

Perth and Kinross Council
Development Management Committee – 19 November 2014
Report of Handling by Development Quality Manager

Residential development (in principle), The Atrium, 137 Glover Street, Perth

Ref: No: 14/01484/IPL
Ward No: 10 – Perth City South

Summary

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

BACKGROUND AND DESCRIPTION

- 1 This application relates to the converted office building known as 'The Atrium' at 137 Glover Street, Perth which is presently leased by Perth and Kinross Council. The office building is an L-shaped two storey building with a car park to the rear. The car park is accessed from Glover Street and the exit is taken onto Graybank Road. The Glover Street access is also shared with the neighbouring medical centre immediately to the south east of the site.
- 2 Planning permission in principle is being sought by the owner of the office building for residential development within the site. The application has been submitted without any indicative plans or details regarding any potential future scheme for the site as the applicant is simply seeking to establish the principle of residential development for the purposed of marketing the site.
- 3 For the avoidance of doubt, the office building and associate car park is not within the ownership of Perth and Kinross Council.

NATIONAL POLICY AND GUIDANCE

Scottish Planning Policy (June 2014)

- 4 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.

- 5 Of relevance to this application are:
- Paragraphs 109 – 134: Enabling Delivery of New Homes

DEVELOPMENT PLAN

- 6 The Development Plan for the area consists of the Approved Tayplan Strategic Development Plan 2012 and the Adopted Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 7 Under the TAYPlan the principal relevant policy is:-

Policy 5: Housing

- 8 Ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. Local Development Plans (where applicable) will need to set affordable housing requirements for or within each housing market area.

Perth and Kinross Local Development Plan 2014

- 9 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

- 10 Under the LDP the site lies immediately within a predominantly residential area of Perth where the principal relevant policies are, in summary:

Policy PM1A: Placemaking

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

Policy PM1B - Placemaking

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

Policy PM3 - Infrastructure Contributions

- 13 Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD1 - Residential Areas

- 14 For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

Policy RD4 - Affordable Housing

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

OTHER POLICIES

- 16 Transport Infrastructure Development Contributions Supplementary Guidance 2014
- 17 Developer Contributions Guide 2014
- 18 Affordable Housing Supplementary Guidance 2014

SITE HISTORY

- 19 None.

EXTERNAL CONSULTATIONS

- 20 **Scottish Water**
No comments received.

INTERNAL CONSULTATIONS

- 21 **Environmental Health**
Site may be contaminated due to its former industrial use. Therefore recommend contamination condition.
- 22 **Transport Planning**
The Transport Planner has no objection subject to a condition requiring the submission of a Transport Statement or Transport Assessment.
- 23 **Education and Children's Services**
No comments received.
- 24 **Contributions Officer**
Recommends conditions requiring compliance with the Council's Supplementary Guidance relating to Primary Education Developer Contributions and Transport Infrastructure Development Contributions.

25 **Affordable Housing Officer**
The proposed development is likely to result in the creation of more than 5 units, which would mean that the Affordable Housing Policy would apply and a condition to reflect this should be attached to any planning application granted.

26 **Community Waste Advisor**
The proposed development must incorporate appropriate provision for storage of waste and recycling facilities and access for service provision.

REPRESENTATIONS

27 A total of 9 valid letters of objection have been received from 7 households and the neighbouring medical centre. The grounds of objection can be summarised as follows:

- Lack of detailed plans
- Overlooking
- Scale of proposed development
- Impact on daylight
- Noise pollution
- Increase in traffic
- Unsafe access
- Insufficient parking
- Surface and foul drainage capacity
- Impact on existing access arrangements
- Impact on property value

28 These issues are all addressed in the Appraisal section of this report. The above objections also included reference to the impact on property prices but this is not considered to be material planning consideration.

ADDITIONAL STATEMENTS

29

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None submitted
Report on Impact or Potential Impact	None submitted

APPRAISAL

30 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 for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

- 31 The determining issues in this case are whether: - the proposal complies with Development Plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

- 32 In terms of the Development Plan, the key land use policies are contained within the Local Development Plan 2014. Within that Plan, the site is located within a predominantly residential area of Perth where *Policies RD1 and PM1* are directly relevant.
- 33 *Policy RD1* identifies areas of residential and compatible uses where new development will only be acceptable where the use proposed is compatible with existing (residential uses) and will not adversely affect the character or amenity of the existing area.
- 34 *Policy PM1A* is applicable to all new proposals within the plan area and seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas
- 35 However, as this is a planning in principle application only, the key test of the acceptability of this proposal on policy grounds is ultimately whether or not the proposed land use (for residential) is consistent with the requirements of the Local Development Plan. In this instance the applicant is simply seeking to establish the principle of residential development within an area where residential development is generally considered to be acceptable. As such, it is considered that the principle of residential development is in accordance with the Local Development Plan.

Visual Impact/Design

- 36 A number of concerns have been expressed by local residents regarding the scale and design of any future development within the site.
- 37 As previously outlined, the applicant has not submitted any indicative plans for the redevelopment of the site as the sole aim of this application is to establish consent for the principle of residential development for the purposes of marketing the site. The specific details of the proposed development will only be established and assessed upon the submission of an application for matters specified by conditions of this in principle consent.

Residential Amenity

- 38 In terms of the impact on the existing residential amenity of the area, as this is a planning in principle application the exact impact on existing amenity and also the proposed residential amenity of future occupiers of housing within the development cannot be reasonably assessed at this (in principle) stage. However, bearing in mind the size of the site and the nature of what is proposed, it is considered that a scheme can be achieved which will not

compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for new future occupiers.

Road Safety and Parking

- 39 A number of local residents have raised concerns that the existing access into the site and the surrounding road network is not suitable for the level of traffic that will be generated by the proposed development. Concerns have also been expressed regarding the lack of adequate parking.
- 40 In this regard the Transport Planner has been consulted and acknowledges the concerns regarding road safety and parking, but considers that a detailed assessment of the impact of the proposals (bearing in mind the current office use that has significant traffic generation) can only be undertaken upon the submission of a detailed application which will provide details regarding the number of units, the traffic generated, access arrangements and parking provision.
- 41 The Transport Planner has therefore raised no objection at this stage to the principle of residential development subject to a condition requiring the submission of a Transport Statement or Transport Assessment to be undertaken for the site as part of a full/approval of matters application.

Contamination

- 42 The proposed development is on land that is identified as having a former industrial use. Historical mapping from the mid-1960s identifies the sites as 'Works' but no information is available as to the type of works. An area of infilled ground on the site has also been identified, however the nature and volume of infill material is unknown. As such there is the potential for ground contamination and ground gas issues from both the former works on the site and the area of infilled ground. In addition there are records of potentially contaminative land uses in the immediate surrounding area which could have impacted on the site, namely railway land and a sawmill.
- 43 In light of the above a condition relating to assessment of contamination has been applied.

Developer Contributions

Primary Education

- 44 With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.

- 45 As this application is only "in principle" it is not possible to provide a definitive answer at this stage however a condition has been applied to ensure that any future detailed development complies with the requirements of the Developer Contributions Guide 2012.

Transport Infrastructure

- 46 With reference to the above planning application the Council's Transport Infrastructure Development Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.
- 47 The application falls within the identified Transport Infrastructure Supplementary Guidance boundary but as this application is only "in principle" the guidance cannot be applied at this stage. However a condition has been applied to ensure that any future detailed development complies with the requirements of the Transport Infrastructure Guide.

Affordable Housing

- 48 The Affordable Housing Supplementary Guidance 2014 is applicable to all developments of 5 or more units. However as this application is only seeking to establish the principle of residential use on the site it is not possible to apply this guidance at this stage. Again, a condition will be applied to any consent requiring compliance with this guidance note.

Economic Development

- 49 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

LEGAL AGREEMENTS REQUIRED

- 50 No legal agreement is required.

DIRECTION BY SCOTTISH MINISTERS

- 51 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

- 52 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding

the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

RECOMMENDATION

A Approve the application subject to the following conditions and reasons:

- 1 The development shall not commence until the following matters have been approved by the Planning Authority through the submission of an application or applications for approval of matters specified in conditions:
 - a) A detailed levels survey (existing and proposed) and cross sections showing proposed finished ground and floor levels of all buildings forming part of the development, relative to existing ground levels and a fixed datum point;
 - b) The siting, design, height and external materials of all buildings or structures;
 - c) Details of vehicular access to the site and the provision car parking spaces and turning facilities;
 - d) A detailed Transport Statement or Transport Assessment;
 - e) Details of the proposed surface water drainage scheme (SUDs);
 - f) Details of all landscaping, planting, screening and boundary treatment;
 - g) Details of suitable storage for waste disposal/collection.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.

- 2 The development shall be in accordance with the requirements of the Council's Developer Contributions Guide August 2014 and Policy PM3 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority

Reason - In the interests of reviewing educational capacity at an appropriate stage; and in full accordance with the Council adopted Developer Contributions Guidance.

- 3 The development shall be in accordance with the Council's Affordable Housing Supplementary Guidance August 2014 and Policy RD4 of the Local Development Plan 2014; all to the satisfaction of the Council as Planning Authority.

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

- 4 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for

further assessment, an intrusive investigation should be undertaken to identify;

- 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.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
- 2 The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- 3 Applicants are advised that should their application for Approval of Matters specified be refused and/or their appeal against such refusal dismissed outwith the three year time limit they are entitled to submit a revised application for Approval of Matters specified within six months after the date of refusal of the earlier application or of the dismissal of an appeal against such refusal.
- 4 The developer is advised that it is the Council's preference that any detail scheme for the redevelopment of the site should include the retention and conversion of the existing building on the site.

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

Background Papers: 9 letters of representation

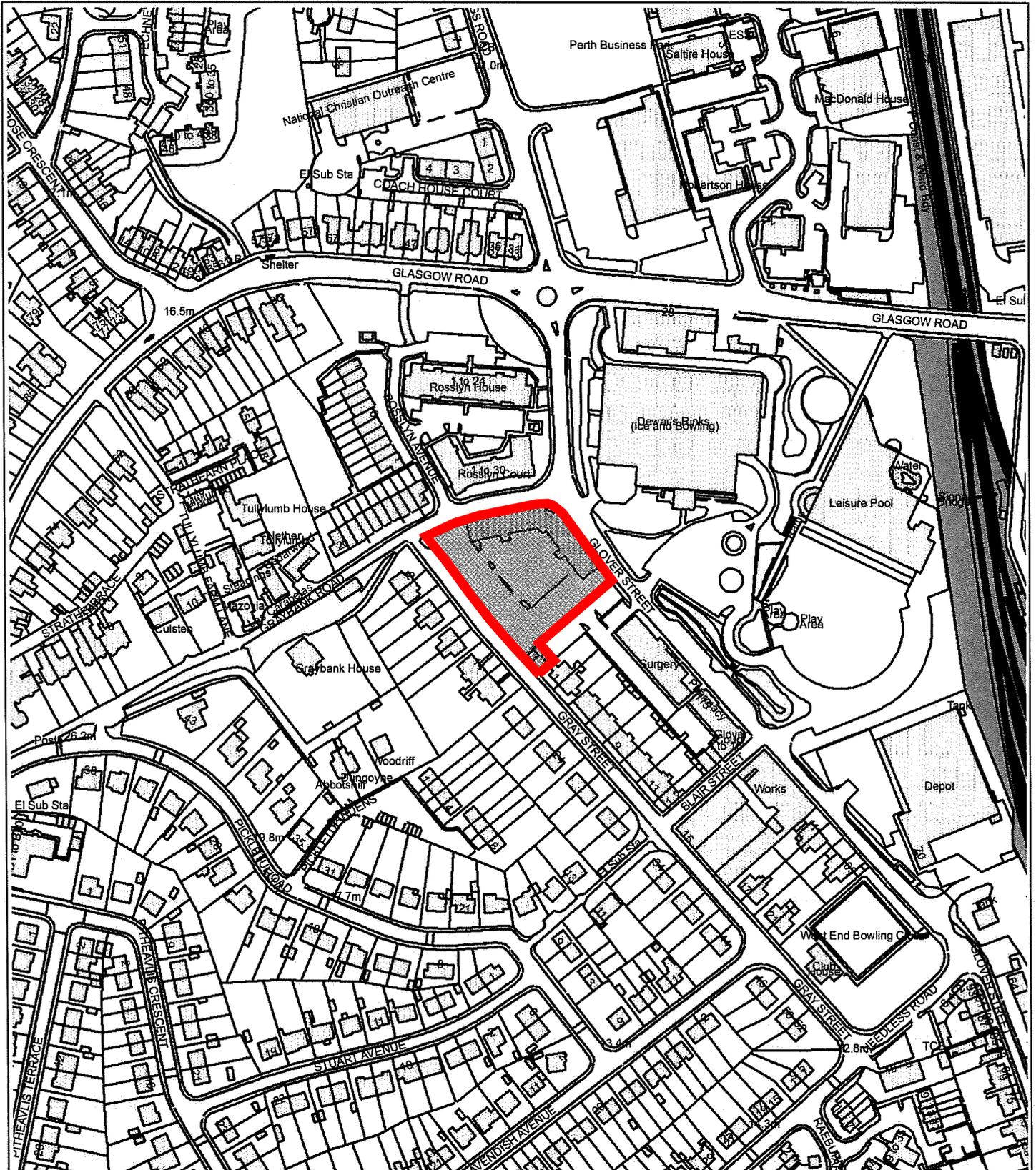
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Date: 31 October 2014

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