.

POLICY 43: General residential and Background Policies

- 34 The District Council will seek the provision of appropriate areas of amenity and recreational open space as an integral part of new housing development. Recreational open space should, in general meet the standards of the National Playing Fields Association of 2.43 ha per 1,000 population, and should also comply with the Council's approved policy relating to the provision of play space.
- 35 The appropriate level of amenity space will need to be assessed for each site, having regard to factors which will include the size and density of the development, the physical characteristics of the site including features to be retained, the character of the surrounding area, and the existing amenity provision in the vicinity. In exceptional circumstances it may be appropriate for open space provision to be made on land outwith the development site; in such cases the Council may seek a financial contribution from the developer. Where open space provision is required within a development site to make good a deficiency elsewhere the Council will be prepared to make an appropriate financial contribution.

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

- 36 On the 30 January 2012 the Proposed Plan was published. The Council's current adopted Local Plans will eventually be replaced by the Local

Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading to adoption. The Proposed Local Development Plan underwent a period of representation ending in April 2012 and is currently the subject of an examination, but it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Proposed Local Development Plan 2012 is a material consideration in the determination of this application, reflecting a more up to date view of the Council than those contained in the relevant adopted Local Plan.

37 The principal relevant policies are in summary:

Policy PM1A – Placemaking

38 Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.

39 The design and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Policy PM1B - Placemaking

40 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 an 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 PM2 – Design Statements

- 41 Design statements will normally need to accompany a planning application if the development:(a) comprises five or more dwellings; or (b) is a non-residential use greater than 0.5 ha in area; or (c) affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument. A design statement may also be required to accompany a Planning Application for other forms of development where design sensitivity is considered a critical issue. If applicants are uncertain as to whether a design statement is expected, or on the level of scope and detail that will be appropriate, then the views of the Council should be sought.
- 42 Note: Further guidance can be found in Planning Advice Note (PAN) 68 Design Statements.

Policy PM3 – Infrastructure Contributions

- 43 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. 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.
- 44 Note: Supplementary Guidance explaining how Developer Contributions will be implemented is published, with detailed contribution policies for Primary Education and the Auchterarder A9 junction with this Plan. Further Supplementary Guidance covering other issues including: Transport, Infrastructure and Community Facilities and Green Infrastructure will be developed during the Plan period.

Policy RD1 – Residential Areas

- 45 The Plan 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. Generally encouragement will be given to proposals which fall into one or more of the following 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 RD4 – Affordable Housing

- 46 Residential development, including conversions, consisting of 5 or more units should include provision of an affordable housing contribution amounting to an equivalent of 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with and indistinguishable from the market housing. 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. The details of provision, including tenure, house size and type, will be a matter for agreement between the developer and the Council and based upon local housing need and individual site characteristics.

TA1 – Transport Standards and Accessibility Requirements

Policy TA1A: Existing Infrastructure

- 47 The Plan identifies existing transport infrastructure; encouragement will be given to the retention and improvement of these facilities provided the improvements are compatible with adjoining land uses.

Policy TA1B: New Development Proposals

- 48 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.
- 49 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. 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.

- 50 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.

Policy CF1 – Open space Retention and Provision

- 51 The Plan identifies Sports Pitches, Parks and Open Space. Development proposals resulting in the loss of these areas will not be permitted, except in circumstances where one or more of the following apply: (a) The proposed development is ancillary to the principal use of the site as a recreational resource; (b) The proposed development involves a minor part of the site which would not affect its continued use as a recreational resource; (c) The facility which would be lost would be replaced by provision of one of comparable or greater benefit and in a location which is convenient for its users, or by the upgrading of an existing provision to provide a better quality facility, either within the same site, or at another location which is convenient for its users; (d) A playing field strategy prepared in consultation with Sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.

Policy CF1B: Open Space within New Developments

- 52 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.

Policy CF2 – Public Access

- 53 Development proposals that would have an adverse impact upon any (proposed) core path, asserted right of way or other well used route, or that would otherwise unreasonably affect public access rights will be refused, unless those impacts are adequately addressed in the plans and suitable alternative provision is made.

Policy HE1B: Non-Designated Archaeology

- 54 The Council will seek to protect areas or sites of known archaeological interest and their settings. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.
- 55 If discoveries are made during any development, work should be suspended, the local Planning Authority should be informed immediately and mitigation measures should be agreed.

NE3 – Biodiversity

- 56 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.

Policy NE4: Green Infrastructure

- 57 Development will contribute to the creation, protection, enhancement and management of green infrastructure by the:(a) incorporation of green

infrastructure into new developments, particularly where it can be used to mitigate any negative environmental impact of the development; (b) incorporation of high standards of environmental design; (c) protection of the countryside from inappropriate development whilst supporting its positive use for agriculture, recreation, biodiversity, health, education and tourism; (d) protection, enhancement and management of open spaces and linkages for active travel or recreation, including links between open spaces and the wider countryside; (e) protection, enhancement and management of existing species and habitats and the creation of new habitats and wildlife corridors, including trees, hedgerows and woodlands where appropriate; (f) protection, enhancement and management of watercourses, floodplains and wetlands which are important contributors to the network of blue and green corridors for the alleviation of flood risk, wildlife, recreation and the amenity needs of the community.

Policy EP2: New Development and Flooding

- 58 There will be 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. In addition, built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Where a risk of flooding is known or suspected the Council will use the flood risk framework shown in the following diagram and considers that areas of: (i) medium to high flood risk are not suitable for essential civil infrastructure; (ii) low to medium flood risk are suitable for most forms of development; and (iii) little or no flood risk shown present no flood related constraints on development. All development within areas of medium to high flood risk must incorporate a 'freeboard' allowance and the use of water resistant materials and forms of construction appropriate to its function, location, and planned lifetime relative to the anticipated changes in flood risk arising from climate change. To allow for adaption to increased flood risk associated with climate change, development should not: (a) Increase the rate of surface water run-off from any site; (b) Reduce the naturalness of the river; (c) Add to the area of land requiring flood protection measures; (d) Affect the flood attenuation capability of the functional flood plain; nor (e) Compromise major options for future shoreline or river management.

Policy EP11: Air Quality Management Areas

- 59 Within or adjacent to designated Air Quality Management Areas, where areas of degraded air quality are already identified, development proposals which would adversely affect air quality may not be permitted. Within these areas, where a development has the potential to adversely affect air quality, or where its scale requires a Transport Assessment, applicants will be required to identify any impact on air quality and appropriate mitigation measures. Proposals and mitigation measures must not conflict with the actions proposed in the Air Quality Action Plan. In addition, there will be a presumption against locating development catering for sensitive receptors in these areas which may result in exposure to elevated pollution levels. Notes:1. Sensitive receptors include

(amongst others) children and older people ie the location of a children's nursery or a care home in areas where high pollution levels are evident may not be appropriate. 2. Currently there is only one Air Quality Management Area in Perth.

OTHER POLICIES

- 60 In addition the following documents are relevant in the determination of the application:-

Affordable Housing Policy

- 61 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.

Planning Guidance Note – Developer Contributions May 2009

- 62 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

- 63 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.

Planning Site History

- 64 12/01867/SCRN - Screening Opinion for erection of residential development 26 October 2012
- 65 12/00009/PAN - Residential development 11 December 2012

CONSULTATIONS

Scottish Environment Protection Agency

- 66 Object unless conditional control is imposed on the consent which would ensure the delivery of a detailed sustainable urban drainage system.

Scottish Water

- 67 No objection to the planning application.

Transport Scotland

- 68 No objection.

Environmental Health

- 69 Noise and Air Quality – Conditional control recommended to secure noise and air quality mitigation.
- 70 Contaminated Land – Conditional control recommended due to site's historic use as a hospital.
- 71 Waste Adviser – Due to the scale of the housing element the development should incorporate suitable location/locations for the provision of recycling facilities to compliment the kerbside recycling services offered in the area.

Executive Director (Education & Children Services)

- 72 No objection.

Affordable Housing Officer

- 73 No objection subject to the 14 proposed affordable housing being delivered on site and the remaining provision being secured by a commuted sum.

REPRESENTATIONS

- 74 The application has attracted eleven letters of representations against the proposal (from separate addresses) including the Earn Community Council.

The issues raised by objectors are summarised as follows:

- Inappropriate location/land use.
- Impact on neighbouring land uses.
- Impact on future development.
- Loss of amenity, privacy and overlooking.
- Impact on roads, unsafe access, congestion, road safety.
- Over development of the site.
- Impact on infrastructure, schools and other amenities.
- Impact on AGLV, Greenbelt.
- Noise.
- Light pollution.
- Affordable housing units may lead to anti-social behaviour.

Response to issues

- 75 The appraisal section of this report responds to the material planning concerns raised.

ADDITIONAL STATEMENTS

76	Environment Statement	Not required
	Screening Opinion	Undertaken
	Environmental Impact Assessment	Not required
	Appropriate Assessment	Not required
	Design Statement/Design and Access Statement	Submitted
	Report on Impact or Potential Impact	Transport Assessment, Air Quality Assessment and Landscape Report.

APPRAISAL

Policy Appraisal

- 77 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan consists of the TAYplan 2012 and the Perth Area Local Plan 1995(Incorporating Alteration No.1 – Housing Land 2000). The Perth and Kinross Council Local Development Plan – Proposed Plan January 2012 is a material consideration in the determination of the application and has progressed to examination by the Scottish Ministers.
- 78 The determining issues in this case are whether; the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.
- 79 TAYplan Policy 1 (Location Priorities) focuses the majority of development to Tier 1 settlements as they have the greatest potential to accommodate the majority of the region's additional development in the next 20 years. The site is within the Tier 1 settlement of Perth and within the Perth Core Area therefore complies with this policy.
- 80 The adopted Perth Area Local Plan allocates the land as an area where residential and compatible uses will be acceptable under Policy 41 but only where this will not significantly affect the density, character or amenity of the area concerned. The land allocations surrounding the Friarton Hall site are also important to consider. This includes planting to the north of the site and road infrastructure improvement onto the M90 northbound, these allocations have not been realised since the Plan's adoption in 1996.

- 81 The Proposed Local Development Plan (PLDP) still identifies the site as land where residential and compatible uses will be acceptable under Policy RD1. The designations surrounding the site have changed in the PLDP. Opportunity Site 8 allows general employment uses to come forward, while Policy EP9 attaches weight to the retention of key existing waste management infrastructure sites, such as Friarton Depot to the North East of the site.

Design and Layout

- 82 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. An important outcome of the planning process is the quality of development on the ground.
- 83 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.
- 84 Permeability of places is a crucial component in good street design. Internal permeability is important, but any area should also be properly connected with adjacent street networks. 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. In this case the proposal includes two vehicular and three pedestrian access points.
- 85 When considering the layout of any new development, one of the most important issues 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. The proposed layout 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.
- 86 The proposal consists of two storey detached, semi-detached and terraced properties with a mixture of house types. The massing and scale of the buildings can be accommodated within the plots. An appropriate density is achieved and the overall detailing of the buildings are considered acceptable in this locale. Samples of the building materials should be submitted for agreement with the Planning Authority and this can be secured through conditional control.

Private Amenity Space

- 87 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 overtime this will change with any new occupants. Nevertheless it is important to seek an outside area that can perform the minimum to be expected of a garden i.e. clothes drying, dustbin storage and sitting out. The private garden ground incorporated into this layout is considered to cater for the occupants' needs both present and future.

Overlooking

- 88 In this case I do not consider the proposed residential units will result in overlooking to neighbouring properties due to the separation distances between proposed and existing dwellings.

Overshadowing, loss of sunlight and daylight.

- 89 The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - a guide to good practice 1991' sets out guidelines on how to assess the potential impact. It should be noted that the standards are not mandatory and should be interpreted flexibly.
- 90 Taking cognisance of the BRE document I consider a reasonable level of daylight and sunlight is maintained to neighbouring properties and the extent of overshadowing of amenity ground does not warrant either refusal or amendment of the application due to the orientation and distances between the respective properties.

Landscape

- 91 Safeguarding and enhancing landscape character is an important planning objective. It is considered that potential long term visual effects of the scheme can be mitigated through structure planting and landscaping the earthworks to the northern boundary. From Perth the site will be back clothed due to the topography of Moncrieffe Hill and forestry, accordingly I am of the view that the Green belt designation contained within the Proposed Local Development Plan which is outwith the Friarton site will not be compromised.

Drainage and Flooding

Surface Water

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

- 93 Scottish Environment Protection Agency (SEPA) has been consulted on the proposal and offers no objection subject to conditional control to ensure the delivery of a Sustainable Urban Drainage system (SUDs). The Council's Flooding Engineer also seeks the delivery of a SUDS scheme with design calculations to support the attenuation.

Foul Drainage

- 94 Scottish Water has been consulted on the 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. Conditions will ensure that foul flows are connected to the public drainage network.

Ground Conditions

- 95 Desktop research undertaken by the Environmental Health Section indicates that the site was used as a hospital prior to use as a detention centre. They are of the view that the site may contain ground contamination that requires to be remediated prior to residential use. They recommend conditional control to ascertain if contamination is present and whether a remediation strategy requires to be deployed.

Perth's Air Quality Management Area

- 96 Perth & Kinross Council declared the whole of Perth an Air Quality Management Area (AQMA) in May 2006 after a Detailed Assessment concluded that there would be areas of exceedances for NO₂ and PM₁₀ where relevant exposure occurred. A further Assessment was completed in 2007 and confirmed the conclusions of the Detailed Assessment. It recommended that Perth & Kinross Council retain the city wide AQMA for NO₂ and PM₁₀. An associated Air Quality Action Plan (AQAP) has been produced which incorporates aims and measures to reduce levels of NO₂ and PM₁₀ around Perth to below the National Standard, as such any developments which increase levels of the pollutants would be in conflict with the AQAP.
- 97 In support of the application an Air Quality Assessment has been submitted. Environmental Health section confirms that the submission uses a simple DMRB screening assessment which has taken account of receptors in the immediate vicinity of the development. Whilst Environmental Health are of the view that a more detailed assessment which took into account the hot spots in Perth would have been preferred, the screening assessment predicted an imperceptible change at Friarton Road, towards the city centre. In light of this imperceptible change and the relatively small increase in traffic predicted by the Transport Assessment it is considered that there is very little chance of a significant worsening of air quality within the AQMA. Accordingly no objection is offered.

Air Quality Construction Phase

- 98 The construction activities associated with the site are likely to result in dust and particulate matter being released. Wind blow from dried out exposures associated with cut and fill operations to create the development are likely to be the main source as well as construction vehicular movement distributing material within, to and off the site.
- 99 The AQA recommends control measures for dust and these measures should be secured through the imposition of conditions on any consent.

Light Pollution

- 100 Light is likely to be emitted from within the residential units, lighting for the streets will also be required. In this case taking account of its location and proximity to existing built development I do not consider the lighting associated with the proposal would be detrimental to the surrounding environment.

Noise

- 101 The planning system has an important role to play in preventing and limiting noise pollution. Although the planning system cannot tackle existing noise problems directly, it has the task of guiding development to the most suitable locations and regulating the layout and design of new development. The noise implications of development can be a material consideration in determining applications for planning permission.
- 102 In support of the application a noise assessment for the site has been undertaken. Noise levels were measured at 3 positions on site, the worst case position gave a $LA_{eq16\text{ hour}}$ 60.9dB with night time levels assumed to be 8dB (A) lower. PAN 1/2011 gives a target external level of 55dB (A) with a level of 61dB (A) is assigned a moderate / large significance. To bring levels down to the 55dB (A) target, it is proposed to install a close boarded timber fence.
- 103 The fence will help achieve external target levels and ground floor internal levels but will not help with first floor levels unless it is tall enough to obscure line of site between the bedrooms and the motorway. The internal levels on the first floor with the windows slightly open for ventilation were predicted to be 43dB (A). This is above the World Health Organisation level to prevent sleep disturbance of 30dB (A) and the level which BS8233:1999 states is reasonable for sleeping which is 35dB (A).
- 104 The applicant proposes to install windows with trickle ventilation to allow ventilation with the windows closed as this would reduce internal levels to acceptable levels. PAN1/2011 states "*It is preferable that satisfactory noise levels can be achieved within dwellings with the windows sufficiently open for ventilation*". While it is preferable to make noise acceptable internally by use of layout options and barriers there is a precedent for the internal noise levels to be assessed with the windows closed at sites deemed desirable in planning

terms. In this case and on balance it is considered that the issue of noise does not warrant refusal of the application.

Transport

- 105 A Transport Statement has been prepared and this has been audited by the Transport Planning team. While the development will generate extra traffic, the trip generation figures in the Transport Statement were prepared using the industry standard TRICS trip rate generation database. This showed that in the AM peak there would be a total of 34 vehicle movements in and out of the site and 39 vehicle movements in the PM peak. This would result in an increase of 1.6% and 1.5% respectively from the current baseline levels of traffic, which is a minimal increase and can easily be absorbed by the local transport network.
- 106 The primary access route will be from the Scoonieburn Hill access on the Edinburgh Road with the proposed Rhynd Road junction being a secondary access point.
- 107 There has been mention made by objectors of a poor safety record within the vicinity of the proposed development. A check of the accident history of the site was carried out and this showed that there were 6 accidents in 2007, 3 damage only, 1 slight injury and 2 serious injury accidents. Remedial work was carried out in this area in the wake of these accidents and there has been one damage only accident in the last five years (2008) and no reported injury accidents in this time. Given these statistics, it would be difficult to conclude that there is a serious safety issue at this site.
- 108 Consequently the Transport Planning Section offers no objection to the proposal. Transport Scotland also does not advise against the granting of consent.

Future Development Proposals and Proposed Local Development Plan Allocations

- 109 It is quite possible for planning permission to be denied on the basis of prejudice to comprehensive redevelopment.
- 110 The neighbouring zoned land uses in the proposed Local Development Plan looks to secure and retain the operation of the existing waste facility at Friarton and bring forward employment uses on site Opportunity 8. In this case there is no conflict from the change of the site as a residential institution to residential dwellings therefore the objectives of the PDLP are not compromised.
- 111 The Friarton Link Road is identified as a potential future development project contained within the Council's Transport Infrastructure Supplementary Planning Guidance. In this case the developer has shown that the development of the link road will not be prejudiced by the proposed development.

LEGAL AGREEMENTS

- 112 Required to secure on site Affordable Housing provision and Affordable Housing commuted sum as well as a commuted sum for the long term maintenance of the open space/play area.

DIRECTION BY SCOTTISH MINISTERS

- 113 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

- 114 Section 25 of the Act requires that determination of the proposal should be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 115 In this case it is considered that the application is in accordance with the adopted Development Plan, I have taken account of material considerations and find none that would justify refusing the application. The application is therefore recommended for approval subject to conditions and the conclusion of a legal agreement.

RECOMMENDATION

A Approve the application subject to the following conditions:

1. The proposed development must be carried out in accordance with the accompanying approved plans, unless otherwise provided for by conditions imposed on the planning consent.
2. Prior to the occupation and use of the approved 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 development shall commence until a connection to the public foul sewer infrastructure has been secured to cater for the foul flows associated with the development. Documentation confirming a connection is available shall be submitted to the local Planning Authority for written approval. Thereafter the development shall be undertaken in accordance with the approved details to the satisfaction of the local Planning Authority.
4. A detailed sustainable drainage (SUDS) surface water treatment scheme shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, all work shall be carried out in accordance with the approved scheme and delivered prior to the occupation of the dwellings. The scheme

shall be developed in accordance with the technical guidance contained in [The SUDS Manual](#) (C697) and should incorporate source control.

5. Development should not begin until a scheme to deal with the contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain proposals to deal with the contamination to include:
 - I. the nature, extent and type(s) of contamination on the site
 - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
 - III. measures to deal with contamination during construction works
 - IV. condition of the site on completion of decontamination measures

Before any unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority. Verification that the schemes proposals have been fully implemented must also be submitted to the Planning Authority.

6. Prior to the commencement of development details of the close boarded timber fence (specification and colour) to comply with the requirements of the New Acoustics report date 17 August 2012 shall be submitted for the written approval of the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the fence shall be installed and retained all to the satisfaction of the Planning Authority.
7. Prior to the commencement of development, a Construction Management Plan (CMP) detailing environmental mitigation measures and construction method statements, including specific measures to control dust arising from construction work shall be submitted to and approved in writing by the Planning Authority in consultation with Perth and Kinross Council's Environmental Health Section, thereafter the development shall be undertaken in accordance with the approved CMP.
8. None of the buildings hereby approved shall be occupied until dustbin enclosures or dustbin storage areas have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting, design and capacity thereof. Following approval the scheme shall be implemented in accordance with the approved plans all to the reasonable satisfaction of the Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any order amending, revoking and re-enacting that order the proposed dwellinghouses numbered 1 to 20 on the applicant's Drawing No:- FN/SL/01 shall not be extended or altered in any way nor any building or means of enclosure erected within the curtilage of the dwellinghouse without an express grant of planning permission from the Planning Authority.

10. Before the development is brought into use the rear boundary of plots 1 to 20 shall be fenced to a height, specification and colouring to be approved in writing by the Planning Authority, thereafter the boundary fencing shall be maintained in accordance with the approved details.
11. No development shall take place until details of earthworks and retaining feature to the northern boundary of the site has been submitted to and approved in writing by Planning Authority thereafter the development shall be carried out in accordance with the approved details.
12. Prior to the commencement of the development hereby permitted, details of the proposed landscaping and planting scheme shall be submitted to the Planning Authority for written approval. The landscaping and planting shall be carried out in accordance with the approved scheme within twelve months of the commencement of the development, or such longer period as the Planning Authority shall specify in writing. The landscaping and planting shall be maintained for a period of five years from the date of the commencement of the development, such maintenance shall include the replacement of any trees or shrubs that die or are removed.
13. Prior to the commencement of the development hereby permitted, details of the play park (equipment, specification shall be submitted to the Planning Authority for written approval. The play park shall be installed prior to the occupation of 50th residential dwelling associated with this development, or such longer period as the Planning Authority shall specify in writing, all to the satisfaction of the Planning Authority.
14. Prior to the occupation of 50th residential dwelling associated with this development the path link into the adjoining Opportunity 8 site beside the play park must be installed up to the application site boundary all to the satisfaction of the Planning Authority.

REASONS:

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interest of highway and pedestrian safety in accordance with the policies of the adopted development plans.
- 3 To ensure the provision of an acceptable foul drainage system in the interests of the amenity of the area and for the protection of the water environment.
- 4 To ensure the provision of an acceptable sustainable urban drainage system in the interests of the amenity of the area and for the protection of the water environment.
- 5 To prevent harm to human health and pollution of the environment in accordance with the aims and objectives of the development plan.

- 6 To prevent disturbance from noise.
- 7 To minimise pollution risks arising from construction activities.
- 8 To encourage the recycling of appropriate waste products.
- 9 To protect the character and appearance of the building and its setting and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.
- 10 To protect the residential amenity of the occupants of the properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.
- 11 To ensure that the proposed development does not prejudice the appearance of the locality.
- 12 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.
- 13 To ensure the delivery of recreational facilities for the occupants of the development.
- 14 To ensure that the potential for future permeability and pedestrian access into the Proposed Local Development Plan Opportunity 8 (Perth) is secured.

B JUSTIFICATION

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

C PROCEDURAL NOTES

The applicants shall enter into a planning obligation to secure contributions to and the provision of necessary infrastructure in accordance with the Council's Policy on Developer Contributions, including:-

- a) Affordable Housing (on site provision and commuted sum).
- b) Long term open space provision and maintenance (commuted sum).

D INFORMATIVES

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
3. This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 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. The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
5. The applicant is advised that in terms of Sections 21 of the Roads (Scotland) Act 1984 they must obtain from the Council as Roads Authority consent to construct a new road prior to the commencement of roadworks. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.
6. The applicants are advised that they must apply to the Roads Authority, for construction consent to form a new street. Please contact The Construction and Maintenance Manager, The Environment Service, Perth and Kinross Council, The Atrium, Glover Street, Perth.
7. 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.
8. The applicant is advised that the works are likely to need a license under the Water (Controlled Activities) Regulations 2005 (CAR). The applicant should contact SEPA's Perth Environmental Protection and Improvement Team (Tel: 01738 627989) in regard to this. The applicant should ensure that all works on site comply with the best practice guidelines laid out in SEPA's published Pollution Prevention Guidance, found at www.sepa.org.uk
9. The Council's Community Waste Adviser in the Environment Service should be contacted to clarify the bin storage requirements for the development.

10. The applicant is advised that measures as detailed in the Air Shed Air Quality Impact Assessment dated 29 April 2013 should inform the Construction Management Plan as required under condition 7.

Background Papers: 11 letters of representation

Contact Officer: John Russell Ext 75346

Date: 22 August 2013

Nick Brian
Development Quality Manager

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